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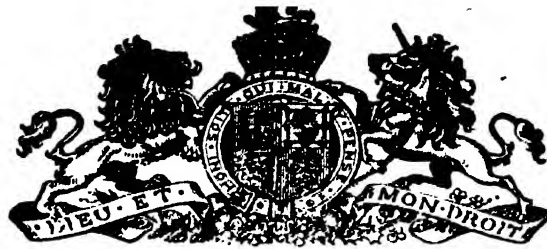
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# The Gazette of India.

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SIMLA, SATURDAY, JULY 7, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 2nd July 1883.*

**No. 157.**—*Appointment.*—Mr. C. J. Lyall, M.A., C.I.E., C.S., Officiating Secretary to the Chief Commissioner of Assam, to officiate as Judge and Commissioner of the Assam Valley Districts during the absence of Mr. W. E. Ward, M.A., C.S., on other duty, or until further orders.

**No. 158.**—*Appointment.*—Mr. E. Stack, C.S., Director of Agriculture in Assam, to officiate as Secretary to the Chief Commissioner during the absence of Mr. C. J. Lyall, on other duty, or until further orders.

#### MEDICAL.

*The 3rd July 1883.*

**No. 221.**—The services of Surgeon J. Armstrong, Officiating Medical Officer, 11th Native Infantry, are temporarily placed at the disposal of the Government of the North-Western Provinces and Oudh.

**No. 223.**—The services of Surgeon M. Gaisford, Medical Officer, 40th Native Infantry, are temporarily placed at the disposal of the Government of the North-Western Provinces and Oudh.

#### PATENTS.

*The 30th June 1883.*

**No. 633.**—Specifications of the undermentioned inventions have been filed, under the provision of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

**No. 156 of 1882.**—David Skinner Kemp, of Bombay European inhabitant, General Manager of Kemp and Company Limited, carrying on business as a wholesale and retail Chemist, manufacturer, aerated water maker and merchant of Bombay, aforesaid, for filling medicine and other bottles with powder, or other suitable solid material.

**No. 161 of 1882.**—Richard Olpherts, of Ardee, Ireland Esquire, for improvements in obtaining colouring matters from the indigo plant.

**No. 185 of 1882.**—Arthur Cooper, of the Laurels Linthorpe, Middlesboro, in the County of York, England, for improvements in the treatment of iron or steel ingots.

*No. 4 of 1883.*—Thomas Alva Edison, of Menlo Park, New Jersey, United States of America, for improvements in means for indicating and regulating the current of electrical generators for supplying electric lights and other purposes.

*No. 5 of 1883.*—Thomas Alva Edison, of Menlo Park, New Jersey, United States of America, for improvements in means for regulating the generative capacity of dynamo or magneto electric machines.

*No. 6 of 1883.*—Thomas Alva Edison, of Menlo Park, New Jersey, United States of America, for improvements relating to dynamo or magneto electric machines for regulating the generative capacity of such machines.

*No. 7 of 1883.*—Thomas Alva Edison, of Menlo Park, New Jersey, United States of America, for improvements relating to dynamo or magneto electric machines for regulating the generative capacity of such machines.

*No. 8 of 1883.*—Thomas Alva Edison, of Menlo Park, New Jersey, United States of America, for improvements in electrical generators and engines, and in apparatus or means for regulating generators of electricity.

*No. 21 of 1883.*—Charles Farquhar Findlay, of No. 7, Meeklenburgh Street, in the County of Middlesex, England, for improvements in rope traction railways or tramways.

*No. 22 of 1883.*—Frederick Morris, of San Francisco, in the State of California, United States of America, and John Patterson, of London, England, for improvements in amalgamating and settling apparatus.

*No. 38 of 1883.*—Arthur Campbell Rogers, Assistant Engineer, of Seohara, Bijpore, North-Western Provinces, for improvements to Messrs. Deeth and Ellwood's patent post sugar mill.

*No. 55 of 1883.*—Joseph Samuel Beeman, William Taylor, and Frank King, all of Cannon Street, London, England, for new apparatus for regulating and measuring electric currents.

*No. 56 of 1883.*—William Taylor and Frank King, both of 67, Strand, London, England, for improvements in secondary batteries.

*No. 57 of 1883.*—Joseph Samuel Beeman, William Taylor, and Frank King, all of Cannon Street, London, England, for improvements in electric secondary or storage batteries.

*No. 67 of 1883.*—Henri Herrenschnidt, Metallurgist, and Marmaduke Constable, Gentleman, both of Sydney, in the Colony of New South Wales, for an improved process of extracting the oxides of cobalt and manganese from their ores.

*No. 68 of 1883.*—Adam Cyrus Engert, of Three Mills Lane, Bromley-by-Bow, in the County of Middlesex, England, for improvements in steam boilers and furnaces.

*No. 69 of 1883.*—Henry Hamilton Remfry, of No. 5, Fancy Lane, in Calcutta, Solicitor and Patent Agent, for improvements in mechanism used for transporting goods and passengers by the aid of electricity.

*No. 71 of 1883.*—James Ballantyne Hannay, Chemist, of Glasgow, Scotland, for improvements in applying zinc for preventing corrosion in steam boilers.

*No. 73 of 1883.*—John Ambrose Fleming, of Hampstead, in the County of Middlesex, Great Britain, Doctor of Science, for improvements in the preparation or production of insulating materials or articles.

*No. 78 of 1883.*—Desmond Gerald Fitz-Gerald, of Brixton, in the County of Surrey, Electrician, and Thomas John Jones, of Princes Street, Hanover Square, in the County of Middlesex, Electrician, for improvements in secondary or storage batteries.

*No. 86 of 1883.*—William Bushell and Walter Thomas Haydon, both of Dover, in the County of Kent, England, Engineers, for improvements in machinery or presses for expressing oil from seed and in the manufacture of oil-cakes therefrom.

#### FORESTS.

*The 6th July 1883.*

**No. 571 F.**—Consequent on the retirement from the Service of Mr. D. Brandis, Ph.D., C.I.E., Inspector General of Forests to the Government of India, Dr. W. Schlich, Conservator of Forests of the 1st Grade and Officiating Inspector General of Forests to the Government of India, is confirmed in the latter appointment, with effect from the 24th April 1883.

A. MACKENZIE,  
*Secy. to the Govt. of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—POLITICAL.

*Simla, the 2nd July, 1883.*

**No. 1710 G.**—With reference to Foreign Department Notification, No. 212G.-P., dated the 23rd June, 1882, Mr. L. Biedermann, Acting Consul for Belgium, at Rangoon, has resumed charge of his office.

**No. 1714 G.**—With reference to Foreign Department Notification, No. 936G., dated the 3rd April, 1883, the recognition of the appointment by the Government of India of Mr. J. Macfadyen as Acting Consul-General for Denmark, at Calcutta, has been confirmed by Her Majesty's Government.

## No. 1723 G.

*Extract from the Proceedings of the Government of India in the Foreign Department, dated Simla, the 2nd July, 1883.*

Read again—

Extract from the Proceedings of the Government of India in the Foreign Department, No. 2809P., dated the 15th October, 1875.

Read—

Circular No. 155G., dated the 20th July, 1883, addressed to the officers named in the margin,	inviting an expression of their opinion on certain
Resident at Hyderabad.	proposed amendments in the rules for the examina-
" in Mysore.	tion of junior officers in the Political Department,
Agent to the Governor-General for Central India.	and requesting them to submit any further pro-
" " " for Rajputana.	posals which might occur to them as desirable.
" " " at Baroda.	
" " " in Biluchistan.	
Political Resident in the Persian Gulf.	

Read also the undermentioned replies from the officers named above :—

Resident at Hyderabad, No. 77, dated the 16th August, 1882.

" in Mysore, No. 1071-211, dated 8th August, 1882.

Agent to the Governor-General for Central India, No. 117G.-266, dated the 5th August, 1882.

" " " for Rajputana, No. 2159G., dated the 29th July, 1882.

" " " at Baroda, " 6193 " 31st "

" " " in Biluchistan, " 60F.C.-A.G.G., dated the 19th October, 1882.

Political Resident in the Persian Gulf, No. 162, dated the 9th August, 1882.

OBSERVATIONS.—The Governor-General in Council considers it desirable to amend the Rules which have hitherto been enforced for admission to, and retention of appointments in, the Political Department. The following Rules are therefore published for general information, in supersession of those issued under Resolution of the Government of India in the Foreign Department, No. 2809P., dated Simla, the 15th October, 1875 :—

I.—The following are eligible for appointment to the Political Department :—

Covenanted Civilians.

Officers permanently appointed to Her Majesty's Indian Army.

Natives of India specially selected.

II.—Every officer hereafter appointed to the Political Department in and below the grade of Political Assistants of the 1st Class, must pass an examination in the following subjects :—

(A)

*(Within one year from the date of his appointment.)*

\* (1) INDIAN HISTORY.—The last edition of Marshman's History.

\* (2) POLITICAL ECONOMY.—Fawcett's Manual.

(3) INTERNATIONAL LAW.—Wheaton's.

(4) TREATIES.—Aitchison's Treaties, Vol. III, and also, if the officer is serving elsewhere than in Central India or Rajputana, the volume or portion of the work referring to the province in which he is serving.

\* (5) LAW.—Markby's Elements of Law, Indian Penal Code, Criminal Procedure Code and Indian Evidence Act.

(6) AN EXAMINATION IN URDU.†—The candidate will be required to read ordinary and fairly written Urdu and Hindi documents and to converse fluently with a Native, besides interpreting and explaining without hesitation any orders that he may be directed to communicate.

\* Officers who have already passed in these subjects before admission to the Civil Service, or otherwise, will not be required to undergo another examination in them.

† Officers will be required to pass this examination, notwithstanding that they may have already passed an examination in Urdu by the "Higher Standard," before appointment to the Political Service, but officers who have passed the "High Proficiency" test in Urdu are exempted.

## (B)

*(Within three years from the date of his appointment.)*

An examination\* in Arabic or Persian by the Higher Standard, or in Urdu by the High Proficiency Standard, to be passed at the Presidency, and, for the Province of British Burma, in Burmese by the High Proficiency Standard. The Standard in each case to be the same as that recognised under the Civil and Military Examination Rules.

III.—Half-yearly examinations in the subjects mentioned under (A) will be held in April and October of each year.

IV.—The head† of the Administration will, not less than a month in advance, fix the exact date on which, and the place where, the examinations will be held; will publish the same in the local Gazette, if there be one; and will send notice to all officers liable to examination.

V.—Not less than a fortnight before the date fixed for examination, the head of the Administration will appoint a Committee for the conduct of the examination, to consist of not less than two passed officers.

VI.—Such Committee will frame papers of questions (to be not less than eight or more than twelve) on each of the books abovementioned.

VII.—The candidates will be allowed three hours to answer each set of questions.

VIII.—To each question a number of marks will be allotted, to amount to about 100 in the aggregate. To pass the examination in each particular subject, it will be necessary that the candidate obtain sixty per cent. of such aggregate maximum number of marks.

IX.—When the examination is concluded, the Committee will submit to the head of the Administration—

(1) The questions and answers.

(2) A schedule of the marks obtained by each of the candidates in the following form :—

\* Officers who have already passed the linguistic test prescribed for this examination, before the Presidency Board of Examiners, need not pass it again.

† Resident or Governor-General's Agent.



BOOKS.																									
NAME OF CANDIDATE.	MARSHMAN.			FAWCETT.			WHEATON.			AITCHISON.			MAREBY.			PENAL CODE.			CRIMINAL PROCEDURE CODE.			INDIAN EVIDENCE ACT.			Remarks containing the Committee's opinion as to whether the candidate has or has not passed in all subjects, including the Urdu test under (A).*
	Question.	No. of Marks.		Question.	No. of Marks.		Question.	No. of Marks.		Question.	No. of Marks.		Question.	No. of Marks.		Question.	No. of Marks.		Question.	No. of Marks.		Question.	No. of Marks.		
		Attainable.	Obtained.		Attainable.	Obtained.		Attainable.	Obtained.		Attainable.	Obtained.		Attainable.	Obtained.		Attainable.	Obtained.		Attainable.	Obtained.		Attainable.	Obtained.	
	I			I			I			I			I			I			I			I			
	II			II			II			II			II			II			II			II			
	III			III			III			III			III			III			III			III			
	IV			IV			IV			IV			IV			IV			IV			IV			
	V			V			V			V			V			V			V			V			
	&c.			&c.			&c.			&c.			&c.			&c.			&c.			&c.			
Total ...																									

\* Taking 100 as representing the highest degree of efficiency in all subjects and 60 as representing the minimum standard of qualification, the Committee should enter against each candidate's name, in the column of remarks, a figure, being 100 or some fraction of 100, and indicating the estimate which they have formed of the candidate's general attainments.

The head of the Administration will consider the recommendation of the Committee, will decide whether the several candidates have or have not passed the required tests, and will report his decision to the Foreign Secretary within one month from date of examination. If in his opinion any officer has passed "with credit" or "with great credit," he will make a statement to that effect in the report.

X.—If an officer presenting himself for examination within a year from the date of his appointment is held to have passed in at least half the subjects mentioned under (A), he will be allowed six months' grace to enable him to pass in the remaining subjects. If he fails to pass in at least half the subjects within a year, or if, having passed in half the subjects within a year, he fails to pass in the remaining subjects within the period of grace allowed to him, he will be removed from employment in the Political Department.

XI.—Political Assistants will ordinarily receive no more than Rs. 400 per mensem until they shall have passed the above examination. They will then draw the full salary to which they may be otherwise entitled, subject to a certificate from the head of the Administration that they are in all respects qualified for the efficient discharge of their duties.

XII.—Examinations under (B) (except that in Urdu by the High Proficiency Standard, which must be passed at the Presidency) may be conducted by the Committees assembled under Rule V, if one of the members has already passed the Higher Standard examination in Arabic or Persian, or the High Proficiency examination in Burmese; but no officer will be entitled to receive any pecuniary reward for passing the Higher Standard or High Proficiency Standard at such examinations. Rewards are granted only for examinations passed at a Presidency town under the rules prescribed for the Civil and Military services.

In case an officer elects to pass the examination in Arabic or Persian before a local Committee, the papers will be set by the Calcutta Board of Examiners. The local Committee will see that the answers are written under such conditions as to time, &c., as may be prescribed, and the answers will then be sent to the Board of Examiners for report. The Committee will examine in the colloquial test, and will take care that the officer's qualifications in this respect are thoroughly satisfactory.

XIII.—Officers failing to pass the examination under (B), within the prescribed period, will forfeit their appointments, notwithstanding that they may have passed the examination under (A).

The head of the Administration will furnish the Foreign Department, on the 1st of April and the 1st of October of each year, with a statement of all officers liable to examinations (A) and (B) in the following form :—

Name of candidate.	Date of appointment to the Political Department.	Number of half-yearly examinations since appointment.	Remarks showing whether candidate has passed, and if not, whether under Rule X or XIII of Notification No. , dated , he has any further period of grace.

No. 1724 G.

Secretary to the Government of the Punjab.  
Chief Commissioner, British Burma.  
"Ajmere.  
Resident at Hyderabad.  
"in Nipal.  
"in Mysore.  
Agent to the Governor-General for Central India.  
" " " for Rajputana.  
" " " at Baroda.  
" " " in Biluchistan.  
Political Resident in the Persian Gulf.  
" " in Turkish Arabia.  
" Agent at Zanzibar.  
General Superintendent of the Operations for Suppression of Thagi and Dakaiti.  
Agent to the Governor-General with the King of Oudh and Superintendent of Political Pensions.  
Officer on Special Duty in Kashmir.  
Officer in charge of the Ex-Amir Yakub Khan.

FOREIGN DEPARTMENT,  
POLITICAL;  
Simla, the 2nd July, 1883.

Ordered, that the Rules, as now amended, be published in the *Gazette of India*, and that copies be sent to the Administrations and officers noted on the margin, for information and guidance, and to the Governments of Fort St. George and Bombay and the Home and Military Departments for information.

By order, &c.,  
C. GRANT,  
Secy. to the Govt. of India.

*The 5th July, 1883.*

**No. 1735 G.**—The Governor-General in Council is pleased to recognise the appointment of Mr. J. Woodtli as Consul for the Netherlands, at Aden.

**No. 1747 G.**—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. T. H. Rooke as Acting Consular Agent for Italy, at Akyab, during the absence of Mr. G. Ruckert.

#### GENERAL.

*The 5th July, 1883.*

**No. 1740 G.**—Mr. J. H. A. Tremenhoe, M.C.S., is appointed to officiate as Civil and Sessions Judge of the civil and military station of Bangalore, with effect from the 23rd May, 1883, during the absence on privilege leave of Colonel H. G. Thomson, or until further orders.

#### MILITARY.

*The 5th July, 1883.*

**No. 1743 G.**—*Erratum.*—In Foreign Department Notification, No. 1363 G., dated the 9th May, 1883, for the words "14th April, 1883," read *20th March, 1883.*

**No. 1745 G.**—Jemadar Merwanjee Cooverjee, 1st Regiment, Central India Horse, is permitted to resign his commission.

C. GRANT,

*Secretary to the Government of India.*

### DEPARTMENT OF FINANCE AND COMMERCE.

#### NOTIFICATIONS.

*Simla, the 3rd July 1883.*

**No. 1864.**—The following appointments are made in the Financial Department:—

Mr. E. S. Byrne to be Deputy Comptroller General in Class I of the Enrolled List of the Financial Department.

Mr. J. E. Cooke to be Deputy Accountant General, North-Western Provinces and Oudh, but to officiate until further orders as Deputy Accountant General, Bengal.

Mr. J. F. Finlay, M.A., B.C.S., to officiate until further orders as Deputy Accountant General, North-Western Provinces and Oudh.

Mr. Stephen Jacob, B.C.S. (on furlough), to be Deputy Accountant General, Bengal, in Class II of the Enrolled List of the Financial Department.

Mr. R. Logan, B.C.S., is confirmed in the appointment of Under Secretary to the Government of India in the Department of Finance and Commerce.

Mr. Arthur Frederick Cox, M.C.S., is appointed to be Assistant Comptroller General in Class III of the Enrolled List of the Financial

Department, but will continue to officiate until further orders as Assistant Accountant General, Bombay, and in Class II of the Enrolled List of the Financial Department.

The following Addendum to the Codes of the Financial Department is published for general information:—

*The 4th July 1883.*

**No. 1826.**

C. L. C.

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*Section 72, Rule 2.*

*Add the following to the Note under the Rule:—*

When applying for privilege leave under the ordinary rules, a Sessions Judge should append to his application a certificate that he remained at his station on duty during the Court vacation. If he has not remained at his station on duty during the whole term of the vacation, he should state in the certificate the date on which he left his station, and the date on which he returned to duty. In the case of a Sessions Judge who has been absent from his station for a portion of the vacation, a period equal to the number of days of his absence should be deducted from his privilege leave.

*The 6th July 1883.*

**No. 1926.**—The Notification of this Department, No. 666, dated the 4th May 1883, is hereby cancelled, and the following issued in substitution thereof:—

Whereas it appears to the Governor General in Council desirable that precautions should be taken to prevent the importation of impure explosives into British India, His Excellency in Council, in exercise of the powers vested in him by Section 19 of the Sea Customs Act, VIII of 1878, is pleased, as a temporary measure, pending legislation on the subject, to prohibit the bringing or taking by sea or land into British India of dynamite and of all analogous preparations of nitro-glycerine, unless—

- (a) the custom-house authorities are satisfied on the report of the Chemical Examiner or of some other chemist appointed in this behalf by the Local Government that the explosives comprised in the consignment are free from exudation, and satisfy the "heat test" applied by Her Majesty's Inspectors of Explosives in England; or
- (b) that the consignment is covered by a certificate of one of Her Majesty's Inspectors of Explosives in England showing that samples were taken from bulk before shipment and satisfied the tests applied by such Inspectors.

**No. 1931.**—In exercise of the powers conferred by Section 7 of the Indian Salt Act, XII of 1882, the Governor General in Council imposes a duty of 8 annas per Lahori maund of 102½ lbs. avoirdupois on Karrak, Bahadur Khel salt manufactured in the mines in the district of Kohat noted on the margin, with effect from the 7th July 1883.

D. M. BARBOUR,

*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 6th July, 1883.*

## APPOINTMENTS.

## No. 383.—STAFF CORPS—

The undermentioned officers appointed by the Secretary of State probationers for the Indian Staff Corps, are placed at the disposal of the Governments of Madras and Bombay in view to their appointment to the Staff Corps of those Presidencies respectively, with effect from the date of their arrival in India :—

*Madras.*

Lieutenant E. G. S. Warren, Royal Dublin Fusiliers.

*Bombay.*

Lieutenant R. D. Broome, 1st West India Regiment.

**No. 384.**—The undermentioned officers have been appointed on probation to the Bengal Staff Corps, with effect from the dates specified, and have been posted to corps under the Government of India :—

Lieutenant L. Herbert, Suffolk Regiment,—23rd April, 1883.

Lieutenant H. L. Pennell, 1st Dragoon Guards,—3rd May, 1883.

Lieutenant F. C. Grant, South Wales Borderers,—9th May, 1883.

**No. 385.**—COMMISSARIAT DEPARTMENT—

Lieutenant J. E. Preston, Madras S. C., Wing Officer, 13th Madras Native Infantry, to be a Sub-Assistant Commissary General, 2nd class, on probation, with effect from the 15th June, 1883.

**No. 386.**—PUNJAB FRONTIER FORCE—*5th Punjab Infantry.*

Major J. Finnis, Officiating 2nd-in-Command, 2nd Punjab Infantry, to be Wing Commander, *vice* Major C. McK. Hall, but to continue to officiate as 2nd-in-Command, 2nd Punjab Infantry.

Major A. D. Strettell, Wing Officer, 2nd Punjab Infantry, to officiate as Wing Commander during the period Major Finnis may continue with the 2nd Punjab Infantry, or until further orders.

## FURLOUGH AND LEAVE.

**No. 387.**—The undermentioned officer has been granted an extension of furlough by the Right Hon'ble the Secretary of State for India :—

Lieutenant C. B. Brownlow, Bengal S. C., (m. c.) for three months.

**No. 388.**—Sub-Conductor H. Stenson, Commissariat Department, was on leave in India (m. c.) from the 8th to the 17th October, 1882, in ex-

tension of privilege leave, under Rule X of the regulations of 1875.

**No. 389.**—Lieutenant-Colonel (Brevet Colonel) H. Tyndall, c.b., Bengal S. C., having vacated the command of the 2nd Punjab Infantry, Punjab Frontier Force, on the 1st April 1883, is permitted to reside in Europe on the terms laid down in paragraph 7 of G. G. O. No. 209 of 1882.

## PENSIONS.

**No. 390.**—Sub-Conductor Henry Gerard Hein, Commissariat Department, is transferred to the Pension establishment.

## PROMOTIONS.

**No. 391.**—The following promotions are made, subject to Her Majesty's approval :—

## BENGAL STAFF CORPS.

*To be Lieutenant-Colonel.*

Major Edward George Wace,—1st July, 1883.

*To be Major.*

Captain Edwin Henry Hayter Collen,—1st July, 1883.

## BREVET.

*To be Colonel.*

Lieutenant-Colonel Woodburn Francis Bartleman, Bengal Infantry,—20th July, 1881.

**No. 392.**—NATIVE ARMY—*21st Native Infantry.*

Havildar Kowda Sing to be Jemadar, *vice* Iadha Sing, invalided; Havildar Bagh Sing to be Jemadar, *vice* Tarah Sing, invalided,—1st May, 1883.

*33rd Native Infantry.*

Havildar Hurpal Sing to be Jemadar, *vice* Seolal Aheer, invalided,—1st May, 1883.

## RETIREMENTS.

**No. 393.**—Lieutenant-Colonel Thomas Nicholls Walker, Bengal S. C., is permitted to retire from the service, with effect from the 1st July, 1883, subject to Her Majesty's approval.

## VOLUNTEER CORPS.

**No. 394.**—His Excellency the Governor General in Council is pleased to sanction the formation of a Volunteer Corps in Biluchistan, to be designated the "Biluchistan Volunteer Rifle Corps."

## APPOINTMENTS.

**No. 395.**—BILUCHISTAN VOLUNTEER RIFLE CORPS—

Lieutenant-Colonel Sir R. G. Sandeman, k.c.s.i., Agent to the Governor General for Biluchistan, to be Honorary Colonel.

Major J. E. P. Mosley, Commandant, Biluch Guides, to be Commandant.

**No. 396.**—BEHAR VOLUNTEER RIFLE CORPS—

John Graham Cordery, Esq., c.s., Resident at Hyderabad, to be Honorary Colonel, *vice* William Brittain Jones, Esq., c.s.i., c.s., resigned.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

**No. 397.**—The following promotions are made in the Engineer Establishment, with effect from the dates specified :—

Name.	From	To	Nature of promotion.	Date.
Capt. A. E. Ward, R.E. ...	Exc. Engr., 2nd grade, sub. <i>pro tem.</i>	Exc. Engr., 2nd grade	Permanent	14th April, 1883.
Capt. A. Hildebrand, R.E. ...	Exc. Engr., 3rd grade...	Exc. Engr., 2nd grade...	Sub. <i>pro tem.</i>	14th " "
Capt. S. J. Lambert, R.E. ...	Exc. Engr., 3rd grade, sub. <i>pro tem.</i>	Exc. Engr., 3rd grade	Permanent	14th " "
Lieut. T. P. Cather, R.E. ...	Exc. Engr., 4th grade...	Exc. Engr., 3rd grade ...	Sub. <i>pro tem.</i>	14th " "
Capt. E. Glennie, R.E. ...	Exc. Engr., 4th grade, sub. <i>pro tem.</i>	Exc. Engr., 4th grade...	Permanent	14th " "
Capt. C. H. Brookes, R.E. ...	Asst. Engr., 1st grade...	Exc. Engr., 4th grade ...	Sub. <i>pro tem.</i>	14th " "
Lieut. H. Appleton, R.E. ...	Asst. Engr., 1st grade, sub. <i>pro tem.</i>	Asst. Engr., 1st grade...	Permanent	14th " "
Lieut. J. E. Dickie, R.E. ...	Asst. Engr., 2nd grade	Asst. Engr., 1st grade ...	Sub. <i>pro tem.</i>	14th " "
Major W. G. Nicholson, R.E. ...	Exc. Engr., 2nd grade	Exc. Engr., 1st grade ...	"	26th May, 1883.
Capt. H. W. Duperier, R.E. ...	Exc. Engr., 3rd grade.	Exc. Engr., 2nd grade	"	26th " "
Capt. C. H. Brookes, R.E. ...	Exc. Engr., 4th grade, sub. <i>pro tem.</i>	Exc. Engr., 3rd grade...	"	26th " "
Lieut. W. H. Chippindall, R.E.	Asst. Engr., 1st grade	Exc. Engr., 4th grade...	"	26th " "
Lieut. G. H. B. Gordon, R.E. ...	Asst. Engr., 2nd grade	Asst. Engr., 1st grade...	"	26th " "

G. CHESNEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

*Simla, the 2nd July 1883.*

**No. 163.**—Mr. J. C. Ledger, Executive Engineer, 1st Grade, sub. *pro tem.*, of the Railway Branch, is transferred from the Establishment under the Agent, Governor General, Central India, to that under the Director General of Railways.

**No. 164.**—With reference to Public Works Department Notification No. 133, dated 11th April 1881, the services of Babu Mutty Lal Dey, Executive Engineer, 4th Grade, are placed at the disposal of the Government of Madras in the Railway Branch.

*The 5th July 1883.*

**No. 165.**—Mr. E. F. Gordon, Assistant Engineer, 1st Grade, Railway Branch, passed the Departmental Standard Examination in Hindustani on the 16th June 1883.

**No. 166.**—The services of Mr. J. W. Brassington, Executive Engineer, 3rd Grade, Rajputana, are placed temporarily at the disposal of the Punjab Government.

*The 6th July 1883.*

**No. 168.**—Mr. E. Holdwell (Sub-Engineer, 1st Grade), Honorary Assistant Engineer, is transferred permanently to the Madras Public Works Department Establishment.

W. S. TREVOR, Colonel, R.E.,

Secy. to the Govt. of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 7, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[ Third publication ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 22nd June, 1883, and is hereby promulgated for general information :—

ACT NO. IX OF 1883.

### THE CENTRAL PROVINCES TENANCY ACT, 1883.

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## SCHEDULE—ACTS REPEALED.

*An Act to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces.*

WHEREAS it is expedient to consolidate and amend the law relating to agricultural tenancies in the Central Provinces; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

- 1. (1) This Act may be called the Central Provinces Tenancy Act, 1883:  
 Short title. and
- (2) It extends to all the territories for the time being administered by the Chief Commissioner of the Central Provinces, except those specified in the Scheduled Districts Act, 1874, Schedule I, Part VI.
- (3) This Act shall come into force on such day as the Chief Commissioner, with the previous sanction of the Governor General in Council, may by notification in the local official Gazette direct.

*Central Provinces Tenancy Act, 1883.**Chapter II.—Of Tenants generally.*

Nevertheless, any notification, rule, order or appointment to an office may be made under this Act at any time after the passing thereof, but shall not take effect before this Act comes into force.

2. On and from the day on which this Act comes into force, the Acts mentioned in the schedule hereto annexed shall be repealed.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "land" means land which is let or occupied for agricultural purposes or for purposes subservient to agriculture, and includes the sites of buildings appurtenant to such land;

(2) "tenant" means a person who holds land of another person, and is, or, but for a special contract, would be, liable to pay rent for that land to that other person. But it does not include a farmer, mortgagee or thikadār of proprietary rights;

*Explanation.*—An inferior proprietor is not, as such a tenant:

(3) "landlord" means the person of whom a tenant holds land, and to whom the tenant is, or, but for a special contract, would be, liable to pay rent for that land:

(4) "rent" means whatever is paid, delivered or rendered, in money, kind or service, by a tenant on account of the use or occupation of land let to him:

(5) "pay," "payable," and "payment," used with reference to rent, include "deliver," "deliverable" and "delivery";

(6) "arrear" means an instalment or part of an instalment of rent which is not paid on or before the date on which it is payable.

(7) "holding" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions:

(8) "improvement" means, with reference to a holding, any work which adds to the letting-value of the holding, which is suitable to the holding and consistent with the purpose for which it was let, and which, if not executed on the holding, is either executed directly for its benefit, or is, after execution, made directly beneficial to it:

*Explanation I.*—It includes the reclaiming, enclosing or clearing of lands for agricultural purposes; but it does not include such embankments, temporary wells and water-channels as are made by tenants in the ordinary course of agriculture; and no work executed by the tenant of a holding is an improvement if it substantially diminishes the value of any other part of the estate of his landlord:

*Explanation II.*—A work which benefits several holdings may be deemed to be, with respect to each of them, an improvement:

(9) "Revenue-officer" and "Settlement-officer," in any provision of this Act, mean respectively such Revenue-officer or Settlement-officer appointed under the Central Provinces Land-revenue Act, 1881, as the Chief Commissioner may, from time to time, by notification in the official Gazette, direct by name or by virtue of

officer or Settlement-officer (as the case may be) under that provision:

(10) "agricultural year" means the year commencing on the first day of June, or on such other date as the Chief Commissioner may, in the case of any specified local area, from time to time, by notification in the official Gazette, appoint:

(11) "sir-land" means—

(a) land recorded as "sir" in the papers of the last preceding settlement of the local area in which the land is situate;

(b) land not so recorded, but which has been cultivated by the proprietor or one of the proprietors thereof for a period of not less than twelve consecutive years;

(c) waste land which has been broken up by the proprietor or one of the proprietors thereof, and cultivated by him for a period of not less than six consecutive years; and

(d) the "bhagra" lands of Semlāpūr:

*Explanation.*—Land which has, after the date of the above-mentioned settlement, or the expiration of the above-mentioned period of twelve years or six years (as the case may be), been for a period of six consecutive years unoccupied by the proprietor is not sir-land. Land is not unoccupied by the proprietor when it is leased out by him with an express reservation of his sir-rights:

(12) "village" includes any tract of land which, at the last settlement of the same, has been recognised as a village, or which the Chief Commissioner declares to be a village for the purposes of the Central Provinces Land-revenue Act, 1881: and

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(13) "record-of-rights" includes the supplementary administration paper prepared at or after the time of making a settlement before the Central Provinces Land-revenue Act, 1881, came into force.

XVIII of 1881.

## CHAPTER II.

## OF TENANTS GENERALLY.

*A.—Classification of Tenants.*

4. There shall be four classes of tenants, namely:—

- (1) Absolute occupancy-tenants;
- (2) Occupancy-tenants;
- (3) Sub-tenants;
- (4) Ordinary tenants.

*B.—Provisions relating to Rent.*

5. In all suits and proceedings between landlord and tenant, the rent payable for any agricultural year by a tenant in respect of his holding shall be presumed, until the contrary is proved, to be the rent payable in respect of the holding in the agricultural year immediately preceding that year.

6. An order fixing, altering or commuting the rent of a holding on an application under this Act may, as the officer making the order thinks fit, take effect from the commencement of the agricultural year next following the date of the application, or from any subsequent

*Central Provinces Tenancy Act, 1883.**Chapter II.—Of Tenants generally.*

day, or, if it is made on the ground of increase, diminution or deterioration of the holding, from the date of that increase, diminution or deterioration, or from any subsequent day.

7. Rents shall be payable in such instalments and on such dates as the Chief Commissioner may, from time to time, by notification in the official Gazette, prescribe, and, in the absence of any such notification applicable to the case, according to the contract between the parties, or, where there is no such contract, according to local usage.

8. When two or more persons are landlords of a tenant in respect of the same holding, the tenant, subject to any rule which the Chief Commissioner may, from time to time, by notification in the official Gazette, make in this behalf, and to any contract between the parties, shall not be bound to pay part of the rent of his holding to one of those persons and part to another or others; and, subject as aforesaid, those persons shall, if the tenant so desires, appoint one of their number or some other person to receive the rent.

9. (a) When a landlord refuses to accept any instalment of rent payable in money when tendered to him by a tenant,

(b) when a tenant, in the case mentioned in section eight, desires the appointment of a person to receive rent payable in money and the appointment is not made within a reasonable time, and

(c) when a tenant in any case is doubtful as to the person entitled to receive rent payable in money,

the tenant may apply to a Revenue-officer for permission to deposit in his court the amount of rent which he believes to be due; and that officer shall receive the deposit, if it appears to him, after examining the applicant, that he had reasonable grounds for making the application, and that it was made in good faith, and if the applicant pays the fee (if any) chargeable for the issue of the notice next hereinafter referred to.

10. (1) When a deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord in respect of rent due.

(2) The officer receiving the deposit shall give notice of the receipt thereof to every person who he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled to the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

(3) No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a Revenue-officer under this section; but nothing in this clause shall prevent any person entitled to receive the amount of any such deposit from recovering the same from a person to whom it has been paid by a Revenue-officer.

11. Every tenant from whom, except under any special enactment for the time being in force, anything is levied by his land-

lord in excess of the rent legally payable, shall be entitled to recover from the landlord such sum as the Court thinks fit, not exceeding five hundred rupees, or, when double the amount or value of what is so levied exceeds five hundred rupees, not exceeding double that amount or value.

12. If a landlord refuses a receipt for rent paid by a tenant, or grants a receipt but refuses or neglects to specify therein the holding, and the period or crop, in respect of which the payment is made, or the amount paid, the tenant shall be entitled to recover from him such sum, not exceeding double the amount or value of the rent so paid, as the Court thinks fit.

13. Notwithstanding anything in the record-of-rights, but subject to any contract in writing between the parties, the rent payable in money by any tenant may, on the application of his landlord, be enhanced by a Revenue-officer on the ground that an improvement has been made in accordance with this Act by or at the expense of the landlord whereby the productive power of the holding has been increased.

14. When the area of a holding the rent of which is payable in money is increased or diminished by the encroachment of the tenant or the landlord, or by fluvial action or otherwise, or the soil of a holding is, without the fault of the tenant, permanently deteriorated by a deposit of sand or other like calamity, a Revenue-officer may, notwithstanding anything in the record-of-rights or any contract between the parties, by order, on the application of the landlord or of the tenant, alter the rent with reference to that increase, diminution or deterioration.

15. When a landlord grants a lease, or makes any other contract fixing the rent of any holding, and, while the lease or contract is in force,—

(a) land-revenue is for the first time made payable in respect of the holding, or

(b) land-revenue having been previously payable in respect of it, the revenue payable when the lease or other contract was granted or made is increased or diminished,

a Revenue-officer may, notwithstanding anything in the record-of-rights or any contract between the parties, by order, on the application of the landlord or of the tenant, alter the rent with reference to the revenue.

16. (1) In all cases in which an absolute occupancy-tenant or occupancy-tenant pays rent for a holding in kind, or on the estimated value of a portion of the crop, or at rates varying with the crop, or partly in one of those ways and partly in another or others, the landlord or tenant may, notwithstanding anything in the record-of-rights or any contract between the parties, other than a contract whereby waste-land is let for the purpose of reclamation, apply during the progress of a settlement to a Settlement-officer, or at any other time, if the Chief Commissioner thinks fit to appoint a Revenue-officer in this behalf.

*Central Provinces Tenancy Act, 1883.**Chapter II.—Of Tenants generally.*

officer, to commute the rent to a fixed money-rent.

(2) On the receipt of the application, the officer shall determine the sum to be paid as money-rent, and shall order that the tenant shall, in lieu of paying his rent in kind, or otherwise as aforesaid, pay the sum so determined.

(3) If the application is opposed, the officer may, for reasons to be recorded by him in writing, refuse to grant the same.

*C.—Of the Landlord's Lien on the Produce of a Holding.*

17. In sections eighteen to twenty-four (both inclusive) the produce of a holding means—

- (a) crops and other products of the earth standing or ungathered on the holding;
- (b) crops and other products of the earth which have been grown on the holding and have been reaped or gathered and are deposited on the holding or on a threshing-ground, or are stored, by a tenant of the land on which they have been grown, within the village in which the holding is situate or the tenant resides.

18. Where an arrear is due in respect of a holding, the landlord may, by notice served as therein-after provided, prohibit the removal of the produce of the holding.

Provided that—

*first*, such a prohibition shall not be made on account of an arrear which has been due for a longer period than one year, or in respect of any produce which is under attachment by order of any Court; and

*secondly*, such a prohibition shall not be made more than once in respect of the same produce on account of the same arrear.

19. (1) Every notice under section eighteen shall be in writing, and shall specify the amount of the arrear claimed, the period for which, and the holding in respect of which, it is claimed, and, when an amount in excess of the rent payable by the tenant in the last preceding agricultural year is claimed, the decree, order or agreement, as the case may be, for the payment of that amount.

(2) The notice shall be served on the person in charge of the produce, and shall remain in force until the rent specified in the notice is paid, or, if that rent is not previously paid, until the expiration of thirty-five days from the date of service of the notice.

20. A notice under section eighteen shall not prevent any person from reaping, gathering or storing any produce, or doing any other act necessary for its due preservation.

21. If, while the notice is in force, the landlord institutes a suit for the recovery of the rent, the notice shall continue in force until the Court trying the suit otherwise directs; and, if the landlord obtains a decree in the suit, the amount of that decree shall be the first charge upon the produce.

22. (1) If the produce of the holding on which the arrear is due is under attachment by order of a Court, the landlord may apply to the Court to sell the produce and pay to him out of the proceeds of the sale thereof the amount or value of—

- (a) any rent which has fallen due to him in respect of the holding within the year immediately preceding the application; and
- (b) the instalment of rent falling due next after the time at which in the ordinary course of agriculture the produce would be harvested.

And the Court, if on inquiry it finds the landlord's claim to the whole or any part of the rent to be proved, shall sell the produce or such portion thereof as it may deem necessary, and shall apply the proceeds of the sale in the first instance to satisfy the claim.

(2) The finding of a Court on an inquiry under this section shall have the force of a decision in a suit between the parties.

23. Where land is sublet and any conflict arises under sections eighteen to twenty-two (both inclusive) between the rights of a superior and of an inferior landlord, the right of the superior landlord shall prevail.

24. (1) Any landlord of a holding who distrains or attempts to distrain the produce of the holding, or prevents or attempts to prevent, otherwise than in accordance with this Act, any person from reaping, gathering, storing, removing or otherwise dealing with any produce of the holding, and

where a notice in respect of the produce of a holding has been served under section nineteen and is in force, any person who, knowing or having reason to believe that the notice is in force, removes, attempts to remove or abets the removal of the produce, except for any of the purposes mentioned in section twenty,

shall be punished with fine which may extend to five hundred rupees.

(2) Nothing in this section, and, except as provided in section 546 of the Code of Criminal Procedure, no proceeding under this section, shall affect the right of any person to recover compensation in a civil suit.

*D.—Commissioners for dividing or estimating Crops.*

25. Whenever rent is taken by division of the produce, or by estimate or appraisement of the crop, if either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division, estimate or appraisement, or if there is a dispute about the division of the produce or the quantity or value of the crop, a Revenue-officer may, on the application of either party, issue a commission to such person as the officer thinks fit, directing him to divide, estimate or appraise the crop.

26. (1) When a Revenue-officer appoints a Commissioner for any of the purposes mentioned in section twenty-five, the officer

*Central Provinces Tenancy Act, 1883.**Chapter II.—Of Tenants generally.*

may, in his discretion, direct the Commissioner to associate with himself any other persons as assessors, and may give him instructions regarding the number, qualifications and mode of selecting those assessors (if any), and the procedure to be followed in making the division, estimate or appraisement.

(2) The Commissioner so appointed shall make the division, estimate or appraisement in accordance with those instructions.

27. (1) If in any division under the foregoing Remedy for error in provisions either party re-division. ceives less than the share to which he is entitled, he may, within three months from the date on which the division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him at the price which prevailed on that date.

(2) If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed as between the parties thereto to have been rightly made.

28. (1) When a crop has been estimated or appraised under the foregoing Procedure when crop has been estimated or appraised. provisions, the estimate or appraisement shall be reduced to writing and signed by the Commissioner making the same, and shall be submitted to the Revenue-officer by whom the commission was issued.

(2) The Revenue-officer shall consider the Commissioner's report, and, after such hearing and inquiry (if any) as he may think necessary, shall pass an order thereon either confirming or varying the estimate or appraisement, and that order shall be final.

*E.—Of Improvements and Compensation therefor.*

29. (1) In respect of the holding of an absolute Right to make im- occupancy-tenant or occupancy-tenant, the tenant, and in respect of the holding of an ordinary tenant, the landlord, shall be entitled to make improvements.

(2) If an ordinary tenant whose holding does not consist entirely of sir land, or the landlord of an absolute occupancy-tenant or of an occupancy-tenant, desires that any improvement be made in respect of the holding, he may deliver, or cause to be delivered, to his landlord or tenant, as the case may be, a request in writing calling upon him to make the improvement within a reasonable time, and, if he is unable or neglects to comply with that request, may, subject to such rules of procedure as the Chief Commissioner from time to time, by notification in the official Gazette, prescribes in this behalf, make the improvement himself.

30. (1) If an absolute occupancy-tenant, occupancy-tenant or ordinary tenant is ejected from his holding, he shall be entitled to compensation for improvements which he or the persons under whom he claims may have made in accordance with this Act or with the landlord's consent otherwise than in accordance with this Act, and for which compensation has not already been made.

(2) Whenever a Court makes a decree or order for the ejection of a tenant, it shall determine the amount of compensation (if any) due under this section to the tenant for improvements, and shall make the decree or order of ejection con-

ditional on the payment of that amount to the tenant.

(3) No compensation shall be claimable under this section for an improvement where the tenant has made the improvement in pursuance of a contract binding him, in consideration of some substantial advantage to be obtained by him, to make the improvement without compensation, and has obtained that advantage.

(4) Improvements made by a tenant before this Act comes into force, in lands other than sir-land, shall be deemed to have been made in accordance with this Act, unless it is shown that the landlord forbade the tenant to make the improvement, and was ready to make it himself.

31. (1) The Chief Commissioner may, from time to time, by notification in the official Gazette, make Assessment of com- pension. rules requiring the Court to associate with itself, for the purpose of estimating the compensation to be awarded under section thirty for an improvement, such number of assessors as the Chief Commissioner thinks fit, and determining the qualifications of those assessors and the mode of selecting them.

(2) In estimating the compensation to be awarded under section thirty for an improvement, regard shall be had—

(a) to the amount by which the letting value, or the produce of the holding, or the value of that produce, is increased by the improvement ;

(b) to the labour and capital required for the making of such an improvement ; and

(c) to any reduction or remission of rent or other advantage given by the landlord to the tenant in consideration of the improvement.

(3) When the amount of the compensation has been assessed, the landlord and tenant may, if they think fit, agree that, instead of being paid wholly in money, it shall be made wholly or partly in some other way.

Avoidance of provisions barring right to make, or be compensated for, improvements.

32. An entry in the record-of-rights of any village or a stipulation in a contract providing—

(a) that a landlord shall be entitled to prevent a tenant from making, or to eject him for making, such improvements on his holding as he is entitled to make under this Act, or

(b) that a tenant ejected from his holding shall not be entitled to compensation for improvements in any case in which he would, under this Act, be entitled to such compensation, shall be void.

*F.—Miscellaneous.*

33. (1) Any tenant not bound by a lease or Surrender of holdings. other agreement for a fixed period may, at the end of any agricultural year, surrender his holding.

(2) But notwithstanding the surrender, the tenant shall continue to be liable for the agricultural year next following the date of the surrender for the rent of the holding, unless he gives to his landlord, at least thirty days before he surrenders, notice of his intention to surrender.

*Central Provinces Tenancy Act, 1883.**Chapter III.—Of Absolute Occupancy-tenants; Chapter IV.—Of Occupancy-tenants.*

(3) In the following cases, the Court shall presume that such notice was so given, that is to say :—

- (a) if the tenant takes a new holding in the same village from the same landlord during the agricultural year next following the surrender ;
- (b) if the tenant ceases, at least thirty days before the end of the agricultural year at the end of which the surrender is made, to reside in the village in which the surrendered holding is situate ; and
- (c) if the landlord himself, at any time during the agricultural year next following the surrender, cultivates or lets to another tenant the holding or any part thereof.

**34.** Any tenant other than an absolute occupancy-tenant who leaves his holding uncultivated and the rent of it unpaid for a period of two years shall, at the expiration of that period, be deemed to have surrendered the holding :

Where land uncultivated and rent unpaid, tenant's right to be deemed surrendered.

Provided that, in reckoning that period, any time during which, owing to an inundation or any other accident to the land beyond the tenant's control, it may have been impossible to cultivate the land, shall be excluded.

**35.** When a person, at the time of taking a Tenant taking thika thika or farm, is a tenant of or farm, any land comprised therein, his interest as tenant shall not be affected by reason only of his taking the thika or farm.

## CHAPTER III.

## OF ABSOLUTE OCCUPANCY-TENANTS.

**36.** Every person who, on the day when this Definition of absolute Act comes into force, is the occupancy-tenant. tenant of any holding in respect of which he, or a person whose rights he has acquired, has been recorded in any record-of-rights made before that day as an "absolute occupancy-raiyat," or in terms equivalent thereto, shall, unless he has parted with his rights, be deemed to be an absolute occupancy-tenant of that holding.

**37. (1)** The rent of the holding of every absolute occupancy-tenant shall Rents fixed for period of settlement. be fixed by the Settlement-officer at each settlement of the area in which the holding is comprised, and the rent so fixed shall not be altered during the currency of the settlements, except under the provisions of section thirteen, section fourteen or section sixteen.

(2) The rent payable by any such tenant in respect of his holding when this Act comes into force shall be deemed to have been fixed at the last preceding settlement of the area in which his holding is comprised.

**38. (1)** The right of an absolute occupancy-tenant in his holding shall on his death devolve as if it were Right heritable and transferable after notice to landlord, who may claim to purchase. land, and shall be transferable subject to the conditions contained in this section.

(2) If an absolute occupancy-tenant intends to transfer any right in his holding by sale or gift, or by mortgaging the same for a sum which, to-

gether with the interest payable thereon during the five years immediately succeeding the mortgage and the previous sums (if any) secured by mortgage of it, would exceed eight times the annual rent of the holding, or by sub-letting the same in consideration of a fine or premium exceeding five times that rent, he shall give to his landlord a written notice of his intention, and shall defer proceeding with the transfer for a period of one month from the date on which the notice is given.

(3) If the intended transfer is by sale or gift, the landlord may within the said period of one month—

- (a) claim to purchase the absolute occupancy-right at such value as a Revenue-officer may, on application made to him in this behalf, fix ; or
- (b) permit the sale or gift, in which case he shall be entitled to a sum equal to the rent for one year, and that sum shall be a first charge on the holding.

(4) If the intended transfer is by mortgage or sub-lease, the landlord may, within the said period of one month, claim to purchase the absolute occupancy-right at such value as a Revenue-officer may, on application made to him in this behalf, fix.

(5) When the right of an absolute occupancy-tenant in his holding is sold by order of a Civil Court in execution of a decree other than a decree obtained by his landlord, the landlord shall have the same right of pre-emption as is given in the case of a sale by sub-section (3), clause (a).

(6) When an application is made to a Revenue-officer under this section to fix the value of an absolute occupancy-right which is already mortgaged, he shall fix the value of the right as if it were not mortgaged ; and if the landlord purchases the right, the mortgage-debt shall be a charge on the purchase-money in exoneration of the land.

(7) Any transfer made in contravention of this section shall be void.

**39.** Notwithstanding any contract to the contrary, or any provision of Absolute occupancy-tenant not liable to ejectment. record-of-rights, an absolute occupancy-tenant shall not be ejected from his holding by his landlord as such for any cause.

**40.** The rent of the holding of an absolute Rent first charge on holding. occupancy-tenant shall be a first charge on that holding.

## CHAPTER IV.

## OF OCCUPANCY-TENANTS.

**41.** Every tenant who, when this Act comes Definition of occupancy-tenant. into force, has held the same land continuously for twelve years, otherwise than as an absolute occupancy-tenant or a sub-tenant, and every person who is, when this Act comes into force, or thereafter becomes, a tenant (not being an absolute occupancy-tenant or a sub-tenant) of land in the districts of Chānda, Nimār and Sambalpūr, shall be deemed to be an occupancy-tenant of that land :

Provided that the land is not—

- (a) sīr-land, or
- (b) held in lieu of wages, or



*Central Provinces Tenancy Act, 1883.**Chapter IV.—Of Occupancy-tenants.*

(c) held, in any district other than Sambalpúr, under a written lease in which it is expressly agreed that a right of occupancy in the land shall not be acquired, or that the tenant shall quit the land at the termination of the lease.

*Explanation I.*—The occupation of any person from whom the tenant inherited his holding is, for the purposes of this section, deemed to be the occupation of the tenant.

*Explanation II.*—Where, by the custom of any village, the holdings of tenants are, or have been, liable to periodical redistribution, land which a tenant or any person under whom he claims has, in accordance with that custom, from time to time, received in exchange for land previously held by him is, for the purpose of calculating, under this section, the period of twelve years, deemed to be the same land as the land which he held before the exchange.

42. Every person whose proprietary rights in

Cases in which ex-proprietors become occupancy-tenants of their sir-land.

land comprising sir-land are, after this Act comes into force, transferred in any of the following cases, namely:—

- (a) when he sells those rights without expressly agreeing to transfer his right to cultivate the sir-land,
- (b) when those rights are sold for an arrear of land-revenue,
- (c) when those rights are sold in execution of any decree which does not expressly direct the sale of his rights in the sir-land,

shall become an occupancy-tenant of that sir-land, and the rent payable by him as such shall be fixed by a Revenue-officer on application made by him or by his landlord.

43. (1) When an occupancy-tenant dies his

Devolution and transfer of occupancy-right.

right in his holding shall devolve as if it were land: Provided that, except in the districts of Chánda, Nimár and Sambalpúr, a collateral relative of the tenant shall not be entitled to inherit that right, unless at the death of the tenant he was a co-sharer in the holding.

(2) A transaction by which an occupancy-tenant attempts to effect a transfer of property in respect of his holding by sale, gift, mortgage, sub-lease or otherwise shall be void, unless—

- (a) it is entered into with his landlord's consent, or
- (b) the transfer is one to a person who, if he survived the tenant, would inherit the right of occupancy, or between persons in favour of whom, as co-sharers, the right of occupancy originally arose, or who have become, by succession, co-sharers therein;

(3) The right of an occupancy-tenant shall not be sold in execution of a decree.

44. The rent of the holding of every occupancy-

Rent of occupancy-tenant to be fixed at settlement.

tenant shall be fixed by the Settlement-officer at each settlement of the area in which the holding is comprised.

45. (1) In the districts of Chánda, Nimár and

Fixation of rents during currency of settlement in Chánda, Nimar and Sambalpúr.

Sambalpúr, the rent fixed under section forty-four shall not be altered during the currency of any settle-

ment except under section thirteen, section fourteen or section sixteen.

(2) The rent payable in respect of his holding by a tenant in any of those districts when this Act comes into force shall be deemed to have been fixed at the last preceding settlement of the area in which that holding is comprised.

(3) Subject to the provisions of sections thirteen, fourteen and sixteen, the rent payable by any such tenant in respect of a holding acquired by him after this Act comes into force shall, pending the recurrence of the settlement of the area in which that holding is comprised, be the rent fixed by agreement between him and his landlord at the time he acquires that holding, or, in the absence of any such agreement, or on the expiration of the term for which any such agreement has been made, a rent fixed by a Revenue-officer on the application of either party at the following rate, that is to say:—

(a) in the districts of Chánda and Nimár, the rate which the Chief Commissioner has prescribed for occupancy-tenants and caused to be entered in the record-of-rights at the last settlement;

(b) in the district of Sambalpúr, the average rate at which at the last settlement the rents of other lands in the same village of similar quality and possessing similar advantages were fixed.

46. The rate of rent payable in money by an occupancy-tenant in any other district may, during the currency of a settlement, on the application of the landlord to a Revenue-officer, be enhanced subject to the rules made under section eighty-two and for the time being in force:

Provided that—

(a) an application under this section shall not be entertained when the rent of the holding has within the ten years immediately preceding the application been fixed under any provision of this Act except section thirteen or section fourteen, or under any Act hereby repealed; and

(b) no order shall be made on any such application which is inconsistent with any contract made after the last preceding settlement and still in force.

47. When the land in respect of which an application is made under section forty-five or section forty-six has been improved in accordance with this Act by the agency or at the expense of the tenant, the quality and advantages of the land shall, notwithstanding anything contained in any contract or record-of-rights, be deemed, for the purposes of that section, to be the quality and advantages which the land would have had and enjoyed if the improvements had not been made.

48. Notwithstanding any contract to the contrary or any provision of a record-of-rights, an occupancy-tenant shall not be ejected from his holding by his landlord as such except,—

(a) as hereinafter provided, for arrears of rent; or



*Central Provinces Tenancy Act, 1883.**Chapter V.—Of Sub-tenants; Chapter VI.—Of Ordinary Tenants.*

- (b) in execution of a decree of a Civil Court passed on the ground of his having diverted the land to non-agricultural purposes, or being chargeable with some other act or omission which, by custom not inconsistent with this Act or with any other enactment for the time being in force, renders him liable to be ejected.

**49.** A tenant having a right of occupancy in land situate in a village in which the holdings of tenants are by custom liable to periodical redistribution, and exchanging that land in accordance with the custom for other land situate in the same village, shall be deemed to have a right of occupancy in the land so taken in exchange.

**50.** If a tenant having a right of occupancy in any land ceases to hold that land, and thereupon commences to hold other land of the same landlord, under circumstances from which it may be inferred that the tenant has accepted that other land in lieu of, and on the same conditions as, the land which he has ceased to hold, he shall, in the absence of a written agreement to the contrary, be deemed to have a right of occupancy in the land which he so commences to hold.

## CHAPTER V.

## OF SUB-TENANTS.

**51.** A tenant who holds land from another tenant is a sub-tenant of that land.

**52.** A sub-tenant shall, subject to the provisions of sections seven, fourteen and fifteen, hold on such terms as may be agreed upon between him and his landlord.

## CHAPTER VI.

## OF ORDINARY TENANTS.

**53.** Every tenant who is not an absolute occupancy-tenant, or an occupancy-tenant or a sub-tenant, is an ordinary tenant.

**54.** An ordinary tenant shall, subject to the provisions of sections fourteen and fifteen, pay such rent as may, from time to time, be fixed by agreement between him and his landlord.

**55.** Notwithstanding any contract to the contrary or any provision of a record-of-rights, an ordinary tenant shall not be ejected from his holding by his landlord as such except—

- (a) as provided in the case of an occupancy-tenant in section forty-eight;
- (b) in execution of a decree for ejectment passed on the ground that he has refused to agree to an enhancement of rent demanded by his landlord in accordance with the provisions next hereinafter contained, or that the holding consists entirely of sîr-land.

**56.** When a landlord wishes to enhance the rent of an ordinary tenant whose holding does not consist entirely of sîr-land and whose rent is not fixed by an agreement in writing, and the tenant does not agree to the enhancement, the landlord may cause to be served on the tenant through the Civil Court a notice of the enhancement not less than six months before the commencement of the agricultural year in which the landlord desires the enhancement to take effect.

**57. (1)** If, within the period of one month from the service of a notice under section fifty-six, the tenant on whom the notice has been served presents to the Court issuing the notice a statement in writing declaring his willingness to pay the enhanced rent, he shall be deemed to have agreed to pay that rent from the commencement of the agricultural year next following.

(2) If the tenant does not, within the said period of one month, present to the Court a statement as aforesaid, the landlord may, not less than ten weeks before the commencement of the agricultural year next following, institute a suit to eject the tenant.

**58. (1)** If in any suit instituted under section fifty-seven the defendant appears and agrees to pay the enhanced rent demanded, his agreement shall thereupon be recorded, and he shall not be ejected, but shall be liable to pay that rent from the commencement of the agricultural year next following the date of the agreement.

(2) If the defendant does not appear, or if, on appearing, he does not agree to pay the enhanced rent demanded, the Court may pass a decree for his ejectment on condition that, within fifteen days from the date of the decree, the landlord deposits in Court—

- (a) such sum (if any) as may be declared by the decree to be payable to the tenant as compensation for improvements; and
- (b) a further sum as compensation for disturbance equal to seven times the yearly increase of rent demanded.

**59. (1)** If these sums are so deposited, the decree shall be made absolute, and the sums deposited shall be paid to the tenant.

(2) If these sums are not so deposited, the decree shall become void, and the tenant shall remain in occupation of his holding at the rent previously paid by him.

**60.** When a tenant has agreed, under section fifty-seven or section fifty-eight, to pay an enhanced rent for his holding, or a decree to eject him from that holding has become void under section fifty-nine, no notice shall be served on him under section fifty-six in respect of that holding during the seven years next following the date on which he has so agreed, or the decree has become void, as the case may be.

**61. (1)** When an ordinary tenant dies, his right in his holding shall devolve as if it were land:

*Central Provinces Tenancy Act, 1883.*  
*Chapter VII.—Jurisdiction and Procedure.*

Provided that a collateral relative of the tenant shall not be entitled to inherit his right unless at the death of the tenant he was a co-sharer in the holding.

(2) A transaction by which an ordinary tenant attempts to effect a transfer of property in respect of his holding by sale, gift, mortgage, sub-lease or otherwise shall be void, unless it is entered into with his landlord's consent.

(3) The right of an ordinary tenant shall not be sold in execution of a decree.

62. (1) Notwithstanding any contract to the contrary, the landlord of any holding held by an ordinary tenant shall, at the request of the tenant and on the tender by the tenant to him of a sum equal to twice and one-half the annual rent payable in respect to the holding, together with the cost of preparing any instrument required for this purpose, confer upon the tenant the rights of an occupancy-tenant in respect of the holding; and when those rights have been so conferred, the rent of the tenant shall be deemed to be fixed under this Act, within the meaning of section forty-six, at the rate at which rent was payable by the tenant at the date of the request and tender:

Provided that the landlord may, upon any such request and tender being made to him, apply to a Revenue-officer to fix the rent of the holding for the purposes of this section; and if he proves to the satisfaction of the officer that the rate of rent payable in respect of the holding is less than the rate usually paid by ordinary tenants of holdings situate in the same or adjoining taluqas for land of similar quality with like advantages, the officer shall fix the rent at the latter rate, and the rent so fixed shall, for the purposes of this section, be deemed to be, and to have been at the date of the request and tender, the rent payable by the tenant.

(2) If a landlord, to whom a request and tender is made by a tenant under sub-section (1), refuses or neglects for a period of one month to confer the rights of an occupancy-tenant on the tenant, the tenant may deposit the sum aforesaid in the court of a Revenue-officer, and apply to that officer to confer upon him the rights of an occupancy-tenant in respect of the holding.

(3) The officer, after giving notice of the application to the landlord and hearing him if he appears, and making such inquiry as he thinks necessary, may execute any instrument required for conferring those rights upon the tenant, and the execution shall have the same effect as an execution by the landlord.

(4) A person upon whom the rights of an occupancy-tenant are conferred under this section shall be deemed to be an occupancy-tenant for the purposes of this Act.

(5) Nothing in this section shall apply to a holding consisting entirely of *sir-land*.

#### CHAPTER VII.

##### JURISDICTION AND PROCEDURE.

63. No Court other than the Court of a Revenue-officer or Settlement-officer shall fix any rent or call in question any rent fixed by a Revenue-officer or Settlement-officer, or

shall take cognizance of any dispute or matter in which any of the following applications might be made, namely:—

(a) applications for permission to deposit rent in Court (section nine);

(b) applications to enhance rent on account of improvements made by, or at the expense of, the landlord (section thirteen);

(c) applications to alter the rent of a holding on account of increase or diminution or deterioration of the holding, or of a new assessment of revenue (sections fourteen and fifteen);

(d) applications for the commutation of rents paid in kind (section sixteen);

(e) applications for a commission to divide, estimate or appraise a crop (section twenty-five);

(f) applications to fix the price at which a landlord may purchase in case of an intended transfer (section thirty-eight);

(g) applications to fix rent or confer occupancy-rights (section sixty-two);

(h) applications to measure or ascertain the condition of holdings (section eighty); and

(i) applications relating to such other matters as Revenue-officers or Settlement-officers are empowered to deal with under this Act or the rules made under this Act.

64. (1) In fixing rents and disposing of the matters referred to in section sixty-three, Revenue-officers and Settlement-officers shall, as nearly as may be practicable, subject to the provisions of this Act, exercise the same powers and follow the same procedure as they exercise and follow under the Central Provinces Land-revenue Act, 1881.

XVIII of 1881.

(2) From every decision or order of a Revenue-officer or Settlement-officer fixing rent or disposing of any matter referred to in section sixty-three, an appeal shall lie as if that decision or order had been passed by that officer under the said Land-revenue Act.

65. Except as provided in section sixty-three, the Civil Courts shall have jurisdiction in all suits between landlords and tenants as such:

Provided that—

(a) a Judge of a Civil Court of original jurisdiction shall not, unless he is also a Revenue-officer or Settlement-officer, hear any such suit; and

(b) the Chief Commissioner may, from time to time, subject to the provisions of this Act, direct that all or any class of such suits shall be heard and determined only in such Courts competent to try the same as he thinks fit, and not otherwise.

66. The Chief Commissioner may, from time to time, direct that all suits, or any specified class of suits, between landlords and tenants as such, shall not be registered in the registers of civil suits kept under the Code of Civil Procedure, but in such other registers as he may prescribe.

XIV of 1882.

*Central Provinces Tenancy Act, 1883.**Chapter VII.—Jurisdiction and Procedure.*

**67. (1)** In suits between landlords and tenants as such, the plaintiff shall, in addition to the matters mentioned in section 50 of the Code of Civil Procedure, specify the area of the land to which the suit relates, and, where the fields comprised in that land have been numbered in a Government survey, the number of each such field; and, in the case of suits for an arrear, the amount of the yearly rent and the instalments in which it is payable.

(2) When the land to which the suit relates comprises parts of numbered fields, or has not been divided into numbered fields, an accurate and sufficient description of the land and its boundaries shall be given in the plaint.

**68.** In suits between landlords and tenants as such, the fees of a legal practitioner shall not be allowed as costs, unless the Court considers, for reasons to be recorded by it in writing, that those fees ought to be allowed.

**69.** No set-off shall be allowed in any suit for arrears unless the amount claimed as a set-off has been determined by a decree or order of a competent Court or of a Revenue-officer or Settlement-officer.

**70.** In suits for arrears, interest on the arrears may be allowed up to the date of institution, at such rate, not exceeding twelve per cent. per annum, as the Court thinks fit.

**71.** A decree or order passed in a suit for arrears, whether on appeal or otherwise, by a Judge of a Civil Court exercising powers not less than those of an Assistant Commissioner of the first class, as defined in the Central Provinces Courts Act, 1865, shall not be subject to appeal, unless—

- (a) the amount or value of the subject-matter of the suit exceeds one hundred rupees; or
- (b) a question relating to a title to land, or some interest in land, has been determined as between parties having conflicting claims thereto.

**72. (1)** If a decree for an arrear is passed against a tenant other than an absolute occupancy-tenant and remains unsatisfied, the landlord may, at any time before the execution of the decree is barred by limitation, apply to the Court having authority to execute the decree to cause a notice to be served on the tenant, directing him either to pay the amount due under the decree not later than the expiration of the agricultural year, or to surrender his holding not later than that time.

(2) If that amount is not so paid, and the holding is not so surrendered, the Court may in its discretion, but subject to the provisions of this Act, make an order to eject the tenant from the holding.

**73. (1)** Where, in answer to a suit for an arrear, the tenant admits that the arrear is due, but pleads that the produce of his holding during the period in respect of which the arrear is claimed has been

diminished or destroyed by drought, hail or other extraordinary calamity beyond his control, the Court in its discretion may, notwithstanding any contract to the contrary, allow in its decree any deduction from the arrear, and direct payment of the amount decreed (if any) in such instalments (if any) as it thinks fit.

(2) In any such case the Court may order that the provisions of section seventy-two shall not apply to the decree.

(3) In making a decree under this section the Court shall have regard to—

- (a) the value of the produce of the holding for the whole agricultural year in respect of which the arrear accrued; and
- (b) the proportion which the amount of rent payable for that year by the tenant bears to that value.

(4) If in any such suit it appears that the land-revenue of the village in which the holding is situate has been suspended or remitted on account of drought, hail or other extraordinary calamity in respect of the period for which the arrear is claimed, the Court shall presume, until the contrary is shown, that the diminution or destruction alleged by the tenant has taken place.

**74. (1)** A suit for the ejectment of a tenant on the ground that he has done or omitted to do something for doing or omitting to do which he is liable to ejectment, or that he has broken a condition on breach of which he is, under the terms of a contract between him and the landlord, liable to ejectment, shall not be entertained unless the landlord has requested the tenant, where the damage or breach is capable of remedy, to remedy the same, and, in any case, to pay reasonable compensation for the damage or breach, and the tenant has failed to comply within a reasonable time with that request.

(2) A decree passed in favour of a landlord in any such suit shall declare the amount of compensation which would reasonably be payable to the plaintiff for the damage or breach, and whether, in the opinion of the Court, the damage or breach is capable of remedy, and shall fix a period during which it shall be open to the defendant to pay that amount to the plaintiff, and, where the damage or breach is declared to be capable of remedy, to remedy the same.

(3) The Court may, from time to time, extend a period fixed by it under sub-section (2) for remedying a damage or breach.

(4) If the defendant, within the period or extended period (as the case may be) fixed by the Court under this section, pays the compensation mentioned in the decree, and, where the damage or breach is declared by the Court to be capable of remedy, remedies the damage or breach to the satisfaction of the Court, the decree shall not be executed.

**75.** The following rules shall be applicable in the case of every tenant ejected from a holding:—

(a) When the tenant has, before the date of his ejectment, sown or planted crops in any land comprised in the holding, he shall be entitled, at the option of the landlord, either to retain possession of that land and to use it for the purpose of

*Central Provinces Tenancy Act, 1883.**Chapter VIII.—Power to make Rules; Schedule.—Acts repealed.*

tending and gathering in the crops, or to receive from the landlord the estimated value of the labour and capital expended by the tenant in preparing the land and sowing, planting and tending the crops, together with reasonable interest thereon.

(b) When the tenant has, before the date of his ejectment, prepared for sowing any land comprised in his holding, but has not sown or planted crops in that land, he shall be entitled to receive from the landlord the estimated value of the labour and capital expended by him in so preparing the land, together with reasonable interest thereon :

Provided that a tenant shall not be entitled to retain possession of any land or receive any sum in respect thereof under this section when, after the commencement of proceedings by the landlord for his ejectment, he has cultivated or prepared the land contrary to local usage.

**76.** When a landlord elects, under section seventy-five, clause (a), to allow a tenant to retain possession of any land for the purpose specified in that clause, the tenant shall pay to the landlord, for the use and occupation of the land during the period for which he is allowed to retain possession of the same, such rent as the Court may deem reasonable.

**77.** In all suits and proceedings for ejectment, the Court shall inquire into and determine all claims under this Act by the landlord against the tenant as such, or by the tenant against the landlord as such.

**78.** (1) When it appears to a Court making an inquiry under section seventy-seven that the amount payable by the landlord to the tenant as such exceeds the amount payable by the tenant to the landlord as such, the decree or order for ejectment (if any) shall, unless the landlord and tenant come to an arrangement regarding the payment of the excess sum, specify a time within which it must be paid into Court.

(2) If it is so paid within the time specified, the Court shall eject the tenant ; and

if it is not so paid, the Court shall refuse to eject the tenant.

**79.** All decrees and orders for ejectment under this Act shall take effect from the beginning of the agricultural year next following the date of the decree or order.

**80.** (1) If any landlord or tenant of a holding desires that the extent of that holding be ascertained, or that evidence relating to any improvement made in respect thereof, or to

the state of the holding at any specified time, be recorded, he may apply to a Revenue-officer ; and that officer shall thereupon, in presence of the parties,—

(a) make, or cause to be made, such inquiry as he thinks fit, with a view to ascertaining the extent of the holding, and record his finding thereon, or

(b) (where the applicant seeks to have evidence recorded) record that evidence :

Provided that no action shall be taken by any Revenue-officer under this section if he considers that there are no reasonable grounds for making the application, or if the subject-matter thereof is under inquiry in a Civil Court.

(2) When any matter has been recorded under this section, the record thereof shall be admissible in evidence in any subsequent proceedings between the landlord and tenant or any persons claiming under them.

**81.** The period of limitation for a suit instituted by a tenant other than an absolute occupancy-tenant to recover possession of land from which he has been ejected shall be two years from the date on which he is ejected.

In other respects the limitation of every such suit shall be governed by the Indian Limitation Act, 1877.

XV of

## CHAPTER VIII.

## POWER TO MAKE RULES.

**82.** The Chief Commissioner may, from time to time, by notification in the official Gazette, make rules consistent with the provisions of this Act—

(a) for the guidance of Revenue-officers and Settlement-officers in fixing, altering and commutating rents ; and

(b) for the guidance of all other persons in matters connected with the enforcement of this Act.

## SCHEDULE.

(See Section 2.)

## ACTS REPEALED.

Number and year of Act.	Title.
Act X of 1859 ...	To amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.
Act XIV of 1863 ...	To amend Act X of 1859.
Act XXII of 1872 ...	To explain and amend Act X of 1859.

D. FITZPATRICK,

Secretary to the Government of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 7, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th June, 1883, and was referred to a Select Committee on the 27th idem :—

No. 14 OF 1883.

*A Bill to amend the Cattle-trespass Act, 1871.*

1871. WHEREAS it is expedient to amend the Cattle-trespass Act, 1871; It is hereby enacted as follows :—

Power for Local Government to transfer functions of District Magistrate and Local Government to local authority and direct that surplus receipts be credited to local fund.

1. The Local Government may, from time to time, by order notified in the local official Gazette—

(a) transfer to any local authority, within any part of the territories under its administration in which the Cattle-trespass Act, 1871, I of 1871, is in operation, all or any of the functions of the Local Government and the Magistrate of the district under sections four, five, six, seven, twelve, fourteen and seventeen, and clause (a) of section eighteen, of that Act, within the local area subject to the jurisdiction of the local authority ; or

(b) direct that the surplus accruing in any district under section eighteen of that Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may from time to time, in like manner, cancel any order made under this section.

Definitions.

2. In this Act—

“Local authority” means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area ; and

“local fund” means any fund under the control or management of a local authority.

## STATEMENT OF OBJECTS AND REASONS.

By the Central Provinces Local Self-government Act, 1883, (I of 1883), certain functions which under the Cattle-trespass Act (I of 1871), are to be performed by the Local Government or the Magistrate of the District are transferred to the local authorities constituted under the first-mentioned Act, and the surplus proceeds arising under section 18 of the Cattle-trespass Act are directed to be carried to the local funds which are placed under the control of the local authorities. Provisions to the same effect are embodied in the Bill now pending in the Legislative Council of the Lieutenant-Governor of Bengal for the amendment of the system of Local Self-government in that province and in the Bills now pending in the Legislative Council of the Governor General for the amendment of the system of Local Self-government in the North-West Provinces and in the Panjáb. But doubts have been entertained whether, inasmuch as these provisions amount to an amendment of the Cattle-trespass Act, which is an Act of the Governor General in Council, their enactment would not be beyond the powers of a local legislature such as the Legislative Council of the Lieutenant-Governor of Bengal. It has therefore been thought desirable to amend the Act in such a way as to enable Local Governments to make the requisite changes by executive order.

2. The following extracts from the Cattle-trespass Act will explain the nature of the powers which it is proposed by the Bill to confer on Local Governments:—

“4. Pounds shall be established at such places as the Magistrate of the District, subject to the general control of the Local Government, from time to time directs.

“The village by which every pound is to be used shall be determined by the Magistrate of the District.

“5. The pounds shall be under the control of the Magistrate of the District; and he shall fix, and may from time to time alter, the rates of charge for feeding and watering impounded cattle.

“6. The Magistrate of the District shall also appoint for each pound a pound-keeper :

“Provided that, in the Presidency of Fort St. George, the heads of villages, and, in the Presidency of Bombay, the police pátils, or (where there are no police pátils) the heads of villages, shall be *ex-officio* the keepers of village-pounds.

“Every pound-keeper appointed by the Magistrate of the District may be suspended or removed by such Magistrate.

\* \* \* \* \*

“7. Every pound-keeper shall keep such registers and furnish such returns as the Local Government from time to time directs.

“12. For every head of cattle impounded as aforesaid, the pound-keeper shall levy a fine according to the following scale:—

\* \* \* \* \*

“All fines so levied shall be sent to the Magistrate of the District through such officer as the Local Government from time to time directs.

\* \* \* \* \*

“14. If the cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall report the fact to the officer in charge of the nearest police-station, or to such other officer as the Magistrate of the District appoints in this behalf.

\* \* \* \* \*

“If the cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the said officer, or an officer of his establishment deputed for that purpose, at such place and time and subject to such conditions as the Magistrate of the District by general or special order from time to time directs :

“Provided that if any such cattle are, in the opinion of the Magistrate of the District, not likely to fetch a fair price if sold as aforesaid, they may be disposed of in such manner as he thinks fit.

“17. The officer by whom the sale was made shall send to the Magistrate of the District the fines so deducted.

“The charges for feeding and watering deducted under section sixteen shall be paid over to the pound-keeper, who shall also retain and appropriate all sums received by him on account of such charges under section thirteen.

“The surplus unclaimed proceeds of the sale of cattle shall be sent to the Magistrate of the District, who shall hold them in deposit for three months, and, if no claim thereto be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

“18. Out of the sums received on account of fines and the unclaimed proceeds of the sale of cattle, shall be paid—

“(a) the salaries allowed to pound-keepers under the orders of the Local Government ;

“(b) the expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act ;

“and the surplus (if any) shall be applied, under orders of the Local Government, to the construction and repair of roads and bridges and to other purposes of public utility.”

The 20th June, 1883.

C. P. ILBERT.

D. FITZPATRICK,

Secretary to the Government of India.



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th June, 1883, and was referred to a Select Committee on the 27th idem :—

No. 15 OF 1883.

*A Bill to amend the Native Passenger Ships Act, 1876.*

of 1876. WHEREAS it is expedient to amend the Native Passenger Ships Act, 1876, with a view to provide for the better regulation of the passenger traffic between British India and ports in the Red Sea; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Native Passenger Ships Act, 1883;

Commencement.

and it shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.

of 1876. 2. After clause (c) of section 11 of the Native Passenger Ships Act, 1876, the following clause shall be added :—

“(ce) in the case of any ship sailing to any port in the Red Sea, that she is propelled principally by steam, and, if she is carrying more than one hundred passengers being Natives of Asia or Africa, that she has on board a medical officer licensed in accordance with rules to be made under this Act.”

3. For section twenty-six of the same Act, the following section shall be substituted :—

“26. In the case of every ship sailing from any port in British India to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for any such ship shall not grant the clearance unless and until the owner, agent or master of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint

and several bond, for the sum of Rs. 5,000, conditioned—

“(a) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers; and

“(b) that the master and medical officer (if any) of the ship shall comply with on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships sailing between ports in British India and ports in the Red Sea as the Governor General in Council may, from time to time, make under section forty-six.”

4. In section twenty-seven of the same Act, for the word “thirty” the word “sixty” shall be substituted.

5. To section twenty-eight of the same Act the following words shall be added :—“and the authority empowered to grant the same may refuse to grant a bill of health in the case of any ship on board of which the requirements of the rules made under section 46 are not complied with.”

6. After section twenty-eight of the same Act, the following sections shall be added :—

“28A. Every ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers being Natives of Asia or Africa shall have on board a medical officer licensed in accordance with rules to be made under this Act.

“28B. Every ship sailing from or to any port in British India to or from any port in the Red Sea shall be propelled principally by steam.

“28C. (1) The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct that no passenger of such class as may be specified in the notification shall be received



on board any ship sailing from any port in British India to any port in the Red Sea unless and until he has obtained a certificate from a medical officer to be appointed by the Local Government in this behalf, to the effect that he has been examined by that officer and is not suffering from any dangerously infectious or contagious disease, and is in a fit state of health to undertake the voyage to the port in the Red Sea for which he is bound.

(2) The Governor General in Council may cancel or alter, either in whole or in part, any notification which may at any time be issued under this section.

Addition of new sections after section 38 of same Act.

7. After section thirty-eight of the same Act, the following sections shall be added:—

“38A. If the master of any such ship as is referred to in section twenty-seven, or any medical officer in charge of any such ship, wilfully breaks, or omits or neglects to obey, any rule with regard to those ships made under section forty-six, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

“38B. If any ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers has not on board a medical officer as required by section 28A, the master of the ship shall be punished with fine which may

extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

“38C. The owner and master of any ship sailing from or to any port in British India to or from any port in the Red Sea and not principally propelled by steam shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

“38D. If the master of any ship, while a notification under section 28C is in force, knowingly receives on board his ship any person in contravention of that notification, he shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees for each person so received, or with both.”

8. After clause (b) of section forty-six of the same Act, the following clause shall be added:—

“(bb) the licensing and appointment of medical officers in cases where they are required, under this Act, to be carried”; and after clause (c) of the same section the following clauses shall be added:—

“(cc) the functions of the master, medical officer (if any) and other officers of the ship during the voyage;

“(ccc) the access of intermediate or between decks passengers to the upper deck.

## STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Native Passenger Ships Act, VIII of 1876, with a view to provide for the better regulation of the pilgrim traffic between British India and Arabia. This traffic has formed the subject of correspondence between the Secretary of State, the Government of India and the various local maritime Governments in India. A careful consideration has brought the Government to the conclusion that the importance of the pilgrim traffic makes its detailed regulation imperative, and that, to secure uniformity of procedure, and thereby avoid the friction which must inevitably follow divergence between rules separately framed by different States, it is desirable that, in all the more important points, a common understanding should be come to among the Governments who are chiefly interested in the proper management of that traffic. The establishment of a practical coincidence between the general provisions of the local Turkish regulations and those of the law of India—the country which at present furnishes the largest number of pilgrims to the Hedjaz—can only be effected by diplomatic correspondence between the British and Turkish Governments. But, since experience has shown that the provisions of the Indian law as it at present stands are insufficient to meet the peculiar exigencies of this traffic, and that in some respects they require revision, it seems desirable, before attempting to bring about an assimilation of the British and Turkish laws, to make such amendments of our own law as are necessary to put it in a satisfactory state.

2. The Indian law on this subject is contained partly in the provisions of the Native Passenger Ships Act, 1876, and partly in those of the rules framed under that Act. With a view to the amendment of the latter, the Government of India has already submitted to the Secretary of State a copy of a draft set of rules, which have been framed on the model of those regulating the transport of emigrants from India to the English and French colonies, and which it proposes to issue under the Native Passenger Ships Act, 1876, as rules regulating the conveyance of Native passengers between the ports of India and of the Hedjaz. With a view to the amendment of the former, the present Bill has been prepared.

3. Section 2 adds to section 11 of the Native Passenger Ships Act, 1876, a provision requiring the certificate given under that section to contain in the case of a ship sailing to the Red Sea a declaration that she is propelled principally by steam, and when the ship carries more than 100 Native passengers a declaration that she has on board a licensed medical officer. The effect of this will be that such ships will not be able to obtain a port-clearance (see section 9) unless they comply with these requirements.

4. Section 3 amends section 26 of the Act, by requiring the bond given under that section to be conditioned for the observance of the provisions of the Act and of such rules with regard to Native passenger ships sailing to the Red Sea as the Governor General in Council may make under section 46 of the Act. The object of this amendment is to enable the Government of India to enforce the observance of its rules beyond the limits of its jurisdiction.

5. The substitution (by section 4 of the Bill) of 60 for 30 as the number of passengers which must be on board a ship in order that section 27 of the Act may apply follows as a necessary consequence of the provision that all ships are to be propelled by steam (see section 2 of the Act).

6. Section 5 empowers the authorities at Aden to refuse a bill of health to a ship if the requirements of the rules are not complied with.

7. The sections (28A, 28B and 28C) which section 6 adds to the Act require every ship sailing to or from the Red Sea and carrying more than 100 Native passengers to have a licensed medical officer, and every Native passenger ship sailing to or from the Red Sea to be propelled principally by steam, and empower the Governor General in Council to issue a notification directing that no passenger of such description as may be specified in the notification shall be received on board any such ship until he has obtained a certificate from a prescribed medical officer certifying that he is not suffering from any infectious or contagious disease, and is in a fit state of health to proceed to the port to which he intends to proceed.

With regard to section 28A, the Government has no doubt that the presence of a medical officer on board will serve to diminish many of the hardships from which pilgrims now suffer, especially if he is by rule made responsible for seeing that the sanitary and dietary arrangements on board are properly managed, and if he is liable to be disqualified for any breach of duty on his own part. It may not always be possible to secure Muhammadan medical men for this service, but endeavours will be made to supply officers of that persuasion in preference to others. Section 28B speaks for itself. Section 28C may have to be enforced, at the instance of the European powers, as a precaution against the possible introduction of epidemic disease by Indian pilgrims into Arabia.

8. Section 7 imposes penalties for breaches of the requirements of the Bill.

9. Lastly, by section 8, certain words are added to section 46 of the Act to enable the Governor General in Council to make rules to regulate the licensing of medical officers and the functions of those officers and of the officers of the ship generally, and ensure to the passengers free access to the upper deck.

*The 20th June, 1883.*

C. P. ILBERT.

D. FITZPATRICK,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th June, 1883, and was referred to a Select Committee on the 27th idem:—

## No. 16 of 1883.

*Note.*—B. B. in the margin of this Bill refers to the Bill submitted by the Chief Commissioner.

*A Bill to authorize the making and to regulate the working of Street Tramways in Rangoon.*

WHEREAS the Municipal Committee of the Town of Rangoon, by an agreement dated the 22nd

Preamble. day of June, 1882, a copy whereof is set forth in the schedule annexed to this Act, granted, for the considerations therein expressed, to John William Darwood, his heirs, executors, administrators and assigns, hereinafter called the grantee, the right to construct, maintain and use a tramway or tramways in Rangoon upon the terms subject to the conditions and in the manner mentioned in the said agreement, but the said agreement was made subject to the confirmation thereof by the Chief Commissioner of British Burma and to the recognition thereof by an Act of the Governor General in Council;

and whereas the said agreement was, on the 13th day of November, 1882, confirmed by the Chief Commissioner of British Burma; and it is now expedient to recognise it and give effect to it, subject to the provisions and limitations hereinafter contained; It is hereby enacted as follows:—

*A.—Preliminary.*

1. This Act may be called the Rangoon Tramways Act, 1883;

Short title.  
Commencement.

and it shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context—

“Committee” means the Committee for the town of Rangoon appointed under the British Burma Municipal Act, 1871.

“Tramway,” means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway.

“Street” means the way of any street, road, thoroughfare, passage or place along or across

which any tramway authorised by this Act is or is intended to be laid, and includes the surface soil and subsoil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

*B.—Powers of Grantee generally.*

3. Subject to the provisions of this Act, and to the terms and conditions of

Power to make, maintain and use tramways. the said agreement so far as the same are not inconsistent with this Act, the grantee may make, maintain and use any of the tramways for the construction, maintenance and use of which provision is made in the said agreement:

Provided that any such tramway shall not be opened for public traffic until it has been inspected and certified by the engineer to the Committee to be fit for such traffic.

*C.—Construction and Maintenance of Tramways and of Streets on which they are laid.*

4. Subject to the terms and conditions of the said agreement, the grantee may, from time to time, for the

Power to grantee to break up streets. purpose of constructing, maintaining or renewing any tramway under this Act, open and break up any street, and therein or thereon lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on any such street all other acts which may, from time to time, be necessary for constructing, maintaining or renewing the tramway.

Provided that he shall not, without the consent of the Committee, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length; and in the case of any street exceeding a quarter of a mile in length, he shall leave an interval of at least a quarter of a mile between any two places at which he may open or break up the street, and shall not open or break up at any such place a greater length than one hundred yards.

5. The grantee shall, at his own expense, at

Grantee to keep the tramways and adjoining part of street in repair. all times maintain and keep in good condition and repair, in such manner as the Committee from time to time directs, all tramways constructed by him under this Act, and so much of any street as lies between the rails of any such tramway; and in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway.

6: When the grantee has for the purposes of section 4 or section 5 opened or broken up any portion of a street, he shall be under the following further obligations, namely:—

- (a) He shall, with all convenient speed, and in all cases within six weeks at the most, unless the Committee otherwise consent in writing, complete the work for which the street has been broken up, and fill in the ground, and make good the surface, and, to the satisfaction of the Committee, restore the street to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby.
- (b) He shall, in the meantime, cause the place where the street is opened or broken up, to be fenced and watched, and to be properly lighted at night, and,
- (c) He shall make good all damage done to drains, sewers, water-pipes and gas-pipes, and to the wires or other materials or things used for any system of lighting, and whether belonging to the Committee, to the Government, or to private persons, and shall make compensation for any other damage done in the execution of the powers granted to him.

34 Vic., ss. 32, 34.] 7. (1) Nothing in this Act shall prevent the Committee from opening, breaking up, widening, altering, diverting or improving any street traversed by a tramway for the purposes for which they might otherwise under the law for the time being in force lawfully open, break up, widen, alter, divert or improve such street

Provided that—

- (a) they shall cause as little detriment or inconvenience to the grantee as circumstances admit; and
- (b) before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the grantee not less than eighteen hours previous notice of their intention to commence the work, specifying the time at which they will commence it.
- (2) The Committee shall not be liable to pay to the grantee any compensation for injury done to the tramway by the execution of any work referred to in sub-section (1) or for loss of traffic occasioned by the reasonable exercise of their powers in connection with the same.

*D.—Rights over Tramways and Streets on which they are laid.*

34 Vic., ss. 34, 35.] 8. The grantee shall subject to the provisions of this Act and to the terms right over tramways, and conditions of the said agreement, have the exclusive use of his tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail.

34 Vic., ss. 34, 35.] Provided that nothing in this Act shall affect

- (a) The right of the public to pass along or across any part of any road, along or across which any tramway is laid, whether on or

off the tramway with carriages not having flange wheels or wheels suitable to run on a grooved rail; or

- (b) the right of the Commissioners for the Port of Rangoon, or of any other body or person entitled at the time of the commencement of this Act to work and maintain a tramway, to pass across any tramway constructed under this Act with carriages having flange wheels or wheels suitable to run on a grooved rail.

9. Notwithstanding anything in this Act, [33 & 34 V c. 78, s. 61] the grantee shall not acquire any right other than that of user only. [B. B., s. 2] that of user of any street along or across which he lays any tramway.

10. Nothing in this Act shall affect the powers [33 & 34 V c. 78, s. 61] of the Committee or the police to regulate the passage of any traffic along or across any street along or across which any tramway is laid down, and the Committee or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the grantee as to the traffic of other persons. [B. B., s. 2]

*E.—Traffic on Tramways.*

11. The grantee may, from time to time, by [B. B., s. 1] a notice published in such languages and in such manner as the Chief Commissioner may prescribe, fix the rates of fares and charges for carrying passengers and goods in his carriages: [33 & 34 V c. 78, s. 45]

Provided that the rates of passenger fares shall not exceed one anna per mile for each passenger in the lower class and two annas per mile for each passenger in the higher or first class.

12. The fares and charges by this Act authorized shall be paid to such [B. B., s. 11] Mode of payment of fares. persons at such places, upon or near to the tramways, and in such manner and under such regulations as the grantee may, by a notice published as aforesaid, from time to time prescribe.

13. (1) No person shall be entitled to carry or [B. B., s. 22] Carriage of dangerous or offensive goods. to require to be carried on any tramway constructed under this Act any goods of a dangerous or offensive nature.

(2) Every person taking such goods with him on any such tramway shall before entering the carriage give notice of their nature to the servant of the grantee in charge of the carriage.

(3) Every person sending such goods by any such tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the book-keeper or other servant of the grantee with whom the same are left at the time of such sending.

(4) The grantee may refuse to take any parcel which he may suspect to contain goods of a dangerous or offensive nature, or require the same to be opened to ascertain the fact.

*F.—Offences and Penalties.*

Penalty for failure of grantee to comply with provisions of this Act. 14. If the grantee— [33 & 34 V c. 78, s. 2] [B. B., s. 17]

- (a) constructs or maintains any tramway, or runs any car or carriage thereon otherwise than in accordance with the said agreement;

(b) opens any tramway for traffic before it has been inspected and certified in manner required by section 3;

(c) opens or breaks up any street otherwise than as permitted by this Act, or having opened or broken up a street fails to discharge any of the obligations imposed on him by section 6, clauses (a) and (b); or

(d) fails to keep the rails of any tramway and the portions of the street adjoining the same in repair as required by section 5

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act or of the said agreement or to any other remedy against him), on complaint of the Committee or of any person injuriously affected thereby, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for each day after the first day during which the offence continues to be committed.

[B. B., s. 18.]  
[32 & 34 Vic.,  
c. 78, s. 49.]

15. Any person who wilfully obstructs any per-

son acting under the authority of the grantee in the exercise of his powers.

Penalty for obstructing grantee in the exercise of his powers in constructing, repairing or renewing a tramway, or injures or destroys any mark, made for the purpose of setting out the line of the tramway, shall be punished with fine which may extend to fifty rupees.

[B. B., s. 19.]  
[33 & 34 Vic.,  
c. 78, s. 50.]

16. Any person who without lawful excuse

(the proof whereof shall lie on him) wilfully does any of the following things, namely,—

(a) interferes with, removes or alters any part of a tramway constructed under this Act or of the works connected therewith;

(b) does or causes to be done anything in such a manner as to obstruct any carriage using any such tramway; or

(c) knowingly aids or assists in the doing of such thing,

shall be punished with fine which may extend to one hundred rupees.

[B. B., s. 22.]  
[33 & 34 Vic.,  
c. 78, s. 53.]

17. Any person taking or sending by any tram-

way any goods of a dangerous or offensive nature without giving the notice required by section 13 shall be punished

with fine which may extend to fifty rupees.

[B. B., s. 20.]  
[33 & 34 Vic.,  
c. 78, s. 51.]

18. If any person travelling or having travelled

in any carriage of the grantee avoids or attempts to avoid payment of his fare, or

if any person having paid his fare for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit the carriage, he shall be punished with fine which may extend to ten rupees.

[B. B., s. 21.]  
[33 & 34 Vic.,  
c. 78, s. 52.]

19. Any servant of the Grantee, and any person called in by him for his assistance, may arrest and take to the nearest police-station any person who is discovered either in or after committing or attempting

to commit an offence punishable under section 18, and whose name and residence is refused by him, and is unknown to such servant or person, and the police-officer in charge of the police-station, on receiving a complaint that such an offence has been committed, shall adopt such legal measures as may be necessary to cause the accused person to be taken before a Magistrate with the least possible delay.

#### G.—Powers to make Rules.

20. (1) The Committee in special meeting may, with the sanction of the Chief Commissioner, from time to time make such rules consistent with this Act as to the rate of speed, number of passengers, and mode of use of the tramways and as to the licensing and control of drivers, conductors and other persons having charge of the carriages of the grantee as the convenience and safety of the public may require.

(2) The grantee may, with the like sanction, from time to time, make rules consistent with this Act for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to him; and

for regulating the travelling in any carriage belonging to him.

(3) The authority making any rule under this section may prescribe as a punishment for the breach of it a fine which may extend to twenty rupees.

(4) All rules made under this section shall be published in the *British Burma Gazette*.

#### H.—Miscellaneous.

21. For the purpose of clause 15 of the agreement set forth in the schedule annexed to this Act, the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the grantee.

22. The plant, rolling-stock and other vehicles, yards, workshops engine-sheds and depôts of the grantee shall, for a period of five years from the passing of this Act, be exempt from all municipal taxation except such lighting and water-rates as may from time to time be payable in respect of the yards, workshops, engine-sheds, and depôts.

23. Nothing in this Act shall exempt the grantee or any tramway constructed by him under this Act from the provisions of any general enactment relating to tramways now in force or which may hereafter be passed.

#### SCHEDULE.

ARTICLES OF AGREEMENT made this 22nd day of JUNE 1882 BETWEEN THE MUNICIPAL COMMITTEE OF THE CITY OF RANGOON appointed under the British Burma Municipal Act, 1874, hereinafter called the said Committee, of the one part, and JOHN WILLIAM DARWOOD, of Rangoon, hereinafter called the said Grantee, of the other part. WHEREAS the said Committee have, subject to the confirmation thereof by the Chief Commissioner of British Burma and to the recognition of this Agreement by an Act of the Governor General of India in Council, agreed to grant to the said Grantee the right to construct, maintain and use a tramway or

tramways in Rangoon upon the terms and conditions hereinafter contained, NOW THESE PRESENTS WITNESS that in consideration of the covenants and agreements hereinafter contained and on the part of the said Committee to be performed, the said Grantee for himself, his heirs, executors, administrators and assigns doth covenant with the said Committee, so far as the covenants and conditions hereinafter contained are to be performed by the said Grantee and his heirs, executors, administrators and assigns, and the said Committee, for and in consideration of the covenants and agreements hereinafter contained and on the part of the said Grantee, his heirs, executors, administrators and assigns to be performed, do hereby covenant with the said Grantee, his heirs, executors, administrators and assigns so far as the covenants and agreements hereinafter contained are to be performed by the said Committee in manner following, that is to say :—

1. The said Committee grant to the said Grantee and his heirs, executors, administrators and assigns, all which persons are hereinafter included in the words "the said Grantee," the right to construct, maintain and use a tramway or tramways, with single or double tracks or lines, and with all necessary sidings, turnouts, connections and lines, or tracks of whatever nature which may be required to connect the said tramway or tramways with the depôts of the said Grantee (but in the case of sidings and turnouts, only in such places as the said Committee may sanction), on the following routes and between such other places and by such other routes as may be hereafter approved of by the said Committee :—

The tramways referred to and now authorised for construction subject to such confirmation as aforesaid are :—

I.—A tramway with a double track or line along China Street and Pagoda road from the Strand road at its junction with China street to the Shway Dagone Pagoda.

II.—A tramway with a double track or line along the Strand road from East street to West street.

III.—A tramway with a double track or line along Dalhousie street from East street to the junction of Dalhousie street with the Strand road.

IV.—A tramway with a double track or line along Soolay Pagoda road from the Strand road to Montgomery street and along Montgomery street to the Phayre street railway station and along Montgomery road to the iron bridge near the bazar at Poozoondoung.

V.—A tramway with a double track or line from the Strand road down Barr street to Shafraz road round the Public Buildings back into the Strand road.

2. When approved of and desired by the said Committee, tramways with such tracks or lines as may be approved of by the said Committee from East street to Monkey point and along the Upper and Lower Poozoondoung roads to Monkey point, and along Merchant street, Fraser street and Canal street, and along Lower Kemmendine road from the Strand road, Kemmendine, to the junction of West street with the Strand road.

3. The said tramway or tramways to be constructed and maintained in such form and manner

and upon such gradient and with such gauge as the said Committee may approve, and the cars and carriages intended to run on the said rails shall be such as are approved of by the said Committee.

4. The cars and carriages of the Grantee on the tracks or lines of the said tramway shall, unless with the consent of the said Committee, be worked with steam power of the most approved engine of the time only, and the said Committee shall have power at all times to make such regulations as to the rate of speed and mode and use of the said tracks or lines as the convenience and safety of the public using the streets may require.

5. The said Grantee shall have power from time to time to fix the rate of fares for carrying persons and goods in the cars or carriages to be run on the said tramway or tramways, provided that the rates of fares shall for any distance not exceed the rate of one anna per mile for the lower class and two annas per mile for the higher or first class for each passenger.

6. The said Grantee may, for the purpose of constructing and maintaining such tramways under such superintendence as is hereinafter specified, open and break up the soil and metalled way of the several streets, roads and bridges in the city and thereon lay sleepers and rails, and from time to time repair, alter or remove the same, and may, for the purposes aforesaid, remove and use all earth and materials in such streets, roads and bridges, and the said Grantee may, in and on such streets, roads and bridges, do all other acts which he shall from time to time deem necessary for constructing and maintaining street tramways in the said city, doing as little damage as may be in the execution of the powers hereby granted, and shall make good all damage done to drains, sewers, water and gas pipes, or to the wires or other materials or things used for any other system of lighting, and whether belonging to the said municipality or to private individuals, and shall make compensation for any other damage done in the execution of such powers.

7. Before the said Grantee proceeds to open or break up any street, road or bridge other than those referred to in sub-clauses from I to V in clause 1, he shall obtain the approval in writing of the said Committee, to the tracks or lines of the said tramway being laid down on the said streets, roads or bridges, and the said Grantee, before opening or breaking up any street, road or bridge, shall give to the said Committee or their Executive Engineer, or other municipal officer duly appointed for that purpose, notice in writing of his intention to open or break up the same not less than three clear days before beginning such work, except in such cases of emergency arising from defects in any of the rails or other work, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

8. No street, road or bridge shall, except in cases of emergency as aforesaid, be opened or broken up, except under the superintendence of the said Committee or of their Executive Engineer or of some other municipal officer duly appointed for that purpose, and according to such plans as shall be approved of by him or them : provided always that if the said Committee or their Engineer or other such officer as aforesaid fail to attend at the time fixed for the opening of any



such street, road or bridge after having had such notice of the said Grantee's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Grantee may perform the work specified in such notice without such superintendence as aforesaid.

9. When the said Grantee opens or breaks up the roadway or pavement of any street, road or bridge, he shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and make good the roadway or pavement so opened or broken up as aforesaid, and carry away the rubbish occasioned thereby and deposit the same for the use of the said Committee at such place as the Executive Engineer of the said municipality shall direct, and shall at all times whilst any such roadway or pavement shall be so opened or broken up cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such roadway or pavement where the same shall be open or broken up every night during which the same shall continue open or broken up.

10. If the said Grantee opens or breaks up any street, road or bridge without giving such notice as hereinbefore mentioned or in a manner different from that which shall have been approved of or determined as aforesaid except in the cases in which the said Grantee is hereby authorized to perform such work without any superintendence or notice, or if the said Grantee shall make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good, so far as is consistent with the existence of the said tramway, the roadway or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if he neglect to cause the place where such roadway or pavement has been broken up to be guarded and lighted, he shall forfeit to the said Committee a sum not exceeding fifty (50) rupees for every such offence, and he shall forfeit an additional sum not exceeding fifty (50) rupees for each day during which any such delay or neglect as aforesaid shall continue after he shall have received notice thereof.

11. The said Grantee shall maintain and keep in repair such portion of the streets, roads and bridges in the City of Rangoon as shall be occupied by his tracks or lines, including therein not only the space between his tracks or lines but a space eighteen inches on either side thereof, and in consideration of the maintenance of such streets, roads and bridges as aforesaid, and of the yearly rent hereinafter mentioned to be paid by the Grantee, the plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the said Grantee shall be exempt from municipal taxation for a period of five years, except lighting and water-rates for such yards, workshops, engine-sheds and depôts.

12. The said Grantee shall be liable for any loss, damage or injuries that any person or persons may sustain by reason of any defect or want of repairs in any of the plant, rolling-stock or other properties of the said Grantee, or by reason of any carelessness, neglect or misconduct of his agents or servants in the management, construction or use of the said tramways or any portion thereof, or in the exercise of the power given by clauses 6, 7, 8, and 11; the same shall be made

good by the said Grantee, and in the event of any suit being instituted against the said Committee in respect of any of the matters hereinbefore mentioned, the said Grantee shall, within fourteen days from the receipt of a notice thereof from the said Committee, settle the same; but if the said Grantee choose to defend such suit, he shall be at liberty to do so upon his undertaking to indemnify the said Committee against all losses, damages and expenses in respect thereof: provided always that, if the said Grantee fail to settle such suit or to indemnify the said Committee as is hereinbefore provided, it shall be lawful for the said Committee to settle the same without any consent or concurrence on the part of the said Grantee, and the sums which they shall have to pay in making such settlement, together with interest thereon at the rate of 8 per cent. per annum from the date of payment, and with all expenses which they may be put to, shall be recoverable as a debt from the said Grantee.

13. Nothing in this agreement shall be construed to prevent the said Committee from taking up any of the public streets or roads traversed by the said tramway for the purposes for which the said Committee may lawfully take up the same, and that the said Grantee shall have no right to claim cost from the said Committee for obstructing the tramway or causing delay in the traffic so long as the delay shall not be unreasonable for the work to be performed.

14. If the said Committee shall hereafter alter the level of any street, road or bridge along or across which any tramway by this agreement authorized is laid or authorized to be laid, the Grantee shall alter or (as the case may be) lay his rails to suit the altered level of such street, road or bridge, provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways, and in any case so as not to stop or prevent the free use or working thereof.

15. If at any time after the opening of any tramway for traffic the said Grantee shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the said Grantee), it shall be lawful for the said Committee, without any previous notice to the said Grantee, to remove the tramway or part of the tramway so discontinued, and the said Grantee shall pay to the said Committee the cost of such removal and of the making good of the street, road or bridge, and the certificate of the said Committee or of their Engineer as to such cost shall be conclusive.

16. The provisions of this agreement shall remain and be in force for a term not less than twenty-one (21) years from the date thereof. The said Committee shall have the right of purchasing the said tramways with the plant, stores, rolling-stock, sheds, depôts and yards, and everything connected therewith after the expiration of the said twenty-one (21) years upon declaring its intention so to do within six months after the expiration of the said twenty-one (21) years; the amount to be paid in the event of such purchase shall be the actual *bona fide* value at the termination of this agreement exclusive of any compensation for goodwill, premium on compulsory sale or other consideration whatever of the tramways and of the work and materials connected therewith

and of the lands and buildings and all other the property of the Grantee, such value to be decided by mutual agreement or by arbitration as hereinafter provided.

17. The provisions hereinbefore contained shall, so far as applicable, apply to all tramways to be constructed by the said Grantee by any route or routes to be hereafter sanctioned by the said Committee and to the works connected with or incidental to such tramways, it being agreed that in the event of the municipality failing to declare its intention as above provided to purchase the property of the said Grantee the terms of this contract shall continue in force during the period of six months from the date of the determination of these presents and for a further period of six months, and if the said Committee shall not within that time exercise the option of purchase hereby given, the said Committee and the said Grantee shall enter into a fresh agreement.

18. The said Grantee will, if required by the said Committee before opening up the roadway of any street, road or bridge, deposit with the Bank of Bengal in the name of the said Committee the sum of rupees five thousand (5,000) or, in their option, promissory notes of the Government of India of the nominal value of rupees five thousand (5,000), and the same will remain so deposited until the completion by the said Grantee of the abovementioned lines of tramway herein sanctioned for construction. All interest accruing on the said sum, or the said notes, shall be credited to the said Grantee, and, subject as next hereinafter mentioned, be paid to him as the same accrues due. The said Committee shall be entitled to deduct all fines recoverable by the said Committee and all monies to which they may be entitled under any clause or clauses of these presents out of the sum so deposited, or the interest accruing on the said sum or notes, or out of the proceeds of sale of a portion of the said notes on completion of the tramways herein sanctioned for immediate construction.

19. In consideration of the concession herein granted, the said Grantee undertakes on behalf of himself, his heirs, executors, administrators and assigns that he will pay to the said Committee a yearly rent of rupees three thousand (3,000) per mile of double track or line and rupees two thousand (2,000) per mile of single track or line, payable half-yearly; the date on which such rent on each line of tramway shall begin to accrue shall be the date on which such line of tramways is open for public traffic.

20. It is agreed that the tramway or tramways from the Strand road along Barr street and Shafraz road round the Public Buildings and back to the Strand road should not be included, and that no sidings, turnouts or tracks necessary to connect the traffic lines with the carriage-sheds, engine-sheds, factories, depôts, yards or other property or properties of the said Grantee shall be included in the mileage on which rent is to be paid, the tramway or tramways more particularly described in this paragraph, and such sidings, turnouts and necessary connecting tracks or lines, being free of rent.

21. The sleepers, rails, materials and implements, and other erections placed and erected by the said Grantee on the streets, bridges or roads under the powers hereby granted shall be and remain the property of the said Grantee, and the said Grantee shall have the exclusive use of his

tramway or tramways for carriages with flanged wheels or other wheels suitable only to run on the prescribed rail.

22. The prescribed rail is that known as the box rail introduced by Mr. Robinson Souttar, to be made of Bessemer steel of the weight of sixty pounds to the yard, or such other rail of such weight as may be approved by the said Committee.

23. The said Grantee shall have the exclusive right of laying and using tramways within the limit of the Rangoon Municipality on the terms herein stated, but in the event of the said Grantee refusing to lay down any line when the said Committee may consider it necessary, the said Committee shall be at liberty to grant the right of laying and using such line to any other party.

24. Unless the said Grantee shall have commenced the work of laying down the said tramways within twelve months from the date of the execution of these articles of agreement, the said Committee shall be at liberty to cease and determine this contract and to enter into arrangements with any other person or persons for the construction of tramways, it being agreed, however, that these conditions of contract are subject to the sanction of Government, and that, in the event of their being executed prior to such sanction being given, the said 12 months shall date from the day on which notice of such sanction is given to the said Grantee, provided also that any delay in commencing the work beyond 12 months shall not have been due to any cause beyond the control of the said Grantee.

25. If any doubt, difference or dispute shall arise between the said Grantee and the said Committee touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons, one to be chosen by the said Grantee and the other by the said Committee within one calendar month after either of them shall have made to the other a requisition to that effect, and should the arbitrators fail to agree, they shall refer the question or questions at issue to the decision of an umpire to be chosen by the said arbitrators, and the decision of such arbitrators if they agree, or of such umpire if they disagree, shall be final; and in case either party shall neglect or refuse to appoint an arbitrator within the specified time, the arbitrator appointed by the other party shall make a decision alone, and the decision of such arbitrators, umpire or arbitrator, as the case may be, shall be effectual and binding upon both parties.

26. The said Grantee is to be at liberty to form a Company or Limited Liability Company for the purpose of constructing, maintaining and working the tramways authorized by or hereafter to be authorized, under the terms of this agreement. The words "the said Grantee" used in this agreement shall include such Company or Limited Liability Company so formed as aforesaid.

27. The words "the said Committee" used in this agreement shall include the present Committee and their successors, and also persons empowered by the said Committee or their successors or by other duly constituted authority to do any act or thing or exercise any powers or authorities which the said Committee are hereinbefore authorized or empowered to do or exercise.

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**STATEMENT OF OBJECTS AND REASONS.**

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ON the 22nd June, 1882, the Municipal Committee of Rangoon entered into an agreement with Mr. J. W. Darwood, by which they conferred upon him the exclusive right to construct and work public tramways within the limits of the municipality, and arranged with him for the construction and working of certain specified tramways and of such others as might from time to time be determined on.

2. An agreement of this description, it need hardly be said, requires to be supported and supplemented by legislation. Statutory powers are needed by the grantee of the concession to enable him to exercise with safety the powers over the public streets which the agreement purports to confer on him. Statutory penalties must be provided, in order, on the one hand, to impose an efficient check on the abuse of those powers and enforce the conditions upon which they are conferred, and, on the other, to prevent any improper interference with the exercise of them.

3. It is further desirable to fix by a legislative enactment a maximum limit to the fares to be charged, and to provide a penalty for evading the payment of fares and empower the servants of the grantee in certain cases to arrest persons charged with this offence.

4. Lastly, it is desirable to confer upon the municipal authority and upon the grantee a power to make rules regarding the working and use of the tramways, and to impose a small pecuniary penalty for the breach of such rules.

5. The above are the principal matters provided for in the present Bill, which, it should be stated, has been prepared on the principle of restricting the action of the legislature to those points for which the agreement does not sufficiently provide. The only other matters to which attention need here be directed are, first, that the carriage of goods of a dangerous or offensive nature is placed by the Bill under very much the same species of control as the carriage of dangerous goods is by the Railway Act; and secondly, that, in consideration of the grantee being obliged to keep a considerable portion of the roadways in repair, his premises and rolling-stock are exempted for five years from all municipal taxation, except lighting and water rates.

*The 20th June, 1883.*

C. P. ILBERT.

D. FITZPATRICK,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th June, 1883, and was referred to a Select Committee on the 27th idem :—

## No. 17 OF 1883.

*A Bill for the protection of Inventions exhibited in the Exhibitions of India.*

WHEREAS it is expedient that such protection as is hereinafter mentioned should be afforded to the inventors of new manufactures who are desirous of exhibiting them at Exhibitions to be held in India; It is hereby enacted as follows :—

Short title.                   1. This Act may be called the Protection of Inventions Act, 1883;

Commencement.           and it shall come into force at once.

2. It shall be read with and taken as part of Act XV of 1859 (for granting exclusive privileges to inventors).

3. If, within six months from the time of the opening of an International Exhibition, a person, being the inventor and exhibitor of any manufacture exhibited at that Exhibition, petitions the Governor General in Council under Act XV of 1859, for leave to file a specification of his invention, the circumstance that the invention has at any time after the opening of the Exhibition been publicly used or made publicly known shall not prevent the invention being deemed to have been at the time of presenting the petition a new invention for the purposes of the said Act.

4. In this Act, "International Exhibition" means the International Exhibition to be held in the year one thousand eight hundred and eighty-four at Calcutta, and any Exhibition to be held in India which the Governor General in Council may, upon the application of any persons desirous of holding the Exhibition, by notification in the *Gazette of India*, declare to be, in the judgment of the Governor General in Council, calculated to promote Indian art or industry, and to prove beneficial to the mercantile, agricultural or industrial classes of Her Majesty's subjects in India.

## STATEMENT OF OBJECTS AND REASONS.

THIS Bill has been prepared in view of the forthcoming International Exhibition which it is proposed to hold in Calcutta next cold weather. It has been brought to the notice of Government that the want of some such protection as the Bill affords might probably deter inventors of unpatented inventions from sending them, and thus prevent the exhibition of some interesting exhibits.

2. It has been found necessary in England, and also, it is believed, in the Australian colonies, to legislate on this subject.

The Bill is drawn on the model of the Protection of Inventions Act, 1870 (33 & 34 Vic., cap. 27), but necessarily differs from it in details, inasmuch as the system of protection to inventions in force in this country differs from that in force in England in many respects, and, among others, in permitting an inventor to use his invention, or allow others to use it, publicly for a year without losing his right to protection. The effect of the Bill, if it becomes law, may be shortly stated to be that, if an inventor exhibiting his invention applies within six months from the opening of the exhibition for leave to file a specification, the circumstance of the invention having been publicly used or publicly made known after the opening of the exhibition will not affect his rights.

3. To prevent the necessity for similar legislation in the case of other exhibitions which may hereafter be held, section 4 of the Bill defines the term "International Exhibition" as meaning, not only the contemplated "International Exhibition" to be held at Calcutta, but any exhibition to be held in India which the Governor General in Council may, upon the application of any persons desirous of holding the exhibition, by notification in the *Gazette of India*, declare to be, in the judgment of the Governor General in Council, calculated to promote Indian art or industry, and to prove beneficial to the mercantile, agricultural or industrial classes of Her Majesty's subjects in India.

The 20th June, 1883.

C. P. ILBERT.

D. FITZPATRICK,  
Secretary to the Government of India.



GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 20th  
June, 1883.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

CENTRAL PROVINCES TENANCY BILL.

The Hon'ble MR. ILBERT moved that the Reports of the Select Committee on the Bill to consolidate and amend the law relating to Agricultural Tenancies in the Central Provinces be taken into consideration. He said :—

“It appears to be my fate just at present to act as foster-father to Rent Bills. The calamity which called away Sir Stuart Bayley to Haidarábád in February last placed me in temporary charge of the Bengal Tenancy Bill; the accident which called away my friend Mr. Charles Crosthwaite to British Burma has now placed me in charge of the Central Provinces Tenancy Bill. I am anxious to define the precise relationship in which I stand to this measure, because it is important to bear in mind that it is essentially a local Bill, framed by officers of local experience with special reference to local circumstances and local requirements. It was originally drawn by Mr. Jones, now Chief Commissioner of the Central Provinces, under instructions which were given to him as long ago as 1873. It was introduced into this Council in 1880 by my friend Mr. Charles Grant, who, before he became Secretary in the Foreign Department, had a long connexion with the Central Provinces as District Officer and Judicial Commissioner, acted at one time as Chief Commissioner and is well known as the Editor of the Central Provinces Gazetteer. After its introduction it was referred by the late Chief Commissioner for the consideration of a local committee, consisting of Messrs. Crosthwaite, Neill and Chisholm, who materially altered it, and in its altered form it was placed in the charge of Mr. Crosthwaite, then an Additional Member of this Council. Of the Bill in its present form, Mr. Crosthwaite has more claims than anyone else to be considered the author, and it substantially embodies the views and opinions of the late Chief Commissioner, and of the local committee appointed by him.

“Mr. Crosthwaite was kind enough to prepare for me, before he left for Burma, a careful note of what he had intended to say on the present occasion, and in the explanations which I now have to offer I shall draw freely on that note.



“The subject-matter of the Bill is difficult and complicated, and I am afraid that I shall not be able to make intelligible to the Council the modifications which we propose to make in the system of land-tenure in the Central Provinces without giving some account of the system which we found when we took over those provinces and of the system which we established after taking them over.

“The territories which now make up the Central Provinces were acquired by the British Government at different times and from different quarters, and, after they had passed under British rule, they remained for some time under different administrations. The Sagar and Narbada territories were ceded partly by the Peshwa in 1817 and partly by the Nágpur Rájá in 1818; the Nágpur Province was ceded as a whole in 1853, small portions of it having been under British rule since 1817; all these territories were combined under the name of the Central Provinces, and placed under a Chief Commissioner in 1861; Sambalpur was added to them in 1862, and Nimár in 1864. The Sagar and Narbada territories had been for some time attached to the North-Western Provinces, and Sambalpur and Nimár had been directly or indirectly under British administration for many years before they were made part of the Central Provinces.

“It might be expected that the land and revenue systems of territories with such different histories and antecedents would present great and radical divergencies. As a matter of fact, however, this is not the case. ‘The study of the subject to which I have in the course of my present work been compelled,’ says the present Chief Commissioner in a note which he wrote on this Bill in 1880, ‘has convinced me that, in order to a right understanding of the tenures of the different parts of the Province, we must begin by recognizing their original similarity. Diversity, at the present day, there no doubt is, but it is a diversity which has arisen, not from original and inherent difference, but from the fact that in quite recent times—and in the Central Provinces everything is youthful and recent—diverse influences have impressed themselves upon systems which were in all essential respects the same. The position which I would lay down is this, that, speaking broadly, identical revenue-systems prevailed in all the districts of which these Provinces are composed at the time when they severally came under our rule or influence, and that all the differences which they now present are due, first, to the diverse trainings and prepossessions of the officers through whom we administered them; secondly, to difference in the revenue-systems which those officers looked to as models; and, thirdly, to the length of time during which the two preceding conditions have been operating; in short, I would affirm *that such differences as exist are of our own creation.*’

“The explanation of this substantial identity underlying superficial differences is simple. The Mahratta harrow had passed over the whole of these territories and had gone a long way towards reducing them, for revenue-purposes, to one dead-level of uniformity.

“What then was the Mahratta revenue-system? Its fundamental principles may, according to Mr. Jones, be summed up in the following four propositions:—

“I.—Settlements are annual or for very short terms.

“II.—Cultivators pay revenue, not rent, and competition rents are therefore unknown.

“III.—Headmen of villages, or the persons or bodies whom we should regard as possessing rights approximating to proprietary rights, are, in respect of raiyats’ lands, office-holders and managers.

“IV.—No rights are allowed to grow up by prescription or otherwise, the effect of which would be to limit the power of the Government to raise a maximum revenue from the land.

“The essence of the system appears to have consisted in constant revisions of the revenue-assessments, with the view of maintaining them at the highest possible level, and thus preventing the growth of middlemen with rights and interests intermediate between the Government and the cultivator.

“Property in land was not recognized, but every cultivator was entitled to hold his land as long as he paid the share of the Government revenue apportioned to it. The Central Government fixed annually the sum which each pargana or revenue sub-division was to pay. The apportionment of the revenue on the several villages was made by the pargana officers in consultation with the headmen or patéls of villages, who assembled at the pargana head-quarters for this purpose. When the assessment of each village had been settled, the patéls returned each to his own village, and the share to be paid by each cultivator was made known to him.

“The manner in which the detailed assessments were made is interesting and curious, and arose, no doubt, out of the habit of the Mahratta Government of not fixing its revenue until late on in the agricultural year. The usual practice of the Nágpur Government was to announce its assessments about the month of August, when the character of the rains and the probable quality of the harvest were known. Here, however, as elsewhere in India, the agricultural year begins about June, and that is the time when the annual settlements between the Government agent and the raiyats would generally be made. But, as the amount which each raiyat would have to pay depended entirely on the amount of the Government assessment, which in June was an unknown quantity, an ingenious method of meeting the difficulty was devised. The patél and the cultivators, acting as a body bound together by the tie of one common responsibility for the payment of the revenue assessed on their village, divided the cultivated lands into two classes. In one class they ranked the very inferior soils, which could not bear more than a very small rent; and these they assessed at a fixed money rent with respect to the quality of the soil and the ruling prices of produce. In the second class they placed the better soils which, after paying the cost of cultivation, left a considerable margin of profit, sufficient to bear the possible fluctuations in the Government demand. Fields of this class were not assessed at any fixed rate, but the joint liability for the Government revenue on the whole village being taken, say, at a hundred shares, each of these fields was rated as equal to so many shares of the whole. Thus, each individual cultivator knew that he would have to pay a fixed unalterable sum for his bad lands, and that on account of his good lands he was liable to pay a certain fraction of the Government revenue, whatever that might be. This classification and valuation of fields was made annually, with a view to meeting the changes in the condition not only of the fields but of the raiyats themselves. Impartiality in the distribution of the revenue was secured by the rule of joint responsibility. If the revenue imposed on any individual could not be recovered from him, the deficiency was not remitted, but was made good by the imposition of an additional rate on all the others. Thus, there was given not only a great incitement to fair and just dealing, but a considerable stimulus to mutual help and co-operation.

“This system is described by Sir R. Jenkins, who was Resident at Nágpur in 1827, as existing in his time, and the sketch of it which I have given, and which is taken mainly from his well-known report on the territories of Nágpur, appears to show clearly that under the old constitution of the country there was no such thing as a landlord or tenant in our sense of the word, that rent was unknown, and that such things as revenue-rates or rent-rates had no existence at all.

“However, even during the period of Native rule, influences were at work which tended to subvert the ancient order of things. During the decline of the Bhonsla power, the State imposed revenues higher than the people could easily pay, and resorted to the abuse of farming the villages to the patéls or village-headmen, and leaving them to collect what they could from the people. This abuse tended to place the patél in a position of greater supremacy, and to give him powers which were capable of developing into proprietary rights. Here, as elsewhere, the transition from a collector of revenue to a farmer of revenue, and from a farmer of revenue to a receiver of rents, was easy and natural.

“This, then, was, roughly speaking, the state of things which we found in existence when we took over the several territories which make up the Central

Provinces. What modifications did we introduce into it? To answer this question, I shall quote again from Mr. Jones' note:—

‘The history of our dealings with the different parts of the Province as we successively acquired them is, in almost every case, the same. We first made one or more severe settlements for short terms, then tried experiments in farming, interfering a good deal in a patriarchal way between patéls and cultivators, sometimes resorting to khám management, and finally made up our minds to long settlements at reduced jamas. These long settlements—I do not here refer to their effect on the prosperity of the agricultural classes—were the great turning-point in the revenue-history of the Province, and to them every change by which the Native revenue-system was modified, and at last superseded, may be traced.

‘The chief immediate effect of the long settlements was to sever the mutual interdependence of the amount of cultivator's payments and the Government demand. The patél became the málguzár, and was no longer restricted, either by theory or in practice, from demanding rents disproportionate to the jama which he had to pay out of them. Cultivators began to pay rent instead of revenue, and the question arose whether málguzárs could not enhance during the currency of a settlement, irrespective of increase of cultivation; in other words, whether Government had not delegated to them the right, which it would (had the long settlement not been made) have itself exercised, of from time to time raising its revenue by enhancing the payments of cultivators. In the case of the earlier settlements, there can be no doubt that the intention of the officers who made them was that the rents paid at the time of settlement should not be enhanced during the settlement; but in the case of the later settlements the point is not so clear, except where, for instance, in Nimár, the training and prepossessions of local officers led to an unhesitating acceptance of the alternative most favourable to the cultivator. This much, however, is quite clear, that, whether málguzárs were regarded by the officers of the day as having a right to raise rent during the currency of a settlement or not, they did not themselves feel confident of having this right, and never exercised it. They could not all at once shake themselves free of the idea that cultivators could not be asked to pay more than the Government revenue. The position, therefore, at the close of the period preceding the regular settlement was this, that cultivators paid rent and that there was no restriction in the amount of rent which new cultivators might pay, but that rents fixed at the commencement of a settlement remained in practice unaltered to its close.

‘The acquisition by málguzárs of the right to demand rent as distinguished from revenue, and of the theoretical power of raising rent during the currency of a settlement, brought in its train other fundamental changes by which the other roots of the Native revenue-system were torn up, for,—

‘first, málguzárs, having always been accustomed to eject in the interest of the Government tenants who would not pay the quantum of revenue demanded from them, began now, by an easy transition, to think themselves entitled to eject in their own interest tenants who refused to pay the *rent* demanded of them; and,

‘secondly, the resulting tendency to an increased exercise of the power of ejectment being strongly opposed by the sentiment of the people, a limitation was placed upon it by the introduction of a novel distinction between old and new cultivators, and the recognition of a specific right of occupancy in the latter.

‘The change from the Native system of revenue-administration was thus completed. Not one of the principles enumerated in paragraph 4’ (these are the four principles which I have already mentioned) ‘remained intact. Short annual settlements had given way to settlements for long terms; cultivators' payments had become rents; the power of fixing them having been resigned by the State in favour of málguzárs; the latter had acquired rights which made their position approximate more to that of proprietors than of mere office-holders; and, lastly, one class of tenants, the occupancy-class, had been allowed to participate in the full rent of their lands, or, in other words, to acquire rights which conflicted with the right of the State to realize a maximum revenue from the land.

‘But although the Native revenue-system had thus been uprooted in theory, it had not, at the time when regular settlements began, lost its hold on the people, even in those parts of the province where it had been longest exposed to hostile influences. The tenant would not believe that the State had handed him over to the málguzár; would not understand that his rent was to be disproportionate to the Government-demand; wanted it lowered when the Government-demand was lowered, and looked upon the settlement *parchas* as leases from Government. His views on the subject of ejectment were not announced with great distinctness, because, at the period I am speaking of, he did not understand the new motive which the málguzár had for ejecting him. Ejectments with the object of increasing a rent-roll had not then been much resorted to, and District-officers were apt to use their influence in protecting tenants when necessary.’

“Under these circumstances, and at a time when most of the current settlements for the Central Provinces were in course of being made, Act X of 1859 was extended to those provinces. The exact date of its extension is the 2nd March, 1861. This famous Act, with the main provisions of which the members of this Council have only too good reason to be acquainted, was, as we are all

aware, framed with a view to the special circumstances of Bengal, and it was applied to the Central Provinces, not because it was held to be suited to their circumstances and conditions, but because a law of some kind was wanted, more to regulate matters of procedure than to settle questions of right, and Act X of 1859 was the only law ready to hand. It was, in fact, avowedly introduced as a mere temporary makeshift, and it was never intended to remain in permanent operation.

‘First of all,’

writes Mr. Jones in the note from which I have already quoted at such length, ‘I would correct an impression, which I believe is prevalent among Revenue-officers in the Central Provinces, that, when Act X was introduced, the applicability of those parts of it which contain substantive law was considered, and that the relations between landlord and tenant which the Act lays down or assumes were then, after discussion, held to be suitable to the circumstances of the Province. Nothing can be further from the truth. In the correspondence which preceded the introduction of the Act, those parts of it which contain substantive law are only casually referred to, and attention was directed, almost exclusively, to the sections which confer jurisdiction and supply a procedure. The fact is, that the substantive provisions of the Act, coinciding, as they did, with the views which had gained acceptance among the officers by whom the greater part of the Province was administered before its formation, with theories held in the North-Western Provinces, and with the English ideas then prevalent, were not deemed to require discussion at all, and the Act was introduced with the sole object of rounding off the corners of the system of procedure previously applicable to civil and revenue suits. In the Sagar and Narbada territories there had been a special code of procedure for revenue-suits, and, in the Nagpur Province, Act X suits had been dealt with as summary suits under Regulation VIII of 1831. Act X simply abolished these procedures, and no one has any right to suppose that the assumptions regarding the relations of landlords and tenants which underlie its provisions received any new support or confirmation at the time, and by the fact, of its introduction.’

“The provisional character of the law thus introduced, and the necessity of modifying it for the purpose of making it even temporarily applicable to the circumstances to which it was applied, are fully recognized in the circular instructions which were issued to Settlement-officers shortly after its introduction. The most important of these circulars is one which was issued on the 27th of March, 1865, and which is, I believe, well known among Revenue-officers as Circular G. I refer to it because it appears to be the basis of the distinction, which is recognized and confirmed by the Bill, between absolute occupancy-tenants and other occupancy-tenants who have up to this time been, for reasons which I shall explain, commonly known as conditional occupancy-tenants.

“The first class, that of absolute occupancy-tenants, was created at the time of settlement, and comprises, as I understand, all the old substantial resident cultivators who then existed. They were termed absolute occupancy-tenants because their rights were recognized on grounds other than those mentioned in Act X, and were not conditional on the retention of that Act as part of the law of the Provinces. The tenants entered in this class were men whose rights in the soil were admitted without reservation by all parties. Into this class were swept all those who had long connection with the village, who had dug wells, planted groves, or otherwise improved their lands. The form in which their rights should be declared was considered by the Government in 1868, and it was then decided—

- (a) that their rents should be fixed for the term of settlement, now and hereafter;
- (b) that their tenure should descend as land;
- (c) that they might sub-let or mortgage, and might sell subject to a right of pre-emption at five years’ rent or the payment of one year’s rent as a fine to the málguzár.

“These conditions were accordingly embodied in the village-administration papers, and were in this manner made binding as between the málguzár and the tenant.

“The other class of occupancy-tenants are those who owe their rights to the twelve years’ rule embodied in Act X of 1859. With respect to this class, the officers of the Settlement Department were instructed by Circular G ‘to make it clear to all parties that any record of occupancy-right

based solely upon possession for 12 years is made subject to any future alteration of the law.' It is in consequence of this saving clause that tenants belonging to this class are often spoken of as conditional occupancy-tenants. They hold from father to son, and are, under the law as it stands, liable to enhancement of rent only on the grounds specified in section 17 of Act X of 1859, that is to say, on the ground either that the rents are below the rates prevailing in the neighbourhood; that there has been an increase in the value of the produce or of the productive power of the holding; or that there has been an increase in the area of the holding.

"The circumstances of Chánda, Nimár and Sambalpur were found to require special and exceptional treatment, and in those three districts the settlement which was effected was, in point of fact, a raiyatwári settlement. The rights of tenants in Chánda and Nimár are at present determined under a resolution of the Government of India, dated the 21st of June, 1865. Under this resolution, all tenants who held land (other than sîr land) on that date, and all tenants who might take up land after that date without a written lease, became occupancy-tenants, and were declared to hold on a tenure which was described as "the customary tenure," and the main incidents of which are as follows:—

"i.—It is heritable, both lineally and collaterally.

"ii.—The right is transferable to a co-sharer by inheritance or to an heir-expectant.

"iii.—If the rent was fixed by a Settlement-officer before the date of the resolution, it is to remain fixed during the term of settlement. Otherwise the landlord can apply *once*, and once only, during the term of settlement to enhance the rent up to the maximum rate recorded for the class of soil held by the tenant.

"iv.—The tenant has the right to improve.

"v.—The power of sub-letting is restricted.

"All the land in Nimár and, practically, all the land in Chánda appears from recent returns to be held by tenants who are described either as absolute or as conditional occupancy-tenants.

"In the case of Sambalpur, the Government of India intervened before proprietary rights were conferred or recognized as existing in any person between the State and the cultivator, and decided that the village headman or *gaontia* was to be the proprietor only of his sîr or *bhógra* land, and was to have the right of collecting the revenue and managing the village; that the persons (if any) holding sîr land under him were to be his tenants-at-will; that during the term of settlement he was to have the privilege of creating raiyats on waste land, and that the revenue thence derived was to be his during that term, but that he was not to charge them more than the village-rates as fixed at the time of settlement. All other raiyats are Government raiyats, paying revenue and not rent, and not liable to eviction except for non-payment of revenue.

"I have dwelt on these particulars, at the risk of being tedious, because they explain the special references in the Bill to Chánda, Nimár and Sambalpur, and show that what might otherwise appear to be arbitrary differences of treatment are due to the desire to make no greater alteration than is necessary in the existing state of things.

"The broad result is that, subject to the special peculiarities which I have noticed, the tenantry of the Central Provinces may at present be divided into three classes, namely:—

"i.—Absolute occupancy-tenants.

"ii.—Occupancy or conditional occupancy-tenants.

"iii.—Ordinary tenants not protected by any special provision of the law or entry on the village-papers.

"I understand that about 37 per cent. of the total number of tenants have occupancy-rights, and it appears from some returns which have been recently



laid before the Select Committee that about 7-12ths of the total acreage under cultivation is held either by absolute or by conditional occupancy-tenants.\*

“These, then, are the circumstances with which we have to deal. We found a body of cultivators paying revenue to the State through their village-headmen. Under, and for the purposes of, the revenue-system which we introduced, we converted the headmen into proprietors or landlords, the cultivators into their tenants, and the payments made by the cultivators into rent. We took a man who had no motive but to make a fair apportionment of the State demand and who, even after he became a contractor for, or a farmer of, that demand, did not conceive that he could reap a legitimate profit by enhancing the rents of the raiyat; we took this man and made him proprietor of the soil. We made the Government raiyats his tenants, and we gave him a legal power to raise his rents and at the same time a motive for exercising that power. Instead of using our utmost endeavours to squeeze out of him every penny which he could succeed in extracting by fair means or foul from the cultivator of the soil, we reduced his revenue-assessments to such a level as left him a substantial margin of profit; and we secured him in the enjoyment of this margin for a long term of years. Thus, whereas in the earlier settlements of Hoshangábád we took 85 per cent. from the málguzár, leaving him only 15 per cent. for expenses of collection, we reduced the amount thus taken to 66 per cent. in 1838, when a twenty years’ settlement was made, and we further reduced it to 50 per cent. in 1861, which was the date of the last settlement. We saw, indeed, that the changes which we had introduced would tend to benefit the new proprietary class unduly at the expense of the cultivators, and we endeavoured to give the latter some kind of protection, partly by means of a law which, having been framed for a widely different set of conditions, was applied as a temporary makeshift to the Central Provinces, but mainly by means of stipulations and declarations inserted in the settlement-records. But we always recognized the imperfect, provisional and transitory nature of the arrangements thus made.

“Under these circumstances, there will be little dispute either as to the necessity for legislation, or as to the main principles on which legislation should proceed.

“The necessity for legislation was recognized as long ago as 1873, when Mr. Jones, now Chief Commissioner, was entrusted with the duty of framing a suitable law for regulating the relation of landlord and tenant in the Central Provinces.

“And as to the principles of legislation, it is clear that we must not allow what was intended to be a boon to the immediate revenue-payers to be a curse to those from whom the revenue is ultimately derived. In giving the proprietary right to one class, the Government neither intended nor had a right to injure the status of another and much larger class; and if it is found that the change which we have introduced has injured that status, we are not only justified in devising, but bound to devise, measures for remedying that evil. Our object then should be to protect the tenant, so far as it is practicable to protect him, by legislation, and the only question is what form that protection should take. For the purpose of explaining the proposals made by the Bill with this object, I will remind you of the several classes of tenants with whom we have to deal, and will show how the Bill proposes to deal with each.

“There are, as I have said, in the existing state of things, three main classes of tenants—absolute occupancy-tenants, conditional occupancy-tenants, and a third class who are usually described as tenants-at-will, and who are in fact given no special protection by the law. The Bill recognizes these three

\* See Paper No. 30 to the Bill.

				Acre.
Area of absolute occupancy-tenants' holdings	...	...	...	3,232,173
Do. conditional do. do. do.	...	...	...	3,861,304
Total area held by absolute or conditional occupancy-tenants				7,093,477
Area held by other tenants	...	...	...	5,330,014
Total				12,423,491

classes, and adds to them a fourth, that of sub-tenants, whom, however, it treats very curtly.

“The absolute occupancy-tenant is left by the Bill very much as he stands under the existing record-of-rights. His rent is fixed for the term of settlement, and cannot be altered during that time, except on the ground of an improvement made by the landlord or of a material increase, diminution or deterioration of his holding. He cannot be ejected. His rights are heritable, and are transferable subject to certain restrictions which I will mention. In the first draft of the Bill it was proposed to deprive absolute occupancy-tenants of the power of transfer, on the ground that, by leading them into debt, it was proving their destruction. There is, no doubt, much to be said for this view, but I think that the more powerful arguments are against it. The rights conferred on these tenants at settlement were made part and parcel of the settlement-contract in order to remove them, if possible, from the field of legislation. Their holdings have in not a few instances changed hands, and the purchasers have acted on the understanding that they had bought a marketable commodity. It may be that the improvident have lost their lands, but those who remain are presumably the more prudent and thrifty of their class, and are not likely to appreciate an interference which will undoubtedly lessen the value of their property. Moreover, I am myself somewhat sceptical about the possibility of preventing the transfer of rights of this kind when they once have been placed on a secure legal basis.

“Accordingly, the Bill allows the absolute occupancy-tenant to transfer his rights, but his power of transfer is not altogether unfettered.

“Under the settlement-rules, the tenant of this class had an unlimited power of mortgage; but, if he sold his tenure, the landlord had a right either to claim a fine or to buy the tenure at a fixed price. We found it very difficult to express the exact conditions laid down by the settlement; and we have altered them in two directions. On the one hand, in the interest of the landlord, we have treated a mortgage above a certain value as equivalent to a sale; on the other, in the interest of the tenants, we have abolished the fixed price at which the landlord might under the settlement-rules claim to buy, and have left the price to be equitably determined in each case by a Revenue-officer.

“Some objections have been raised on behalf of the landlords to this change. But I think a consideration of the section (38) will show that what we have done is, on the whole, the fairest way of dealing with the matter. As the right of pre-emption has hitherto stood, it could always be evaded by a mortgage. And as the price fixed at settlement—five times the annual rent—was left farther and farther behind the real value of the land, the landlord’s right would have been generally defeated in this way.

“Next come the twelve years’ men, those who have acquired occupancy-rights under the operation of the twelve years’ rule in Act X, but whose rights were, under Circular G, expressly made subject to any alteration in the law. The persons belonging to this class are in the Bill called simply occupancy-tenants, and the class is so defined as to include all persons who have, up to the present date, acquired the rights to which I have referred.

“With respect to this class it was generally admitted that their rents ought to be fixed by superior authority and not left to competition; and the most important questions with respect to them were two—for what period should their rents be fixed, and by what standard?

“First, as to the period for which the rents should be fixed.

“In answering this question regard must be had to the special circumstances of the Central Provinces. There are parts of the country, such as the North-Western Provinces, in which the weight of argument appears to be strongly in favour of fixing the rents of occupancy-tenants for the full term of settlement; but the circumstances of those regions differ widely from the circumstances of the Central Provinces. In the North-Western Provinces the country has long been opened up; rents have attained a high general level; population is dense; competition for land is keen; the revenue is probably as high in most districts as it ought to be.



“To the Central Provinces none of these statements apply. The country is in its infancy ; population is sparse ; rents are low ; the effects of introducing roads and railways are only just beginning to be felt. If in a country such as this rents were fixed for the period of settlement, the result would be that there would be a very large beneficial interest given to the cultivator, sub-letting would be encouraged, and, when the time comes for revising the assessment, great hardship would probably be caused to the tenant by the necessity of ordering a sudden and serious increase in his rent.

“This being so, the late Chief Commissioner and the local Committee to whom he referred the Bill for consideration came to the conclusion—a conclusion which the Select Committee have adopted—that it would be wise to provide for some enhancement of rent during the term of settlement, and the Bill has made such provision accordingly, but under conditions which guard against the rent being increased (except for landlord’s improvements or increase in area) more than once in ten years.

“Next, as to the standard by which these rents should be fixed. The Bill as first introduced provided for the determination of these rents primarily on the basis of the settlement-rates and other customary rates paid by tenants of the same class. But it was found that, mainly in consequence of the non-existence of anything that could properly be called customary rates, there would be a difficulty in applying this standard ; and accordingly the Bill in its present form simply directs (by section 42) the Settlement-officer to fix the rent of the holding of every occupancy-tenant at each settlement of the area in which the holding is comprised, and empowers the Chief Commissioner (section 82) to make rules for the officer’s guidance in fixing rents. Our desire is that the rents should be fixed at such a rate as will leave the tenant a reasonable margin of profit without trenching too widely on the share either of his immediate landlord or of the State ; but we doubt whether this principle can be satisfactorily embodied in any hard-and-fast legislative enactment, and accordingly we have thought it safer to leave the point to be dealt with by executive instructions.

“I have said that provision is made for raising the rent of these tenants during the term of settlement. It may be so raised by order of a Revenue-officer on the application of the landlord ; and the Bill as submitted to the Council last December directed that such an order might be made if the rent of the occupancy-tenant was less than three-fourths of the rate usually paid by ordinary (that is to say, non-occupancy) tenants of holdings situate in the same or adjoining tahsils for lands of similar quality with like advantages, and that, if the order was made, the rents were to be raised to three-fourths of those rates. This direction has, however, been objected to from two points of view, first, as tending to raise the rent of occupancy-tenants to an excessive rate, and secondly, as tending to unduly hamper officers in fixing rents at the term of settlement. I think that sufficient answers may be found to both of these objections ; but, on the other hand, it was not easy to see why, if the discretion of officers in fixing rent at settlement was left uncontrolled by any hard-and-fast legislative direction, it should not be left to the same extent uncontrolled during the term of settlement. We have accordingly omitted from the present draft of section 46 any reference to the standard supplied by the rents of ordinary tenants, and have left such directions as may be required for the guidance of officers in acting under the section to be supplied by rules made under section 82.

“With respect to the devolution of an occupancy-tenant’s rights on death, we have not modified the original proposals of the Bill. His rights are to descend as if they were land, except that they are not to go to a collateral relative unless he was at the tenant’s death a co-sharer in the holding. This is the rule of inheritance which under the North-Western Provinces Rent Act applies to tenants holding at fixed rates. An exception has been made in the case of the three districts of Chānda, Nimār and Sambalpur. In these districts, where, as I have said, the settlement is virtually raiyatwārī, the rights of an occupancy-tenant are expressly declared by the settlement-record to be heritable collaterally as well as lineally ; and accordingly we have left them so. But in the

other districts, where no fixed rule of inheritance appears to have been established by usage or prescribed by authority, we have thought it desirable, whilst recognising the heritable character of the right, not to saddle it more than necessary with the complicated rules of Hindu succession.

“ We have restricted the power of an occupancy-tenant to transfer his holding to cases where the transfer is made to a person who would be an heir, or is a co-sharer, or is made with the landlord’s consent ; and we have provided that his right shall not be sold in execution of a decree. And, after various attempts to deal with the difficult question of sub-letting, we have come to the conclusion that it is impracticable to do more than impose on sub-letting the same restrictions as are imposed on transfer in the ordinary sense of the word ; that is to say, a tenant may not sub-let without his landlord’s consent, unless his sub-tenant is a co-sharer or an expectant heir.

“ I now come to the most difficult class of all,—the class who are described in the Bill as ordinary tenants. The position of this class under the existing law is this. They have no rights conferred on them by the law or by the terms of the settlement-record, except that, if they remain long enough on their land, they rise, under the operation of the twelve years’ rule in Act X, to the status of occupancy-tenants.

“ The Bill as first introduced maintained the twelve years’ rule and allowed the growth of occupancy-rights. Recognising, however, the tendency of that rule to induce landlords to shift and harass their tenants, the authors of the Bill provided a machinery to protect the tenant during the term of growth of his rights. This arrangement, which I need not explain in detail, introduced in point of fact a new class of tenant, likewise deriving his rights from lapse of time or prescription and liable to lose them under certain conditions. These proposals met with much criticism and opposition from many sides, and the late Chief Commissioner and the local committee, after giving the proposals long and careful consideration, came to the conclusion that they ought to be abandoned.

“ This being so, the proverbial three courses appeared to be open to us. We might either leave things alone, maintaining the existing twelve years’ rule, and allowing the present race of tenants-at-will to struggle by means of it into the position of occupancy-tenants or, we might give a right of occupancy to all cultivators of every class, or, thirdly, we might do away with the twelve-years’ rule and devise some other means for protecting all tenants who have not acquired occupancy-rights.

“ Before explaining the course which the local committee ultimately recommended, and which the Select Committee decided to adopt, let me remind you briefly of the facts with which we have to deal. The most important are these—

“ (1) The twelve-years’ rule was never introduced into the Central Provinces otherwise than provisionally and tentatively ; it has never become in these Provinces part of the established law of the land.

“ (2) Up to a recent time in all parts of the Provinces, and up to the present time in many, perhaps most, parts of them, the competition has been for tenants, not for land, and landlords have been indifferent to the growth of occupancy-rights.

“ (3) This state of things is now altering, and appears likely to alter with increasing rapidity. The number of notices to quit issued in the districts of the Narbada Valley, which is the part of the Provinces most affected by recent improvements of communication, has become very significant, and manifests a growing inclination on the part of landlords to prevent the growth of occupancy-rights and to make enhancements.

“ Now, the objections to the twelve-years’ rule are obvious. It gives the tenant during the currency of the twelve years the most insecure of all titles—a title by sufferance : it supplies the landlord with a powerful additional motive to evict. Where it has been deliberately and permanently engrafted into the law of the land, and has for a considerable time constituted part of that law,

the balance of argument may be in favour of retaining it, with such modifications and supplementary provisions as may be necessary for preventing landlords from reducing it to a nullity. But, as I have shown, in the Central Provinces this is not the case. The rule was introduced there merely as a stop-gap, not as a permanent settlement of the question. It may, indeed, be said that it has nevertheless worked well so far, that the growth of rights under it is steady, and that in most parts of the Provinces it has not produced friction between landlord and tenant or led to the increase of evictions. There is much truth in this, but, on the other hand, we cannot shut our eyes to the economic changes which are going on, and which must inevitably at no distant future produce the effects which they have produced in other Provinces. Prevention is better than cure, and the very fact that the present relations between landlord and tenant are comparatively harmonious supplies a powerful argument in favour of intervening now to devise, if we possibly can, some measures for the protection of the tenant which may be free from the defect shown by experience to be inherent in the twelve-years' rule.

"On the whole, then, having regard to the obvious imperfections of the twelve-years' rule, and to its recent and provisional introduction, we decided to abandon it, except so far as rights had already grown up under it, and to stop the further growth of occupancy-rights by lapse of time.

"Should we then fix the rents of all classes of tenants for a term, and thus give them all occupancy-rights? This is evidently the most thorough-going remedy against rack-renting, but it involves official interference of a very strenuous and prolonged character, and the local committee were of opinion that, other considerations apart, the time had not come for imposing so heavy a burden on an already overtasked administration. Whatever may be the case in the older Provinces, uniform rates of rent are not, I understand, to be found in the Central Provinces;\* and, in the absence of such guides, the task of fixing the rent of every tenant for a term of years would be one of extreme magnitude. It would practically amount to a regular settlement. When we consider that the Province passed through the ordeal of settlement barely 15 years ago, that a settlement is one of the most costly luxuries in which the State can indulge, and that no increase of revenue can be looked for, we shall readily agree with the local committee that the universal ascertainment and settling of rents is a measure not at present desirable.

"There remained the adoption of some new method of protection, and the method which the local committee eventually made up their mind to recommend was the method of compensation against disturbance. This is the proposal which is embodied in the Bill. The tenant's rent may be enhanced by agreement. If he agrees to the enhancement demanded by the landlord, no further enhancement may be made for seven years. In other words, he gets a seven years' lease at the enhanced rent. If he refuses to agree to the enhancement, the landlord may evict him, but must pay him as compensation a multiple of the sum demanded as enhancement. After much discussion we have fixed the multiple at seven times the yearly increase of rent demanded. The tenant cannot be ejected except for non-payment of rent, or on certain other grounds which are specified in the Bill.

"The great argument in favour of this proposal is that it compels the parties by the pressure of self-interest to decide what is a fair rent. If the tenant refuses a fair demand for an increase, he will be liable to lose his holding for an insufficient recompense. If the landlord makes an unfair demand, he may have to buy out the tenant at a cost which he can never recover. The scheme may indeed be objected to on the ground that, although based on a precedent derived from Ireland, there is no precedent for it in the Indian Statute-book, and that it constitutes a new departure in Indian legislation. The same objection might have been urged—was, if I am not mistaken, urged—

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\* "The most rudimentary idea of rent-rates does not exist here, and the greatest anomalies in practice are found. Nothing could be more common than to find two contiguous fields allowed by the holders to be exactly equal in quality and productiveness, yet one paying double the rate of rent paid by the other."—(Hoshangabad Settlement Report, p. 201.)

against the principle of compensation for improvements which has, now for many years, been embodied in the law of landlord and tenant for the Panjáb, Oudh and the North-Western Provinces, and will, I hope, before long form part of the law of landlord and tenant for Bengal. But those who denounce this and similar proposals as new-fangled and exotic should remember that in India settled laws and, to a great extent, property in land are exotics, and that in the Central Provinces they are exotics of very recent importation. We have, by the measures which we have introduced, created entirely new rights and entirely new relations. The general effect of these measures is, we believe, beneficial to the country, but they have produced, or are likely to produce, certain results which we did not intend, which are likely to be pernicious, and against which we are bound to guard. The rights themselves being novel, it is not a matter for surprise that the safeguards which are necessary to prevent an abuse of those rights should be novel also; and in the Central Provinces more than in most parts of the country we have something resembling a *tabula rasa* to work upon. There are comparatively few traces of existing customary rights on which to found our law. The whole position is novel, and demands novel treatment.

“The mere novelty, then, of the proposals constitutes no substantial objection to their adoption. Far more serious are the arguments that they will prove in practice an insufficient protection against rack-renting. We have not overlooked these arguments, and we admit their force in the case of countries where there is a keen struggle for land, and where population is redundant and has no outlet. But it seems a fair reply to say that at the present time these conditions do not exist in the Central Provinces. Compensation for disturbance constitutes a check on capricious eviction. Whether that check will be sufficient, whether it is likely to be surmounted or got round, is a question which turns mainly on the habits and nature of landlord and tenant, and on the amount of demand for land. These are points about which I am not competent to give an opinion; and all that I can say is that, in the belief of those who are most competent from local experience to form a judgment on these points, the proposals embodied in the Bill will work well, and will give an effectual protection to the cultivator for some time to come. If the Bill does this, if for some considerable time to come it is found sufficient to protect the tenant against capricious eviction, and to secure him in possession of his holding as long as he pays a fair rent, it will have done all that we can reasonably hope to accomplish.

“Except in respect of the procedure for enhancement of rent, there is practically no difference between the position of the occupancy-tenant and that of the so-called ordinary tenant under the Bill. The rights of the ordinary tenant are heritable and transferable, under the same restrictions as those which apply to the occupancy-tenant; he is protected from ejection except in execution of a decree which can only be obtained on specified grounds, and he cannot contract himself out of this protection.

“Under these circumstances, it is doubtful whether he would gain much by being made in name an occupancy-tenant. However, the Bill provides him with a means of acquiring that status, if he desires to do so. It gives him the right of purchasing the status of occupancy-tenant by the payment of a fixed sum equal to 2½ years’ rent. This proposal is in accordance with the views of the Famine Commissioners, and may, I think, be fairly regarded as a proper and necessary consequence of the abolition of the twelve-years’ rule. It will enable the prudent and thrifty to raise their status.

“This provision has indeed been considered by the landlords as an injury and infringement of their rights. But we fail to see that it can do any substantial injury to that class. We have provided that, before a tenant can claim to complete the purchase of an occupancy-right, his rent may be raised to the full average ordinary standard. Thus, a landlord will get Rs. 250 for every Rs. 100 of rent, and that sum, if invested, will suffice to protect him from the small future loss which the tenant’s right of holding at a beneficial rate may hereafter cause him.

“The provisions with respect to transfer and sub-letting by an ordinary tenant are, as I have said, substantially the same as in the case of an occupancy-tenant.

“The mention of sub-letting naturally leads me to the fourth class of tenants dealt with by the Bill—the class of sub-tenants. The chapter on sub-tenants is very short—almost as short as the famous chapter on snakes in Iceland—and there are doubtless many persons who would wish that its brevity were due to the same cause. I cannot say that sub-tenants do not exist in the Central Provinces, but I believe I am right in saying that they are comparatively scarce. I am informed that only 22,000 persons have returned themselves as belonging to this class. We have in other parts of the Bill, whilst admitting the expediency of discouraging the practice of sub-letting, admitted the impossibility of preventing the practice when it has once grown up. And when we came to consider what rights should be attached to their status, the conclusion to which we ultimately came was that, at all events in the present condition of the Central Provinces, the need for giving them legal protection was not such as to outweigh the disadvantages arising from the creation of successive strata of privileged classes one superimposed above another. In the Bill which was presented with our third report we had inserted a proviso, the object of which was to protect the sub-tenants of certain absolute occupancy-tenants from excessive enhancement of rents. But, on further consideration, we have come to the conclusion that the protection thus proposed to be given can be safely dispensed with; and accordingly we have omitted the proviso.

“Such of the other provisions of the Bill as it is necessary to refer to relate not to any particular class of tenants, but to tenants in general. Of this kind are the provisions relating to the right to make, and be compensated for, improvements, and the provisions as to distraint.

“The Bill gives the first right to make improvements, in some cases to the landlord, in others to the tenant, but provides that neither party shall be able to prevent the other from making an improvement which he himself is unable or unwilling to make. We have enabled the landlord to obtain an immediate increase of rent for any improvement made by him or at his expense, and at the same time we have made him liable to pay compensation to an ejected tenant for any improvements made by the latter.

“In dealing with the procedure for recovery of rent, we have gone as far as we think safe towards abolishing distraint. What we have retained is, in fact, not distraint. It merely amounts to a recognition that the rent is a first charge on the produce of the land, and, as it embodies, it is believed, the customary procedure of the country, we hope it will work well. The greater security we have given to the tenant will make them much more eager to retain their holdings, and will render the recovery of rent more easy. I believe the experience of the Court of Wards estates goes to show that it is not the occupancy-tenant, but the man who has no rights, who is usually in arrears. Distraint in the form laid down by Act X of 1859 has been almost unknown in the Provinces. But it is believed that, in accordance with old custom, landlords have usually prevented an unsafe tenant from removing his produce until he paid his rent; and the provisions in the Bill are devised for the purpose of legalising, while guarding against the abuse of, this practice. In the last draft of the Bill we have, by an addition to section 17, made a slight extension in the lien given to the landlord over his tenant's crops when stored.

“In minor matters, we have provided for the protection and equitable treatment of the tenants. For example, section 8 provides for the case where there are several landlords; section 9 for the deposit of rent in a Government treasury; section 16 for the commutation of rent payable in kind; sections 25 to 28 for the avoidance of disputes when rents are paid in kind or by estimate of the crop; section 73 gives the Court power to suspend or remit arrears of rent in cases of drought or calamity; section 74 gives the Court equitable power in dealing with cases of forfeiture of the holding for the breach of a lease, &c.; and section 75 provides for the rights of an ejected tenant in respect of crops on the ground or of land prepared for sowing. All these are measures of help and protection to the tenant, which ought to better his condition. They may restrain



or prevent the abuse of power by bad landlords, but no honest and just landlord can fairly object to them.

“The objection brought against the Bill generally by the landlords is that it is a one-sided measure. Any law of this kind must in a certain sense be one-sided. It is avowedly an attempt to strengthen the hands of the tenant against the landlord, and to prevent the abuse of power. Every such law starts with postulating that the parties are not on equal terms. The objection of one-sidedness must therefore be met by an admission. The Bill is necessarily one-sided, but it is not unfair. The question is, does the Bill deny to the landlord anything that is justly his, or does it unduly control the actions of a good landlord? This question must, I think, be answered in the negative. No good landlord would desire to evict his tenants or harass them by continual changes of land; no good landlord would ask more than a fair rent; no good landlord would desire to confiscate his tenant's improvements, or to force him to pay rent when a calamity had destroyed his produce.

“But a truer description of the Bill is, in my opinion, that it is not one-sided, but compensatory,—compensatory for the additional rights which we have given to the proprietors or landlords by our revenue-system, and for the additional powers of enforcing those rights which we have given them by our law Courts. Without such supplementary legislation as this, our system of administration would have been justly exposed to the charge of being not only one-sided, but unfair. For, just consider who these ‘proprietors’ were, and what we have made them. Take, for instance, the case, to which I have already referred, of the Hoshangábád málguzár. Forty-five years ago he was a middle-man receiving a commission of 15 per cent. out of the rents which he collected for the State. He now gets half the rents, and what we propose to do is to prevent him from arbitrarily increasing that half.

“In the matter of jurisdiction, we have endeavoured to make the Bill as simple as possible. There are two classes of cases which will arise under the law: one which partakes of an executive character; the other which is of a judicial nature. In the former, we give the executive Revenue-officers jurisdiction; in the latter, we give jurisdiction to the Civil Courts. But, in order to secure in the judges that acquaintance with agricultural and revenue affairs which is necessary for the efficient treatment of this class of cases, it has been provided that a judge of a Civil Court of original jurisdiction shall not, unless he is also a Revenue-officer or Settlement-officer, hear suits under the Act. As the Courts of the Provinces are at present constituted, almost every civil judge of original jurisdiction is also a Revenue-officer. This, however, is a state of things which may not always exist.

“These, then, are the proposals to which we ask this Council to give the force of law. They are, as I said at the opening of my speech, the product of local experience, and framed with special reference to local conditions and local requirements. It so happens that the gentleman to whom just ten years ago the task of framing this law was entrusted has now become Chief Commissioner of the Provinces to which it is to apply. The Bill has been submitted to him for his consideration since he assumed his present office; and, as its provisions differ in some important respects from the provisions of the draft which he originally prepared, it is a matter of no small satisfaction to be informed by him, as we have been informed, that the Bill in its present form appears to him to be an excellent Bill; and that, when he finds that, although its purport has been made known to the people, there has been no serious agitation against it, and that it has been accepted by the late Chief Commissioner, not to mention the distinguished, experienced and careful officers who gave it its final shape, he feels that he may safely assent to its being proceeded with and undertake to work it. He doubtless recognizes that, though the machinery which it adopts is in some respects different from that which he originally suggested and would possibly still prefer, yet the principles on which it is based are identical, and believes that it is likely to attain the same end though by a somewhat different road.

“I hope that a similar view will be taken of the Bill by those who, accepting as sound the general principles on which it proposes to proceed, judge it in

the light of experience derived from other parts of India. For instance, there are obvious differences between the provisions which we have embodied in the present Bill and the provisions which we have embodied in the Bill which is now pending for the regulation of the relations of landlord and tenant in Bengal. There are also differences between the law which we propose for the Central Provinces and the law of landlord and tenant as it stands now in the Panjāb and in the North-West.

“We have not overlooked these differences, but it appears to us that they are not greater than are warranted by what I may venture to call the radical differences between the circumstances of the Central Provinces and the circumstances of, say, Bengal—differences arising out of their past history, their recent treatment and their present economic condition. In the sketch which I have given of the institutions which we found in existence when we took over these Provinces and of the institutions which we introduced into them, I have endeavoured to illustrate some of these differences, and I will not elaborate them further now. But what I would impress on the Council is this, that whilst we have declined to admit that provisions which may be suitable or necessary for Bengal are therefore suitable or necessary for the Central Provinces, so we desire to guard against committing ourselves or any one else to the view that provisions which, on authority of great weight, we have accepted and adopted as suitable and sufficient for the Central Provinces, are therefore suitable or sufficient for Bengal, for the Panjāb, for the North-Western Provinces, or, in short, for any other part of India, except that to which we propose to apply them.”

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that to section 55 of the Bill the following be added, namely :—

“or that the holding consists entirely of sīr-land.”

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that in section 56, after the words “an ordinary tenant,” the following be inserted, namely :—“whose holding does not consist entirely of sīr-land and.”

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that to section 62 the following be added, namely :—

“(5) Nothing in this section shall apply to a holding consisting entirely of sīr-land.”

The Motion was put and agreed to.

The Hon'ble MR. BARKLEY moved that in section 11, after the words “not exceeding,” where they first occur, the words “five hundred rupees or when” be omitted; and that the words “exceeds five hundred rupees, not exceeding double that amount or value,” at the end of the section, be omitted. He said :—

“My Lord, as I have given notice of some amendments to the Bill, it is, I think, due to the Council to state that I have never been employed in the Central Provinces, and have had no special opportunity of becoming acquainted with the tenures prevailing in that part of the country. If I had reason to suppose that any other Member of this Council was in a better position in this respect, I should have hesitated to propose any amendments until I had first consulted him. But, while I must admit that I may have been led into error in some points by want of knowledge of the country to be legislated for, I do not think that the risk of this is enough to excuse me from giving my best consideration to any Bill that the Council is asked to pass into law; and it is after a careful examination of the Bill and of the papers circulated with it, that I have come to the conclusion that legislation on the subject is necessary, but that some of the provisions of the Bill are open to objection, while on other points I have been led by a perusal of the papers to accept provisions in regard to the propriety of which I was in the first instance doubtful.



“ I have not been consciously influenced by any theory as to what the relations of landlord and tenant ought to be. I have rather endeavoured to ascertain what relations have hitherto existed between these classes in the Central Provinces, and how far the proposals of the Bill to define and improve these relations are consistent with the equitable claims of both parties. The note of the present Chief Commissioner of the Central Provinces, Mr. Jones, on the original draft of the Bill, of which he was the author, supplies much information as to the position of tenants in the Central Provinces, both anterior to British rule and during the period of transition which preceded the formation of regular settlements and the extension of Act X of 1859 to those Provinces, and further information on the same subject is to be found in some of the opinions collected with reference to Bill No. I, which are to be found in Paper No. II, especially those given by Colonel Lucie Smith, Commissioner of Chhattisgarh.

“ The period of the introduction of regular settlements is of special importance, as it was then that steps were first taken to ascertain the persons to whom proprietary rights belonged, the previous policy of the British authorities in the Sagar and Narbada territories, which had long been under British rule, having been to withhold ‘any recognition of positive rights of ownership.’ The instructions of the Lieutenant-Governor of the North-Western Provinces for the settlement of those territories, issued in November, 1853, are to be found in Appendix XX to Sir William Muir’s edition of the ‘Directions for Settlement Officers.’ In paragraph 12 of these instructions it was directed that the settlement should be ‘concluded on the basis of apparent, or approximate, proprietary right, in so far as such right can with any certainty or confidence be traced, and that the leading object in so doing’ should ‘be to recognise fixed rights, or claims and interests, in whatever form they may already have grown up.’ But ‘the subject being one of much admitted obscurity and doubt,’ paragraph 13 provided that, ‘in order to avoid any future contest or litigation with respect to the rights declared in the settlement-proceedings,’ the proprietary title should be formally conferred in every case as ‘the creation or free gift of the Government.’ Paragraph 16 again refers to cases in which village-communities might be found to have preserved rights having ‘the character of a proprietary interest in the soil of an entire village’; while the 14th, 15th and 17th paragraphs relate to cases in which it was a matter of discretion whether the former *mālguzār*, or the cultivators, should be recognised as proprietors. In such cases, provision was made for cultivators who had been in possession since 1840 being declared proprietors of their holdings, while the person who had hitherto engaged for the revenue, rather from a hereditary tenure of service than from any exclusive right of ownership or occupancy over the whole village-lands, might be recognized, subject to the rights thus conferred upon the cultivators, as the proprietor of the village. In all cases, a careful ascertainment and record of all subordinate tenures and interests was prescribed by paragraph 18.

“ It is clear from these instructions that the Lieutenant-Governor did not regard the Sagar and Narbada territories as a *tabula rasa*, throughout which no trace of proprietary rights existed, so that it was open to the Government to confer them at pleasure. On the contrary, he carefully provided for the recognition of all existing rights, whether proprietary or subordinate, while he also proposed to confer a proprietary title in cases where proprietary rights were either non-existent or the indications of them were so weak that there was serious difficulty in determining to what persons they belonged.

“ When the Nāgpur Province, which was annexed in 1854, came under regular settlement, the principle laid down in these instructions appears to have been followed, and there also it is probable that, while in many cases proprietary rights had been extinguished, in others they were easily discoverable. Mr. Jones refers to the existence of village-communities, ‘though,’ he says, ‘they are as a rule less highly organized than in the North-Western Provinces,’ and he guards against its being supposed that his remarks as to the original uniformity of tenures in the Central Provinces refer to anything else than ‘the relative position of cultivator and *mālguzār*.’ They must not, he says, ‘be understood as applicable to the rights of *mālguzār* as against the State, or to the constitution

of proprietary bodies and their rights, *inter se*.' When he refers to 'the creation of proprietary right,' he evidently alludes to the cases where such right was conferred upon the *patáls*, through whom the revenue was paid, though they had no real claim to it.

"I have considered it necessary to make these remarks, as in some of the papers submitted to the Council it has been assumed that proprietary rights in the Central Provinces are entirely the creation of the British Government. In a letter by Mr. Lindsay Neill, dated 27th June, 1882, it is not, indeed, assumed, but it is argued at some length, that this is the case. The Lieutenant-Governor in 1853 is likely to have been better informed as to the existence at that time of proprietary rights than local officials 29 years after, more especially as the form of a grant which was adopted was calculated to give rise to the impression that such rights were being conferred for the first time. I do not, however, think that it is a question of much importance whether any proprietary rights existed in the Sagar and Narbada territories thirty years ago, or in the Nágpur Province 20 years ago. The recognition of such rights as already existed would give them new strength, and, when these rights were conferred for the first time by the British Government, no one, I am sure, would now propose to take them away. But still it is worthy of notice that, even when new rights were granted, care was enjoined to ascertain and record all existing rights; and, so far as this was attended to, the grants made cannot have curtailed or endangered any rights belonging to others. The fact, which, I think, Mr. Jones has clearly proved, that rent as distinguished from revenue is, in the Central Provinces, a creation of our rule, is much more material than the origin of proprietary rights, as this fact, combined with the demand for cultivators, goes far to explain the favoured position which even ordinary tenants appear as a rule to have hitherto enjoyed in those provinces.

"It is also clear, both from Mr. Jones' note and from the other papers which have been circulated, that the extension of Act X of 1859 to the Central Provinces has in some parts of the country acted prejudicially to the tenants without rights of occupancy, while in others the general recognition of their claims not to be disturbed in their holdings, so long as they are willing to pay a fair rent, and probably also the amount of land available for cultivation, have hitherto preserved them from injury. On this ground, as well as because Act X of 1859 was originally passed for a country very differently circumstanced from the Central Provinces, and has been shown to be in many respects unsuited to those Provinces, I admit the necessity for legislation.

"And, as regards the measure now before the Council, I may at once say that many of its provisions have my hearty approval. Some of the points on which it appears to me open to objection have been put right by the amendments moved by my hon'ble friend the mover of the Bill, though these do not remove the objections to which the explanation attached to the definition of *sir-land* in section 3 appear to me to be open. As, however, that explanation has been accepted by this Council when it passed Act XVIII of 1881, I have not seen my way to propose to strike it out. But there appears to be considerable danger that, when a proprietor, who may be aged or infirm, a minor or a female, or otherwise unable to arrange for the cultivation of his *sir-land*, is obliged to let it out to tenants, the lapse of six years will, under this explanation, extinguish his *sir-rights*, and he will be unable to get the land back when he becomes able to manage it. I have not overlooked the provision that land is not unoccupied by the proprietor when it is leased with an express reservation of his *sir-rights*; but, unless education has made greater progress in the Central Provinces than anywhere else in India, it will be long before the great majority of the proprietors know that any such express reservation is necessary, and in many cases there will be no written lease at all. In some of the papers which have been circulated I have noticed references to the ignorance of the Gonds and other classes who enjoy proprietary rights. I also observe that we have no information as to the extent to which land is held by cultivating proprietors in the Central Provinces, though we have very recently been furnished with information as to the area of land occupied

by tenants of the different classes recognized in the Bill. But the persons who were recognized at settlement as proprietors of their own holdings would be, as a rule, cultivating proprietors, though they may occasionally have tenants; and I gather that there must be a good deal of land occupied by cultivating proprietors from statements like that made in the memorial of the zamíndárs of the Damoh District (Paper No. 10), that 'in these Provinces the málguzárs are cultivators themselves, their sár-land generally forming the principal source of their income,' and from the persistence with which the proprietors have urged that sufficient provision has not been made against the growth of tenant-rights over their sár-land. The explanation attached to the definition of sár-land is expressly objected to in Papers No. 14, No. 16 and No. 25, in the last of which it is pointed out that no such restriction is to be found in the North-Western Provinces Rent Act; and, where so much protection is given to ordinary tenants as is provided by Chapter VI of this Bill, it becomes extremely important that the amount of sár-land available for occupation by cultivating proprietors should not be reduced in consequence of its being occasionally let to tenants.

"While I have carefully studied the papers submitted to the Council, I am obliged to admit that we are legislating on very imperfect information. There has been no general criticism by local officials of any of the Bills subsequent to Bill No. I, though the Bill framed by the Pachmarhi Committee, on which Bill No. II was based, departed very widely from that Bill, and Bill No. III introduced some important provisions which did not appear in any of the earlier Bills. One of these provisions has been amended at the instance of the late Chief Commissioner, and some other amendments have been made, apparently in consequence of representations by landowners; but we have very little guarantee that the provisions of the Bill, as it now stands, are suited to the circumstances of the Central Provinces; and if the passing of some of the amendments now proposed should lead to the Bill being recommitted, I hope the opportunity will be taken to obtain the opinions of local officers on the suitability of those provisions to the country and for the people for whom it is proposed to enact them.

"I now come to the amendment to section 11.

"The words which I propose to strike out were first introduced into the section by Bill No. III. The effect of this amendment would be that, in case of exaction, the penalty which the tenant might recover would not exceed double the amount illegally levied. This is what was proposed by Bill No. III, which was founded upon the Bill drafted by the Pachmarhi Committee, and it corresponds with the provisions of section 48 of the North-Western Provinces Rent Act, XII of 1881.

"It is only in cases when the amount illegally exacted is very small that there could be any doubt whether double the amount would fully compensate the tenant; and small exactions are most likely to be attempted when the landlord believes that he is entitled to the money. Mistakes on a question of this nature may easily occur when the landlord is a cultivating proprietor no better informed than his tenants. The landlord may, for instance, think himself entitled to a small cess, which has been usually levied in the neighbourhood, but which is not, strictly speaking, part of the rent of the land, while, if the cess were unusual, it is almost certain that the tenants, protected as they will be under this Bill, would refuse to pay it. If a tenant finds that he has paid a rupee which was not due, he would probably be sufficiently compensated by a payment of two rupees, in addition to his expenses in recovering this sum, and no Court would award him Rs. 500; while, if he were persuaded to sue for that amount, he would render himself liable to heavy costs. If the act of the landlord amounts to extortion, he would, of course, be criminally, as well as civilly, liable.

"No reason was given in the Further Report of the Select Committee for providing a penalty not exceeding Rs. 500, nor does it appear from any of the papers that cases of exaction have been common in the Central Provinces. In one of the papers, a petition from the málguzárs of Raipur (No. 28), it is alleged

that 'the judicial records will prove that the *málguzárs* do not realize more than their just dues,' and the petitioners protest against being singled out as a special class of offenders and 'threatened with punishment for offences which they do not commit.'

"I propose the omission of the words adding this penalty, as I do not think that they will benefit the tenants, who may be tempted by them to sue for unduly large sums, while they are calculated to irritate the landlords."

The Hon'ble MR. QUINTON said:—"My Lord, the object of this amendment is to limit the discretion of the Court by restricting the penalty, which it has power to impose in cases of illegal exaction of rent, to double the amount so exacted in excess of the rent payable. Cases are conceivable where such a penalty would be quite inadequate. In Act X of 1859, the corresponding provision was similar to that now proposed by my hon'ble friend, but the North-West Act of 1873, section 49, fixed the sum awardable to the tenant as compensation in such cases at a sum of Rs. 200 in addition to double the amount exacted, no doubt because the earlier provisions were found inadequate.

"The present Bill adopts the principle of naming a sum which the amount awarded is not to exceed, leaving it to the Court to decide what compensation or penalty is proper in each case. As a fact, the discretion may be in some cases more restricted than that given by the North-West Act; and, as exaction of rent is an offence which it is highly expedient to discourage, as any improper exercise of the discretion can be checked by the Appellate Courts, and as no evil consequences have been shown to result from this principle, already adopted by the legislature, I must express my opinion that there are not sufficient grounds for discarding it, and vote against the amendment."

The Hon'ble SIR STEWART BAYLEY said:—"My Lord, I also must oppose this amendment. My hon'ble friend would return to the penalty of twice the amount extorted. This was the old penalty in Act X of 1859, and how has it worked? Hardly ever have I known it worked. Yet it cannot be said that the extortion of illegal additions to the rent is unknown. The Members of this Council who heard the Hon'ble Major Baring's speech on the Bengal Tenancy Bill will recollect the interminable list of illegal cesses quoted by him from the correspondence of 1874 as taken in the 24 Parganas. The same correspondence showed how universal the complaint was, and left on me the impression that a cultivator might well have to pay a rupee extorted illegally for every two rupees he paid as legal rent; and the reason why such extortion is not suppressed by a mild penalty such as twice the amount extorted is obvious. The penalty could only be enforced after a special suit by the raiyat, with due formality and full proof in each case. This was not to be expected, and, as a matter of fact, the penalty was a useless threat. It is obviously worth the landlord's while to risk such a penalty, which would, if enforced, be nothing to him, though the extortion might be a great deal to the raiyat. No; if it is worth having a penalty at all, it should be substantial. Nor will such a penalty, as urged, be cumulative. The extortion may be general, but, unless each raiyat brings a suit, the penalty will not be cumulative; and in such cases each raiyat does not bring a suit. One raiyat will have to bell the cat, and, the penalty once enforced, the others might hope to get the advantage of it.

"The amount of penalty, it should be observed, is discretionary with the Court. We only fix the maximum. The Court may be trusted not to levy a penalty disproportionate to the offence. I must oppose the amendment."

The Motion was put and negatived.

The Hon'ble MR. BARKLEY also moved that in section 29, sub-section (2), after the words "an ordinary tenant," the words "whose holding does not consist entirely of *sír-land*" be inserted. He said:—

"My Lord, I have already pointed out that the protection of the proprietor's cultivating rights in his *sír-land* is the necessary complement of the provisions of the Bill in favour of tenants. If, then, he finds it convenient to let that land for a time, his tenant should not be allowed to insist on his making improvements, nor to make them himself unless with the landlord's consent. The North-Western Provinces Rent Act, XII of 1881, section

44, allows no tenants other than tenants at fixed rates or occupancy-tenants to claim compensation for improvements made without the consent of the landlord; and, under that Act, as under section 41 of the present Bill, occupancy-rights cannot be acquired in sîr-land. The amendment proposed also seems in harmony with clause 4 of section 30, which, in providing for improvements made by tenants before this Act comes into force, excepts sîr-land."

The Hon'ble MR. QUINTON said:—"My Lord, there are few things in this country more necessary for the good of the community generally, and the welfare of the agricultural classes in particular, than that landlords and tenants should have the strongest inducements to effect improvements in the land held by them as a protection against famine, and a means of promoting increased production of food to meet the growing demands of a rapidly increasing number of mouths. All legal obstacles which obstruct the carrying out of improvements should be removed so far as this can justly be done. This amendment of my hon'ble friend, if accepted, will perpetuate, instead of removing, such an obstacle.

"It may be true that it will not operate in numerous cases, but still, if a cultivator of sîr-land has the will and the means to make an improvement, it is certainly for the public advantage that he should be empowered by law to call on his landlord to make it, and, in case of the landlord's refusal, to make it himself. Amendments have been introduced by my hon'ble and learned friend in charge of the Bill which will guard the rights and interests of minors and widows in sîr-land let to tenants. But it is of the highest importance that the capabilities of such land, as well as of all other land, should be developed at the earliest moment; and the reluctance of the landlord to allow of a tenant effecting such development from a chimerical fear that an unjust award of compensation might subsequently be given against him should not be allowed to outweigh the general good. He will, it is true, be liable to pay compensation for improvements, but the liability is measured by the increase given to the letting value of the land and other considerations stated in section 31, by which his interests are adequately protected."

The Hon'ble SIR STEUART BAYLEY said:—"My Lord, I am inclined to accept Mr. Barkley's amendment. I do not know much of the custom in the Central Provinces in regard to dealing with sîr-land, but I should think the practical effect would be very small. If I understand rightly, the man who cultivates a málguzar's sîr-land can rarely be considered a permanent tenant of that land. The landlord employs him practically as a labourer, giving him his payment in the shape of a share of the produce. The tenant's interest is from year to year, the landlord's interest is permanent; and I think it unfair to the landlord, in regard to land which is strictly his own, and in which the tenant has no durable interest, that the latter should be able to create an interest by making an improvement which his landlord may be unwilling or unable to make, thereby preventing the landlord from ousting him except at heavy expense. I draw the most marked distinction in this respect between sîr-land and raiyatî lands, and, while in the latter I think the tenant should have every possible security and every encouragement to improve, I see no ground for giving him similar security in land which is distinctly the personal property of the landlord. I see no objection to the present section in cases where the landlord may find it convenient to give a tenant a lease of (say) three or more years, but, in regard to sîr-land generally, I would vote for Mr. Barkley's amendment."

His Excellency THE PRESIDENT said:—"I should just like to ask one question as to the effect of this clause. The hon'ble member moves an amendment to section 29, but moves no amendment to section 30; and I am not quite clear whether, supposing an ordinary tenant of sîr-land were to make an improvement with the consent of his landlord, there would be any provision in the Bill which would secure him legal compensation for the improvement so made."

The Hon'ble MR. ILBERT said that an improvement so made would not be made "in accordance with this Act," and therefore would not entitle the tenant to compensation under section 30. His inclination was to agree with the recommendation of the Hon'ble Mr. Quinton that the Bill be left as it stood;



but, as it was an arguable point, he was quite content to adopt the view of the majority of the Council. His hon'ble friend Mr. Barkley was not quite accurate in saying that improvements in sîr-land were excluded from the operation of the Bill. Sub-section (4) of section 30 merely said that the presumption as to improvements having been made with the landlord's consent should not apply to improvements made on sîr-land.

His Excellency THE PRESIDENT said :—" I agree with the Hon'ble Sir Steuart Bayley in thinking that it is very desirable to maintain the distinction between sîr-land and raiyatwârî land. The amendments introduced by the Hon'ble Mr. Ilbert all tended in that direction. I should, therefore, be personally prepared to accept Mr. Barkley's amendment of section 29, provided that it is made clear that, if the tenant of the sîr-land makes an improvement at his own expense with the consent of his landlord, he shall have a legal right to compensation. I am quite ready, in regard to sîr-land, to make the consent of the landlord a *sine quâ non* ; but I am not prepared to admit that, that consent having been obtained, the tenant shall be entitled to no compensation for improvements made at his own expense. That appears to me to be a highly unjust proceeding and one which ought to be guarded against by the law ; but, if that can be done, I shall be prepared to accept Mr. Barkley's amendment."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT moved that in section 30, sub-section (1), for the words " which have been made in accordance with this Act by him or by the persons under whom he claims," the following shall be substituted, namely :—" which he or the persons under whom he claims may have made in accordance with this Act or with the landlord's consent otherwise than in accordance with this Act."

The Motion was put and agreed to.

The Hon'ble MR. BARKLEY moved that to section 43, sub-section (1), the words " or unless the holding has been inherited from an ancestor common to him and the deceased tenant " be added. He said :—

" As Mr. Jones' Draft Bill is not with the papers circulated, and the subject is not referred to in his note and commentary, I have been unable to ascertain whether the exclusion of collaterals from succession to occupancy-tenants was proposed by him. They are excluded by section 81 of Bill No. I, but, under the previous law, section 6 of Act X of 1859, there was no bar to the succession of collaterals. When Bill No. I was circulated for opinions, Colonel Lucie Smith, the Commissioner of Chhattîsgarh, stated that the proviso excluding collateral relatives ' is opposed to the custom of the country,' and considered that it should be omitted (Paper No. 11, page 47). Afterwards the Nâgpur landholders, on the Bill as revised by the Pachmarhi Committee being communicated to them, remarked on section 14 in a letter to Mr. J. W. Neill, Officiating Judicial Commissioner : - ' We allow collateral succession at present, and we will not object if the scope of the section be enlarged so as to allow of such succession in future.' It appears, therefore, that they did not desire a change of the existing law on this point. After Bill No. II was published, the tenants of the Harda tahsîl of the Hoshangâbâd district objected to section 35 as excluding the succession of collaterals, and referred to section 6 of Act X of 1859 as permitting it (Paper No. 15). On the other hand, the landlords of the Hoshangâbâd and Narsinghpur districts, in Paper No. 14, approved of the Bill on this point, and the opinion submitted by them was afterwards adopted by the landlords of certain villages of the Nâgpur division in Paper No. 16. In none of the remaining papers does the subject appear to be noticed.

" It is true that the law has been changed in the North-Western Provinces by section 9 of Act XVIII of 1873 (re-enacted in Act XII of 1881), but I do not think that this is a reason for making a change unfavourable to the occupancy-tenants in the Central Provinces. I can understand that there may be reasons for excluding remote collaterals, whose ancestors never held the land, from succession to occupancy-tenants, but such reasons would not be applicable to the claim of one brother to succeed another in land in which their father had acquired occupancy-rights. The Bill allows such succession in case the brothers

held the land as co-sharers; but, if the land was not enough for both, and one gave up his share to the other and sought for other means of support, or if the holding had been divided between them, as it might be, with the landlord's consent, the right to succeed would be lost. Suppose that, on the death of a father who held land as an occupancy-tenant, there are three sons entitled to inherit, but the land is not more than enough for two. One may enlist in the army or leave the village to look for employment elsewhere, while the other two succeed their father. One of the latter dies, leaving no heirs but his brothers. If the holding has not been divided, the brother who has remained at home will succeed, but the brother who gave up his share will be excluded. Even if both the brothers who succeeded to the holding die and the absent brother is their sole heir, he will not be allowed to return and take up the family holding. A law which would lead to such results as this is not likely to commend itself to Native public opinion, and, when it came to be understood, there would be a strong temptation to all heirs to cling to their ancestral holding, even though it were manifestly inadequate to support them. If any one were to leave, some arrangement would be come to by which he might appear to continue a co-sharer with those who remained.

"In order to remedy this, I propose, as in the Panjáb Tenancy Act, to allow collaterals in the line of descent from the person who acquired the holding to succeed in the absence of lineal heirs."

The Hon'ble MR. QUINTON said:—"As explained by my hon'ble friend, the Bill, following the precedent set by the North-Western Provinces Rent Act, limits the succession of collateral relatives to the occupancy-rights of a deceased tenant to such collaterals as were co-sharers in the holding at the death of the tenant. The amendment proposes to extend this limitation so as to bring within it all collaterals of the deceased, provided that the holding was inherited by them from an ancestor common to him and them.

"The objections to this course are, in my mind, great. It will introduce all the intricacies of Hindu law into the determination of questions respecting the ownership of occupancy-rights, which it has hitherto been the policy of the legislature to exclude. It will undoubtedly foster litigation and promote disputes among conflicting claimants, and, most important of all, will encourage subletting by absentee occupancy-tenants who have inherited rights under the provisions of the amendment."

The Hon'ble SIR STEWART BAYLEY said:—"My Lord, the question here raised is whether in the Central Provinces we should make the custom follow that of the Panjáb, or keep it, as in the Bill, in accordance with the law prevailing in the North-Western Provinces. The Bill as drawn follows the North-Western Provinces law, and, considering the very complete sifting which the Bill has had at the hands of experienced local officers, I would *a priori* accept their view. But, moreover, I think the Panjáb rule, however reasonable in a system founded on the supposition that the cultivators are themselves the proprietary body, is hardly adapted to a system where a single landlord is responsible for the land-revenue of his estate. The landlord must, in case of land being vacated by death, find another tenant. Where a son is on the spot, he succeeds by law—where a near relative is available, he would generally succeed by custom; but it seems to me most inequitable that the landlord, or the tenant who in the absence of other applicants he may have put in on the land, should be at the mercy of any one of a hundred collaterals who may have entirely separated himself from the land, and may turn up and claim the tenure any time within 12 years. The landlord can know nothing about these, and he would probably not only lose the tenant of his choice, but have to compensate him for being turned out. There is a still more serious objection on general principles in the tendency to *morcellement* and to consequent litigation, which would be involved by giving all collaterals the right to participate in every holding left vacant. Nor do I see how Mr. Barkley can reconcile his amendment with the principles laid down in section 33 of the Bill regarding relinquishment. By section 33 (b) a tenant is presumed to relinquish his holding by ceasing to reside. By section 34 a tenant is presumed to relinquish his holding by leaving the land uncultivated and the rent unpaid for two years even when he resides



in the village. The collateral in the case supposed by Mr. Barkley has altogether ceased to reside in the village, and, instead of the limitation given in section 34, he would apparently, if the amendment be allowed to stand, be able to claim the inheritance—at least I suppose this would be the effect—under the ordinary law of limitation.

“I presume also the amendment would have to be applied to section 61, also regarding ordinary tenants. To sum up, I would oppose the amendment because it is contrary to the opinion of the best local officers, because it is opposed to public policy by its tendency to burthen the land with more mouths than it can support, because it introduces all the complexities of Hindu law into the land-system and tends to foster litigation, because it is inequitable and oppressive to the landlord and his *bond fide* tenant, because it is contrary to the principles which regulate relinquishment under the Bill.”

The Hon'ble MR. ELBERT also opposed the amendment.

MR. BARKLEY stated in reply that, under Act X of 1859, collaterals had enjoyed the right of succession to occupancy-tenants in the Central Provinces, in default of lineal heirs, for the last 19 years; that there was no relinquishment of the holding in the lifetime of the deceased tenant, succession to whom was in question; and, if the heir did not come in within two years, there was no reason why section 34 should not apply; and that he had not considered it necessary to propose any amendment to section 61, which related to a different class of tenants.

His Excellency THE PRESIDENT said:—“The question is one not altogether free from difficulty, but the weight of legal opinion appears to me to be so decidedly in favour of the Bill and opposed to the amendment, that I shall vote against it.”

The Motion was put and negatived.

The Hon'ble MR. BARKLEY also moved that in section 58, sub-section (2), clause (b), for the words “equal to,” the words “not less than three times and not exceeding” be substituted. He said:—

“My Lord, the provisions of this chapter give a great degree of protection to ordinary tenants. Their tenures are made heritable, and, if their rent is enhanced under the provisions of this chapter, it cannot be again raised under these provisions until seven years have elapsed. The only check upon the amount of enhancement, however, is that provided by this section combined with sections 55 and 57, that, in case the tenant does not agree to pay the enhanced rent demanded, the landlord can only proceed by suing to eject him; and, if ejectment is decreed, the landlord must pay into court any sum declared to be due as compensation for improvements, and further, as compensation for disturbance, seven times the yearly increase of rent demanded. Though it may be doubted whether this sufficiently provides for the case of an improving tenant, who does not wish to give up his land, and who, rather than do so may be compelled to pay an enhanced rent due to his own improvements, it cannot be denied that it affords a very efficient protection to the ordinary tenant in all other cases. The exceptional case is that of the sitting tenant, which is at present being discussed in England by men like Professor Bonamy Price and Sir James Caird. I was at first, I confess, doubtful as to the principle of giving heritable rights to ordinary tenants, which was not proposed either in Bill No. I or in the Pachmarhi Committee's draft Bill. But, on examining the opinions given on Bill No. I, I found that Colonel Lucie Smith, Commissioner of Chhattisgarh, urged (Paper No. 11, page 43) that all tenants in Chhattisgarh are entitled to hold their land, being other than *sir*, so long as they pay a reasonable rent, and quoted depositions of *mālguzárs* in a case in the neighbourhood of Raipur in support of this (page 42). In a subsequent communication, dated 20th December, 1880, he stated that there was ‘hardly a man among the *mālguzárs* who would come forward openly and assert that he has the right to eject a *raiya*t who is willing to pay a reasonable rent;’ and he quoted a minute by Sir George Campbell, in support of an argument he had previously urged, that a custom which prevailed there, of the *raiya*ts redistributing the

lands amongst themselves, was an indication of proprietary right, though at settlement the managers of the villages had, by mistake, been recognised as proprietors. Again, while the Pachmarhi Committee's Bill had provided in section 23 that ordinary tenancies should lapse on the death of the holder, a pleader, Mr. Bipin Krishna Bose, who had previously acted for the Nágpur landlords, suggested to the Judicial Commissioner that heirs who had been members of a joint family with the cultivating tenant should be allowed to succeed on his death. Bill No. III made the rights of ordinary tenants heritable, and in the Report of the Select Committee it was stated that it was believed that the amendment would be in consonance with the general feeling of the people. Opinions have since been received from landlords of the Nágpur Division, and of the Hoshangábád, Narsinghpur, Betul and Raipur Districts; and in none of these has this amendment been objected to, though other provisions of the Bill have been warmly canvassed. The Raipur landlords indeed admitted that, before the introduction of Act X into the Chhattísgarh Division, ejections of tenants were unheard of, and that tenants should not be ejected so long as they pay fair rents. As the Bill puts a stop to the growth of occupancy-rights by 12 years' possession, the heritable right conceded to ordinary tenants of other than sár-land may be regarded as a compensating advantage; and, as the concession has not been objected to from any quarter, and in some parts of the country, at least, the right of such tenants not to be ejected so long as they paid reasonable rents was recognized, I see no reason to call in question its propriety. It would, however, be valueless unless there were some means of protecting the tenant from unreasonable enhancement of rent, and the provisions of section 58 furnish a convenient means of preventing this in most cases; and, though the principle of compensation for disturbance is objected to in some of the papers received (Nos. 25 and 28), the landlords of the Nágpur Division have accepted it (Paper No. 25), only urging that seven times the yearly increase is too much, and that five times would be a fair compensation.

"I think the Bill errs in laying down an unduly rigid rule on this point. There may be cases in which seven times the yearly increase demanded would not be excessive. There are tenants who, if the passing of this Bill were delayed, would acquire occupancy-rights under Act X of 1859 within a year, and, when the growth of such rights under that Act is stopped, there will be cases of ordinary tenants whose families have held the land for two or three generations. Such tenants would usually pay any rent the land could properly yield rather than give it up, and, if an excessive rent were demanded to compel them to quit their holdings, it would not be unfair to allow seven times the increase demanded, especially if the tenants were already paying as much, or nearly as much, as they ought to be asked to pay. But in other cases, the tenant may have held the land only for a year or two, without paying any premium on entering, and perhaps at a low rate of rent. In others, again, the land may have been let on favourable terms for a period of years in order to get it brought under cultivation. In the one class of cases, the claims of the tenant to compensation for disturbance would be but small; in the other, seven times the increase demanded, even though that increase was not unreasonable in amount, might be an excessive sum. If, for instance, the tenant held at half the normal rate of rent, and the landlord proposed to demand the normal rate, the tenant, if he chose to give up his holding, would get  $3\frac{1}{2}$  years' rental, in addition to any compensation for improvements which might be due him.

"I therefore propose that the Court which passes the decree should be allowed to fix the compensation, with regard to the circumstances of each particular case, at from three to seven times the increase demanded. The compensation thus could not be merely nominal unless the increase of rent demanded was nominal, while it might be large in cases in which the tenant was entitled to special consideration. It would rest with the Court to adjust it according to circumstances, and this, I think, would be a more satisfactory arrangement than to give a fixed number of times the increase demanded. It might also facilitate arrangements out of Court, where the landlord's object was to resume his land, which he can only do by agreement with his tenant. He might say to his tenant: 'You have held my land for four or five years; you

have made no improvements; it is now convenient to me to take it into my own hands, but I can only do so by asking an increase of rent which you will not give. I therefore propose to add one-half to the rent, and offer you three times the yearly increase.' The tenant might say: 'I am not prepared to pay the increased rent, but the Court may give me more than you offer. I am ready to give up the land for five times the yearly increase.' If the landlord agrees, the tenant would get 2½ years' rental, and if the landlord and tenant agree to four times the increase, the tenant would get two years' rental, to surrender land he had held only a few years.

"The principle of compensation for disturbance is entirely new to Indian law, and it may therefore not be out of place to remind the Council that the Irish Tenancy Act, in which this principle was first recognized, allows a discretion to the Court to give compensation for disturbance not exceeding so many years' rental, the maximum varying according to the size of the holding, while no minimum is prescribed."

The Hon'ble MR. QUINTON said:—"This is one of the means of protection for ordinary tenants devised by the framers of the Bill in lieu of the growth by prescription of rights of occupancy, and of which they as a class have been deprived, and it is intended to operate as a check upon rack-renting. Seven times the yearly *increase* of rent demanded seems no immoderate compensation to award to a tenant who may be driven out of home and home with no resource before him but starvation; and, as the Select Committee have after mature deliberation accepted this amount as the minimum likely to prove effective for the object in view, I see no cause for giving the Courts any discretion in the matter. It is difficult to see on what principles such discretion could be exercised; so that we should have to expect widely different judgments from different judges, and, as a consequence, fertile crops of litigation and discontent. This is pre-eminently one of the cases in which a hard-and-fast line is advisable. The minimum suggested in the amendment, namely, three times the increase demanded, would leave it in the power of any judge to defeat the avowed intention of the legislature."

The Hon'ble SIR STEUART BAYLEY said:—"My Lord, this amendment also, I fear, I must oppose. It introduces an element of elasticity no doubt, which is in itself desirable, but it also introduces a far greater element of uncertainty which would be most prejudicial. Doubtless the limit of seven times the amount of enhancement is arbitrary; but it was come to after very full consideration, and was discussed at two separate meetings of the Select Committee. The original Proposal was ten times. This was considered too much in a temporarily-settled province, where the landlord was liable to have his revenue enhanced at the next settlement, as the enhanced rent which *en hypothesi* he would receive from the incoming tenant might not pay him a fair interest on the compensation he would have to pay the outgoing tenant. After several proposals the amount was reduced to seven. My great objection to Mr. Barkley's proposed amendment is that, under the discretionary rule, not only would the landlord never know exactly what risk he ran in ousting a tenant for refusal to pay an enhanced rent, but, worse than that, the tenant would never know whether it was better worth his while to pay or to refuse. Each case would be a speculation in litigation. The Courts would have no practical guide. Another objection is that the system itself is experimental and may possibly not work well; but, under the Bill as it stands, it would at least work consistently, and its action could be watched. If it broke down, the Government would know why, and would be able either to withdraw it or to strengthen its weak points. Under the proposed amendment, one could never judge fairly of the experiment, because its working would differ with the personal equation of each Revenue-officer. It is certainly better, in introducing an important experiment of this kind, about which, as Mr. Ilbert has shown, there is room for various opinions, that the conditions of its introduction should be fixed and known, and that they should not vary with the varying idiosyncracies of every officer."

His Excellency THE PRESIDENT said:—"I cannot accept this amendment. The question, as my friend Sir Steuart Bayley has said, has been extremely

carefully considered by the Select Committee and the Government. The original proposal was to fix the rate at ten times the increase, but, in consequence of representations received from the Central Provinces, that figure was reduced to seven times the increase of rent—a very small amount to be demanded for compensation for disturbance, and very greatly less than that demanded under the Irish Land Act. This is making the experiment on a small scale. It appears to me to be sufficient for the circumstances of the Central Provinces, where population is thin and where farms are rather seeking for tenants than tenants for farms. It seems to me to be the least that could be proposed, and, therefore, I cannot accept the amendment proposed by my hon'ble friend."

The Motion was put and negatived.

The Hon'ble MR. BARKLEY also moved that for section 62 the following section be substituted, namely :—

"62. The landlord of any holding held by an ordinary tenant may confer upon him the rights of an occupancy-tenant in respect of the holding; and the landlord of any holding held by an occupancy-tenant or an ordinary tenant may confer upon him the rights of an absolute occupancy-tenant in respect of the holding; and a person upon whom such rights are so conferred shall, for the purposes of this Act, be deemed to be an occupancy-tenant, or an absolute occupancy-tenant, as the case may be."

He said :—

"This, my Lord, is the most important of the amendments of which I have given notice, and the section to which it relates is the only one in regard to which I find myself absolutely at issue with the principles adopted in the Bill. My objections to that section are so strong that, if it is allowed to stand, I shall, though with regret, feel it my duty to vote against the passing of the Bill.

"This section, like that giving heritable rights to ordinary tenants, was first introduced in Bill No. III, nothing similar having appeared either in the original Bill or in the revised draft prepared by the Pachmarhi Committee. It cannot be said to have been suggested by any of the opinions received from the Central Provinces, and the only opinions given after Bill No. III was published, except that of the Chief Commissioner himself (Paper No. 20), are strongly opposed to it. Unfortunately, these are the opinions only of landlords, the late Chief Commissioner not having thought it necessary to consult any of the local officers as to the changes made by Bill No. III. But the landlords of the Nágpur Division (Paper No. 23) denounced the section as a departure from what they called the Pachmarhi compromise, that is, the Pachmarhi Committee's draft Bill, which they had expressed themselves willing to accept, and as an encroachment on their rights, and urged that the compensation proposed to be given to the landlord is wholly inadequate. The opinion of the landlords of the Hoshangábád, Narsinghpur and Betul Districts (Paper No. 25) was similar, except that they did not refer to the Pachmarhi Bill. The landlords of Raipur (Paper No. 28) objected to the section that it arbitrarily interferes with voluntary contracts and nullifies the provisions contained in section 41, clause (c), and urged that, if a tenant desired occupancy-rights, he should pay at least six times the rental. The Chief Commissioner forwarded a copy of this petition without comment (Paper No. 29), remarking that it accepted the principles of the Bill, but stated certain objections to some details, which it was unnecessary for him to discuss. It is, I think, to be regretted that he did not discuss the objections taken to section 62. All that the Select Committee say in support of this section, the provisions of which do not appear to have been suggested by any local authority, and have been so strongly objected to by the landlords, is that—

'The growth of occupancy-rights by lapse of time having been stayed, we think, with the Famine Commissioners, that some means should be provided by which a thrifty, industrious tenant can raise his status. The provision we have introduced can in no way injure the málguzár, while it holds out a prospect to the tenant which will induce him to retain and improve his holding. We have little expectation that tenants will avail themselves of this privilege for a long time to come, except in a few cases.'

"The landlords, I observe, contend that it is likely to be very largely taken advantage of when the power becomes known, but it is of course possible that they are mistaken as to this. It may be that few tenants will be willing or able to give  $2\frac{1}{2}$  years' rental for the advantages enjoyed by an occupancy-tenant over an ordinary tenant protected by Chapter VI. But, if so, the benefit to the tenants will not be very great.

"I do not know how far the Famine Commissioners are responsible for suggesting a section of this nature, but, assuming that the suggestion is theirs, I do not think that their authority is so conclusive that we should refrain from discussing the merits of the proposal.

"My own objections to it, being objections of principle, can be stated very briefly. They may be summed up in the four following propositions: 1st, that to give the tenant power to compel the landlord to sell a portion of his rights is an encroachment on the rights of the landlord; 2nd, that, while rights of property may be interfered with by the legislature when public interests require this, and on reasonable compensation being made to the persons whose rights are interfered with, all unnecessary interference with such rights should be avoided; 3rd, that, in the present case, there is no evidence that public interests render it necessary that tenants should be empowered to compel their landlords to sell them occupancy-rights; 4th, that, even assuming such necessity to be established, there is no evidence that  $2\frac{1}{2}$  years' normal rental would compensate the landlord for the alteration in the status of his tenant.

"As regards the first proposition, I do not see how it is possible to deny the encroachment upon the landlord's rights. The section does not protect any existing right of the tenant, but gives him a power to acquire new rights without the landlord's consent. The principle is precisely the same as if it were proposed to empower the tenant to buy absolute occupancy-rights at five years' normal rental, or proprietary rights at eight years' normal rental. Whether these sums represent the value of the interests sold or not, the landlord has a right not to be compelled to part with those interests, unless, for sufficient cause, the legislature deprives him of this right.

"The second proposition is scarcely likely to be disputed in this Council, as it is difficult to see how it can be disputed by any one who does not disapprove of private property being recognized at all.

"The third proposition raises a question of evidence, and I think I am entitled to ask for the evidence of necessity. It tells against the existence of any necessity that the local authorities have not asked for the grant of such a power to ordinary tenants, and were originally content to give them much less protection than is given by the other provisions of this chapter. Mr. Grant, in introducing Bill No. 1, urged the necessity of shunning heroic remedies, and, if it has since been found advisable to prescribe such remedies, a clear case of necessity for doing so should certainly be made out.

"The fourth proposition also raises a question of evidence. The Select Committee say that the provision they have introduced can in no way injure the *mālguzār*, but I have been unable to discover the proof that the difference between occupancy-rights and the position of an ordinary tenant is not worth more than  $2\frac{1}{2}$  years' rental in many instances. The only test of its value would be to ascertain what the tenant would pay and the landlord would accept in consideration of the superior status being conferred; but, unless free contract is allowed, this test cannot be applied. The difference may be worth five years' rental, or it may be worth only one. It may be worth five years' rental in one case, and only one year's rental in another. In the latter case, the section will have no operation; in the former, the landlord will be compelled to sell his property for half its value. How can it be said that in such a case he will be in no way injured? In short, except in the cases where the right to be purchased is exactly worth two and a half times the rental, the section must either be inoperative or the landlord must part with his property for less than its value.

"If it were shewn to be necessary on public grounds to give this power to tenants, then, instead of fixing an arbitrary value, some machinery should be



devised for determining the value in each instance, when the parties did not themselves agree as to the sum to be paid. I consider the absence of any such machinery, and the absence of proof of necessity for conferring such a power, insuperable objections to the section as framed.

“But I think that in many cases landlords who find it necessary to raise money would have no objection to sell occupancy-rights to their tenants, if no compulsion existed. They would thus, instead of losing their land altogether by sale, or losing control over it for a time by mortgage, retain a substantial interest in it, though one of smaller value than that they previously possessed. And the proper sum to be paid would be ascertained by agreement between landlord and tenant, both parties being in a better position than almost any one else to judge of the value of the interest sold. If the compulsory power is retained, the landlord would feel its existence a grievance, even if the tenant did not exercise it; but, in the absence of such a power, there would be no reason why he should not be willing to give a thrifty, industrious tenant a superior status, when this could be done without injury to himself. This would to some extent meet the views of the Famine Commission; and, as the Bill does not provide for the purchase of occupancy-rights otherwise than by section 62, I have proposed a new section to take the place of section 62 which will give effect to such transactions. The second proviso to section 80 of Bill No. II contained a provision of this nature, suggested by the Pachmarhi Committee’s Bill.”

The Hon’ble Mr. QUINCE said:—“My Lord, this amendment, like the preceding, strikes at the root of one of the essential provisions of the Bill. For reasons which appeared to them of great force in the Central Provinces, and which I for one am not prepared to dispute, the Select Committee have omitted from this Bill all provisions enabling ordinary tenants to acquire rights of occupancy by prescription in the lands held by them, but they had no wish to leave the cultivators of the soil at the mercy of the landlords and without hope of raising their condition.

“To guard them against rack-renting and capricious eviction, measures will be found in the Bill which it is to be hoped will prove efficacious for that purpose, and to enable the thrifty and industrious tenant to better himself the section now under discussion has been drafted. The twelve-years’ rule, coupled with an unrestricted power of eviction, in effect left it with the landlord to determine whether rights of occupancy should or should not be acquired by tenants. A vigilant landlord always had the means of preventing the accrual of such rights by the simple expedient of turning the tenant out of his holding. The result has been that these prescriptive rights have been attained at the cost of much ill-feeling, and that each party is on the watch to take advantage of any omission, mistake or misfortune on the part of the other.

“It is not to be supposed that these consequences were within the intention of the framers of Act X of 1859, and, to avoid them and bestow a substantial instead of an illusory benefit upon the tenant, the present section makes it obligatory on the landlord to confer occupancy-rights on an ordinary tenant on tender of a sum equal to  $2\frac{1}{2}$  times the rent paid, or equitably payable according to the decision of the settlement-officer for the holding.

“The amendment of my hon’ble friend reverses all this, and throws things back into their old state, by making the consent of the landlord a condition precedent to the acquisition of such rights, and leaving the terms of the bargain to be adjusted by mutual agreement. He must be a man of sanguine temperament who expects that such provisions would ever have any operation.

“The measure embodied in the section is in accordance with the recommendation of the Famine Commission, and the only objection which I have hitherto heard urged against it is that, from poverty or other reasons, tenants may fail to take full advantage of it.”

The Hon’ble SIR STEUART BAYLEY said:—“My Lord, this amendment I cannot support. Mr. Barkley’s proposal would practically abolish the principle of section 62. The section was introduced as a counterpoise to the abolition of the twelve-years’ rule. It was felt that ordinary tenants would want some protection, and compensation for disturbance was provided. It is impossible to say how

this principle will work, as, though we augur well of it, it is admittedly experimental. If it fails, the ordinary tenant would be, to a great extent, unprotected, and his position under the landlord's power to rackrent would probably deteriorate. Moreover, as time goes on, since occupancy-rights can no longer be acquired by the prescriptive title of twelve years' holding, it is quite certain that the tendency will be for the class of occupancy-tenants to decrease, and for that of unprotected tenants to increase; and it seemed absolutely necessary, as a counterpoise to this tendency, to give ordinary tenants some means of protecting themselves by the acquisition of occupancy-rights. The particular rate of 2½ years' purchase may be open to objection. I can only say it was adopted after careful consideration by those most competent to advise the Committee, but I cannot approve of the Bill being shorn of the principle altogether. If I may take an illustration from another province, I would refer to the use that the raiyats in Eastern Bengal made of the increased receipts coming to them from jute-cultivation. They found themselves, as we fear the Central Provinces tenants may find themselves, insufficiently protected from arbitrary enhancement, and, as soon as they acquired the means, a movement set in, under which numbers of these raiyats, by payment of a large premium, got from their landlords a permanent lease of their lands. The permanently-settled Bengal Government is unaffected by this movement. In a temporarily-settled province, no doubt, the position, so far as the Government revenue is concerned, is different. But we wish a similar principle to apply, and we wish to facilitate it, by giving the raiyat the right to protect himself by acquiring occupancy-rights at a rate ordinarily settled by law, but in special cases after the rents have been adjusted through the Courts, so that the landlord shall not suffer. I should be unwilling to part with this principle, and must oppose the amendment."

His Excellency THE PRESIDENT said:—"I most strongly object to the substitution proposed by my hon'ble friend. When he speaks of section 62 as an encroachment on the rights of landlords, it is necessary that we should consider what are the rights of landlords at the present moment in the Central Provinces. We are not talking of the abstract rights of landlords. That subject is a very large one. What we have to deal with are the rights of landlords in the Central Provinces now, and those rights are subject to the provision of Act X of 1859, which confers on the tenant the power of obtaining occupancy-rights if he occupies the same land for a period of twelve years; therefore, the rights of landlords in the Central Provinces at present are limited by the rights of tenants to acquire, by a certain process, an occupancy-right in their lands. The framers of the Bill in its present shape were led to believe that it would be desirable to put an end to the existing mode of obtaining occupancy-rights by the tenants, in consequence of the serious objections which may be urged against any system under which a tenant acquires occupancy-rights by a mere lapse of time. It seemed, therefore, desirable that to get rid of that system in the Central Provinces before it had produced there those evils and those difficulties in the relations of landlord and tenant which have been found to spring from it in other parts of India. The question, then, the Committee had to consider was, what substitute they should give to tenants for this power of obtaining rights of occupancy by the lapse of time. My hon'ble friend Mr. Barkley says that Bill No. I as introduced by Mr. Grant did not contain this proposal. Doubtless not, but it did not propose to abolish the twelve-years' rule. Bill No. I retained the twelve-years' rule, and gave tenants that mode of acquiring rights which the present Bill seeks to supersede. It appears to me that one of the great advantages of the present proposal over the twelve-years' rule is that, whereas, practically speaking, the twelve-years' rule gives occupancy-rights to tenants by accident, this proposal, on the contrary, gives the power of obtaining such rights to thrift and to frugality. Under the twelve-years' rule, it depends on an accident whether a landlord gives a tenant notice to quit before the expiration of twelve years, and thus takes the measures necessary to prevent the accrual of the right; on the other hand, it is the thrifty tenants who will under the new proposal be able to purchase an occupancy-right. The right will depend not upon accident, not upon whether the landlord will allow the tenant to remain in possession for twelve years, but upon whether by frugality he is able to lay by sufficient to enable him to purchase an



occupancy-right in the manner proposed by section 62. Now, my hon'ble friend Mr. Barkley says there is not much evidence to show that this proposal has been accepted by those best acquainted with the Central Provinces. I may say that, in the first place, it has been accepted by Sir J. H. Morris, than whom no one is better acquainted with the circumstances and requirements of those Provinces. It has also been most carefully and closely considered by my hon'ble friend Mr. Crosthwaite, who had charge of the Bill originally. I have discussed it with him several times, and it is most unfortunate that we have not his presence here to-day. I felt bound to call him to higher functions during the absence of Mr. Bernard, but, had he been present here, he would have given us the weight of his great experience in the Central Provinces to meet the objections taken by Mr. Barkley. I must also point out that, if we were to adopt the amendment proposed by Mr. Barkley in this matter, we should actually put the raiyats in the Central Provinces in a worse position than they are now in. We should have abolished their power of acquiring the right of occupancy under the twelve-years' rule, and substituted for it nothing but a legal power to the landlord to sell them this right if he chose to do so. It is quite impossible that the Council can accept a proposal of that kind. For a considerable time this clause may be made little use of, but it will enable those tenants who have laid by a small amount of capital to acquire the greater security which occupancy-rights afford, and without it the result of the Bill would be to shut the door to all hope of raiyats ever acquiring that security at all.

"Under these circumstances, I cannot give my vote in favour of the amendment proposed by my hon'ble friend Mr. Barkley."

The Motion was put and negatived.

The Hon'ble MR. BARKLEY also moved that in section 71, clause (a), for the words "one hundred," the word "twenty" be substituted. He said :—

"This amendment raises no question of principle, but merely one of expediency. A similar provision is to be found in the Rent Act in force in the North-Western Provinces, but I think it necessary to point out that, in cases where rent is paid in the form of a share in the produce or of the estimated value of such a share, suits for arrears of rent usually involve questions of much difficulty, such as the actual amount of the yield, the value of the landlord's share, and the reason why that share was not taken when the crop was reaped,—the tenant perhaps alleging that the landlord would not accept it, because the yield was so small that he hoped to get more by suing, while the landlord asserts that the tenant removed the whole crop before any division of the produce could be made. The decisions of Assistant Commissioners of the first class in the simplest cases are at present subject to appeal, and neither landlords nor tenants appear to have such confidence in the courts of these officers as to make them willing to be deprived of the power of appeal in cases relating to arrears of rent. The tenants in the Harda tahsil ask that appeals may be allowed or that the limit of exclusion may be reduced to Rs. 10 (Paper No. 15), and the landlords of Raipur are willing that there should be no appeal from the Deputy Commissioner's decision in cases of this nature,—which that officer is not likely often to try,—but ask for an appeal from the decision of the Assistant Commissioner (Paper No. 28). I have taken Rs. 20 as the limit, as, in claims under that amount, it can rarely be worth the while of either party to appeal, where no question of title or interest in land is involved. But I think we should avoid doing anything which would give colour to the supposition that we regard the right decision of cases where the amount of rent payable is in question as of less importance than the right decision of cases relating to small debts."

The Hon'ble SIR STEUART BAYLEY said :—"My Lord, I cannot concur in this. Against the limitation which prevails in the Panjáb, the Bill has adopted that which has been found to work well in Bengal under section 153 of Act X of 1859 and section 102 of the present Act, in the North-Western Provinces under section 80 of Act XII of 1881, and in Oudh under section 95 of the Oudh Tenancy Act. Assuredly, the tendency of recent

legislation has not been to increase the facilities for appealing. I should prefer, therefore, to maintain the limit of 100 rupees."

The Motion was put and negatived.

The Hon'ble MR. ILBERT moved that the Bill as amended be passed.

The Hon'ble MR. QUINTON said:—"My Lord, I cannot refuse to support this Bill, which is the result of long and careful deliberation on the part of this Council and of the local authorities, and which offers a hopeful prospect of placing on a satisfactory footing for some time to come the relations between landlords and tenants in the Central Provinces. I am, however, reluctant to give a silent vote in favour of it, lest my acceptance of the measure should lead to the conclusion that I consider it a precedent to be invariably followed in other cases for which we may hereafter have to legislate.

"The speech of my hon'ble and learned friend Mr. Ilbert has shown very clearly why the Bill now before us differs so materially from that which the Government of India, with the consent of Her Majesty's Government at home, have thought fit to propose for the Lower Provinces of Bengal; and I would, even at the risk of some repetition, call the attention of the Council to a few circumstances in which the Central Provinces differ from that part of Upper India of which I have most personal knowledge, namely, the North-Western Provinces and Oudh, with the object of deprecating the inference that, in any future legislation for the latter, this Bill should, of necessity, be taken as a guide. Numerous provisions of the Bill are of a novel character; several of them, such as the stoppage of the growth of occupancy-rights by prescription, the modes of enhancing the rents of occupancy-tenants and the different methods adopted for the protection of tenants without rights of occupancy from rack-renting and capricious eviction, are of a most important nature, and have been determined on with the advice of those best able to judge of the local peculiarities of the Central Provinces; but it by no means follows that such provisions would be found adequate or could be successfully applied under conditions essentially different.

"In the Central Provinces, culturable waste land is abundant, and is available in the shape most favourable to a wide extension of cultivation; that is, in large blocks for the use of new settlers. There is no district or part of a district in which there is an early prospect of the limits of cultivation being reached. In the North-Western Provinces and Oudh, on the other hand, there is left but a small margin of land easily culturable, much of that which is so recorded being portions of villages impregnated with salts pernicious to vegetation, and incapable of being rendered culturable by any experiment that is likely to prove remunerative.

"In the Central Provinces, there is a sparse population, the density of which is about one-fourth of that of the North-Western Provinces and Oudh, where, especially in the Eastern districts, the pressure of population on the culturable area is becoming extreme.

"In the former favoured regions, Act X of 1859 was introduced at a later period, and landlords have not been driven, and have not generally attempted, to work that enactment to the prejudice of the tenants; but in the North-Western Provinces and Oudh, the acquisition of occupancy-rights under the twelve-years' rule has been recognised since before the mutiny, and, together with its correlative right of barring such acquisition by ejecting the tenant before the expiration of the prescribed period, received legal confirmation in 1859 by Act X of that year. These mutual rights of landlord and tenant are universally known and widely exercised, while the powers of enhancement conferred on the landlord, which have remained in the Central Provinces almost a dead-letter, have been very generally enforced, in many cases to the uttermost farthing.

"In fact, in the one case, abundance of waste land and a sparse population effectually protected the tenants from rack-renting and capricious eviction; in the other, a denser population, which has almost reached the utmost limits of cultivation, tended to compel both parties to insist on every jot and tittle of their legal rights. I think, therefore, I am justified in asserting that there are essential

differences in the economic conditions and mutual relations of the agricultural classes in the two Provinces.

“The discussion of the relative rights of landlords and tenants, and the due adjustment of these with reference to the good of the whole community, are not now subjects confined to a single province or even to British India. They have long been burning questions in Ireland, and the settlement of them has taxed to the utmost the wisdom of Parliament. They are coming rapidly to the front in England and Scotland, and indications are not wanting that even in the United States of America we are within measurable distance of a time when the operation of the land laws there in force will be subjected to rude criticism, and possibly to revision. In India, a tenancy Bill for Bengal is pending before this Council, proposals have been made and enquiries instituted having in view the amendment of the Rent Laws of the North-Western Provinces and Oudh and of the Panjáb, and even in British Burma the subject is attracting attention. It is impossible to suppose that in all these countries the same remedies will be found equally applicable. There can be no doubt that widely different modes of treatment must be adopted in different cases, and that each case must be dealt with on its own merits.

“Without, therefore, expressing any opinion as to the lines on which legislation for landlords and tenants in other provinces should proceed, which would be for me alike improper and inexpedient, I would on this occasion merely insist on the fact that the existence of differences such as I have attempted to describe, between the North-Western Provinces and Oudh on the one hand and Central Provinces on the other, is sufficient to refute the reasoning that, by passing the Bill now under discussion, we tie our hands from legislating in the future for the North-Western Provinces and Oudh in any direction that, after due deliberation, may appear most suitable.”

The Hon'ble MR. HUNTER said:—“My Lord, I desire to say a few words in regard to the third class of tenants dealt with by this Bill. The two superior classes possessing occupancy-rights have, since the Provinces passed under British rule, enjoyed the fostering care of the Government. Their status is founded on ancient custom, it has been confirmed by the settlement-records, and it will henceforth rest on the firm legislative basis provided by this Act. The position of the third class of cultivators, the tenants-at-will, is very different. They have no prescriptive privileges to plead, nor any settlement-papers to appeal to, and their whole future depends on the legal status now accorded to them. And not their future alone, but also in an important, although in a less direct, manner, the future of the corresponding class of cultivators in the crowded districts of the North-Western Provinces and Bengal. For the population in some of those districts now presses so heavily on the land, that large numbers must either submit to suffering, at times bordering on starvation, in their native villages; or they must go forth in quest of new homes. Such movements of the people have already begun, not only under the spasmodic compulsion of famines, but also under the steady constraint of over-population. The sparsely inhabited tracts on the east and south of the Gangetic valley have from ancient times formed, and still form, the natural receptacles of this peasant outflow. Those tracts are now, for practical purposes, Assam and the Central Provinces. While population in some of the densely thronged districts of the Ganges has reached the stationary stage, the inhabitants in Assam increased by three-quarters of a million or over 18 per cent. in the nine years between the Census of 1872 and that of 1881. During the same period the inhabitants of the Central Provinces increased by  $2\frac{1}{3}$  millions, or over 25 per cent. How far the increase is due to immigration, and to the children born of immigrants, it is not yet possible to state with precision. The quality of the unoccupied soil varies from unhealthy hill tracts in the Central Provinces to the great grass plains of the Brahmaputra, which, according to the Chief Commissioner, require only a sickle and a lucifer match to turn them into arable fields. Taken as a whole, the cultivable lands still unoccupied in Assam and the Central Provinces, deducting Government forests and the area within great private estates, exceed 17 millions of acres; or more than the whole area in Great Britain and Ireland under corn crops, green

crops, grass and all other crops in 1879, excluding, of course, permanent pasture.

“These vast reserves of land are a trust which the State holds, not only for the growing inhabitants of the territories within which they lie, but also for the overcrowded population of the Provinces adjacent to them. In three districts of the Central Provinces, from 13 to 15 per cent of the people are immigrants, and, if we add the children born to them, the proportion would be much higher. The majority of such new-comers cultivate the soil as tenants-at-will. When the land-settlement was made, most of the old tenants received occupancy or proprietary rights; and almost all the rest of them have since acquired occupancy-rights under the twelve-years' rule. ‘The residuum,’ to quote the words of our late colleague, Mr. Charles Crosthwaite, when in charge of the Bill, ‘consists chiefly of new men—to a large extent of men who have taken waste or abandoned lands since the settlement.’ The number of these ‘new men’ has not been placed before the Council, and they seem to be dismissed as a less important class than the occupancy-tenants. But I find that the holdings of tenants-at-will have increased from under half-a-million to over  $1\frac{1}{2}$  millions between 1872 and 1882 in the Central Provinces, and that they now exceed all the holdings of the two superior classes of tenants put together. Instead of being an insignificant residuum they have become the most important class of tenants, both numerically and for the purposes of this Act, as their whole status will depend on the rights accorded to them by this Act. They are also the most important class in regard to the future development of the Central Provinces. For it is these ‘new men,’ as Mr. Crosthwaite calls them, who will chiefly extend cultivation, raise rents and increase the revenue. A paper before the Council shows that they already cultivate nearly one-half of the whole land returned as tenants' holdings in the Central Provinces.

“What provision does the Act make for the well-being of this useful and important class of ‘new men’? In parts of Bengal the tenants-at-will are so overcrowded, that a Bill now before the Council provides for increasing the protection accorded to them, at the cost of curtailing rights hitherto enjoyed by the landlords. The economic necessities of the case justify such increased protection. But I think that the Bengal landholders may reasonably ask that Government, before curtailing their privileges, shall do everything in its power to meet those economic necessities by throwing open the land to new comers in adjacent territories like the Central Provinces, where the State still retains a large measure of the proprietary right. By facilitating communication by road and railway, the Government has done much; and the projected line from Lower Bengal into the heart of the Central Provinces will still further aid the distribution of the people. But the question still remains whether the Land Law offers sufficient inducements to new comers to settle in those Provinces, and secures to them an adequate protection in the fields which they cultivate, and which, in many cases, they have reclaimed.

“The present Bill, together with the papers before the Council, offers to this question an answer, in some respects satisfactory, but in other respects, I fear, the reverse. The new settler and the tenant-at-will at once enter, under the provisions of the Act, on certain clearly defined rights. In the first place, the new comer, or tenant-at-will, gets his land at the low rate of  $13\frac{1}{8}$  annas per acre. Indeed, the superabundance of land is still so great in the Central Provinces, that, as far as the rates show, the tenants-at-will practically pay as low a rent as the conditional occupancy and absolute occupancy-tenants, whose average rate is  $12\frac{1}{2}$  annas per acre. The old occupancy-tenants, however, usually hold the most favourably situated fields. Once settled on a holding, the new comer or tenant-at-will immediately acquires the five following rights under this Act. First, he must pay the rent agreed between himself and his landlord, but it requires a process at law for the landlord to eject him, or to raise the rent except with the tenant's consent. Second, if the tenant agrees to pay the enhanced rent demanded by the process of law, he is exempt from any further enhancement by judicial process for seven years. Third, if he declines to pay the enhanced rent and gives up his holding, he is

entitled to compensation for improvements, and to a compensation for disturbance equal to seven times the enhancement demanded on the rent. Fourth subject to the above, his right to continue on his holding becomes, from the moment he enters on it, hereditary in his family, although not passing to collaterals. Finally, he has a right to purchase the status of an occupancy-tenant by the payment of  $2\frac{1}{2}$  times the annual rent. As regards, therefore, the immediate rights of the new comer and the tenant-at-will, this Act makes a most liberal provision. It may fairly claim to have done away with tenants-at-will altogether, and to have raised them, in fact as well as in name, into the new class which it terms 'ordinary tenants.'

"But if we look beyond the immediate rights conferred to the future status created by the Bill for new comers and ordinary tenants, the prospect is not so satisfactory. Such tenants enter at once upon all the privileges which they will ever acquire under the Act, and the element of the growth of rights is altogether absent. But the superabundance of land affords an ample protection to such tenants in the meanwhile, apart from any legislative enactment; and the Bill makes no adequate provision for the time when the superabundance of land will have disappeared. So long as the economic relation of land and labour suffices to protect the new comer and the ordinary tenant, they have no need to resort to the Bill. When the present exceptional relations of land and labour in the Central Provinces shall have given place to competitive rents, the ordinary tenants will resort to the Bill in vain. For this Bill abolishes the chief safeguard which the ordinary tenant has enjoyed from time immemorial, not only in the Central Provinces, but in almost every part of India; namely, the growth of a right of occupancy accruing from the continued cultivation of the land.

"I am aware, my Lord, that, in raising the point which I now desire to bring before the Council, I may be charged with inconsistency. The Select Committee on this Bill has already presented several reports approving of the measure, and of that Select Committee I have the honour to be a member. The first report of the Committee suggested the abolition of the twelve-years' rule which conferred the right of occupancy, and I signed the report. But in that report we distinctly said that the majority of the Committee desired to reserve its opinion as to the expediency of the amendments proposed. I was absent on tour as President of the Education Commission when the Committee came to the consideration of those amendments, and presented its second report, dated the 6th September, 1882, approving of the proposal with regard to occupancy-rights. That report I did not sign, and, at the first meeting of the Committee which I subsequently attended, I brought the question of the twelve-years' rule before the members. I ascertained that the subject had been fully considered; and it would have been unsuitable to again raise a question upon which the Select Committee had made up its mind. I now desire to state, while acknowledging the many admirable provisions of the Bill, and while giving my support to the measure as a whole, the reasons which lead me to regret this particular feature of it.

"Until to-day, one-half of the tenants' holdings in the Central Provinces have been held by men who were in the process of acquiring occupancy-rights under the twelve-years' rule. After the passing of this Bill, those men will lose all further chance of acquiring such rights. The arguments which have led to this sudden change seem to me inadequate; and the privileges which the Bill substitutes for the growth of occupancy-rights seem to me insufficient. The arguments for putting an end to the growth of those rights, as disclosed by the papers before the Council, are two-fold. First, that the landholders of the Central Provinces, in order to prevent these rights accruing, harass their tenants by frequently shifting their holdings. Second, that a large amount of litigation is thereby involved, injurious alike to the landlord and the tenant. The result is, as summed up in the speech of the hon'ble the Legal Member this morning, to render the position of the ordinary tenant one of great insecurity. But the first of these two arguments is stated by Mr. Jones, now Chief Commissioner of the Central Provinces, to be 'demonstrably unsound.' Mr. Jones points out in his letter, dated 18th September, 1880, that the protection clauses (in the Bill as it formerly stood) do not require that a tenant should cultivate the same



land. Under such protection clauses, the tenant's claim to occupancy-rights by twelve years' continuous cultivation may run—and it is proposed in Bengal that it shall run—so long as the tenant holds land in the same village or estate. I am aware that Mr. Jones has since accepted the Bill as a whole, but, as far as I have seen, he has not altered his opinion on this point. The demand for tenants is so great in the Central Provinces, and the present difference between the rate of rent paid by the ordinary tenant and the occupancy-tenant is so small, that, although a landlord might try to break the twelve years' continuous occupancy by shifting the holdings of his tenants upon his own estate, in very few cases would he drive a tenant off his property with a view to preventing the growth of occupancy-rights. Nor is combination between neighbouring landlords for that purpose possible on any considerable scale, in the present relation of land to labour in the Central Provinces. As a matter of fact, Mr. Crosthwaite admits that the twelve-years' rule has operated freely in those Provinces, and 'that the great mass of the tenants who were in existence at the settlement have acquired rights under the twelve-years' rule.' In support of the second argument, namely, excessive litigation, Mr. Crosthwaite, in his able memorandum of the 20th February, 1883, quotes the statistics of applications made to the Courts to eject tenants, and lays special stress on the increasing number of these applications during the past four years. I find that the average during the four years amounted to 2,839 applications, and that the number during 1880-81, the last year cited, was 2,780. Taking the highest of these figures and calculating it upon the 1,556,823 holdings by tenants-at-will in the Central Provinces, I find that the applications to eject averaged only one a year to 548 holdings by tenants-at-will. I do not think that this can be called excessive litigation. A large proportion of these tenants-at-will have acquired occupancy-rights or are approaching the acquisition of them. The obvious and simple way to test their occupancy-rights is by means of an application for ejectment, and I think that one such suit to every 548 holdings is a very cheap price to pay for the assertion of their rights. I am aware that in certain districts the average was higher. But in those districts the competition for land had become more severe, the value of occupancy-rights, if successfully maintained, had become greater to the tenant, and I think the increased litigation necessary to maintain those rights was a cheap price to pay for them. It is impossible to give land-rights without creating a necessity for asserting and defending those rights in the Courts of law. A third argument against the continuance of the twelve-years' rule was brought forward by the hon'ble the Legal Member in his speech this morning. If I caught the argument aright it amounts to this: The continuance of the twelve-years' rule would involve a settlement of rates, and a settlement of rates is a costly process to Government. But the general re-settlement of the Central Provinces is impending. In individual districts the period of the old settlement has expired, or will shortly run out. Until the re-settlement is effected in the ordinary course, the twelve-years' rule might continue to be carried out, as in Bengal, through the operation of the Court. I think, therefore, that the arguments brought forward for the abolition of the twelve-years' rule conferring occupancy-rights, are inadequate.

"The privileges conferred by the Bill in lieu of the acquisition of occupancy-rights by ordinary tenants seem to me equally insufficient. It is sometimes argued as if the twelve-years' rule was an arbitrary invention of Act X of 1859. As a matter of fact, the rule has existed in one form or another ever since the British Government began to concern itself about the rights of the people. What Act X did was to select, from among the various terms of years which had been current in different parts of the country, the single term of twelve years, and to make it applicable to all Provinces to which the law was extended. This term coincided with the period of limitation in suits on account of immoveable property, and it fairly applied to the older settled Provinces. But before any single term obtained the rigidity of law, there had been also other periods with the binding force of custom. More than sixty years ago Sir J. E. Colebrooke, in his Minute on Settlement, dated 12th July, 1820, proposed that an enactment should be passed 'declaring the resident tenants to be not removable as long as they continue to pay the same rent

which they have paid during the last five years.' Sir W. Sleeman in 1840 applied the five-years' period of continuous occupation as a test of occupancy-rights to parts of the Central Provinces which were then under the British Government. Mr. Charles Grant, in his paper now before the Council, dated the 13th September, 1873, stated 'that this rule retained its place in popular acceptance as late as 1855, and it was acted upon in the settlement of some parts of the Central Provinces.' The five-years' rule in favour of the tenant was made harder by Act X of 1859, requiring twelve years of continuous occupation. The twelve-years' rule in favour of the tenant is now to be altogether abolished in those Provinces, for reasons which, as I have shown, cannot be maintained. From this day the new-comers and ordinary tenants of the Central Provinces may bring the jungle under cultivation and reclaim the wastes, but their rights to the fruits of their labour will never increase (except by purchase) from the moment after they have entered on the land.

"I have admitted that the compensation given by the Bill to the tenants for taking away their growing right of occupancy is liberal, if we look only to the immediate results. But the more successful that compensation may be as an inducement to immigration in the present, the harder will be the lot of the people in the future. For, with the influx of cultivators, rent will rise, and the whole advantages conferred by this Bill seem to me to depend upon the present low rate of rent due to under-population. The Bill leaves the ordinary tenant in all time coming to make such a bargain as he can with the landlord: which means in India submission to whatever terms the landlord may impose. Once the increase of population has taken place, the only practical check upon rack-renting will be the seven years' compensation for disturbance. The compensation for improvements will be inoperative, for the Bill gives the first right of making improvements not to the ordinary tenants but to the landlord. Nor does the Bill protect the ordinary tenant who clings to his land and submits to a rise of rent, from an enhancement arising out of the improvements which he himself has made. The provision for the purchase of occupancy-rights by ordinary tenants will be little operative. Indeed, the framers of this provision admit that they do not expect it to be resorted to on any considerable scale. For, assuming, as the former draft of the Bill assumed, the maximum difference between occupancy and ordinary rates of rent to be 25 per cent., the sum which the ordinary tenant must pay for occupancy-rights would, at 12 per cent. interest per annum, exceed the maximum benefit in rent which he could gain by the transaction. It is doubtful whether the ordinary tenant could borrow at 12 per cent.

"The one real safeguard which the Bill gives is the compensation for disturbance equal to seven times the enhancement demanded. The Hon'ble Sir Steuart Bayley has told the Council this morning that, if the provision of compensation for disturbance fails, the ordinary tenant will be worse off than under the old state of things. Mr. Crosthwaite, when in charge of the Bill, admitted that compensation for disturbance was a new experiment in Indian legislation. I believe it is a new experiment in legislation in any country. The only precedent with which I am acquainted is the Irish Land Law. The experiment was first tried by the Irish Landlord and Tenant Act of 1870, and it did not succeed. The causes of its failure, so far as I have seen them stated, were due chiefly to the inadequacy and unsuitability of the scale. The Irish Land Law of 1881 has, therefore, amended and increased the scale. Whether even this higher scale will suffice to protect the tenant no man can yet say. But the higher scale found necessary to give compensation for disturbance a fair chance in Ireland is not seven times the enhancement claimed, but a sum not exceeding seven times the whole rent. This is applicable to rents of £30 or under, which would practically include all rents paid by ordinary tenants in the Central Provinces. That is to say, if an Irish tenant sitting at a rent of £10 refuses to agree to an enhancement of £1, and is ejected in consequence, his landlord has to pay him a sum not exceeding £70 as compensation for disturbance. The same man in the Central Provinces can receive as compensation only £7. I am aware that the competition for land is at present much less keen in the Central Provinces than in Ireland; but compensation for disturbance is intended to protect the tenant when the competition for land in the Central Provinces



has grown more intense. The contrast is equally great if the tenant submits to the enhancement. In Ireland, he would receive a statutory lease for 15 years at a rent fixed by a Court of law. At the end of that period the rent could only be raised upon cause shown by the landlord to the Court, in which case the tenant would get a fresh statutory lease for another term of 15 years, and so on for ever. The tenant in the Central Provinces has to submit to an enhanced rent, not as impartially fixed by a Court, but as demanded by his landlord and enforced by process of law. He receives protection from a further arbitrary enhancement by the same process for only for seven years, and at the end of the seven years he is entirely at the mercy of the landlord. This Bill substitutes for the old customary growth of occupancy-rights, which have existed from time immemorial in India, new legislative devices copied from the English law. But it deprives those devices of the stringency by which the English law renders them operative in favour of the tenant.

“I had hoped that the duty of stating these objections would have fallen to a member of the Council whose views would have carried the weight of greater experience than mine. My hon'ble friend Mr. Reynolds, one of the chief authorities in Bengal on questions of land-administration, signed the third report of the Select Committee with much hesitation, as he was not satisfied that the interests of the tenants were sufficiently protected. He has now written to me that he intended, if the Bill had come before the Council in Calcutta, to oppose it on grounds similar to those which I have taken up. If your Lordship will allow me, I should like to read the following sentences from his letter :—

‘In regard to the tenants who have not yet acquired the rights of occupancy, and the tenants who may take land hereafter, the provisions of the Bill are disastrous. They are resident cultivators, and, whether they have held for twelve years or not, they are entitled under the common law of India to the status of occupancy-riyats. But the Bill declares not only that they do not possess that status, but that they shall never acquire it. As to future tenants, the scheme is one of cottierism. Compensation for ejection is quite a new experiment in India, and it may safely be said that it will be inefficacious. It is certain that the riyat will submit to any exaction rather than surrender his holding. The Bill will reduce the great mass of the population to the condition of rack-rented tenants.’

“I do not go so far as my hon'ble friend either in regard to the common law of India, which has not yet been so accurately ascertained as in my opinion to permit of generalisations from it, or in regard to the disastrous consequences which he anticipates from this Bill. I believe that the Act as a whole will prove beneficial both in respect to the amended procedure which it lays down, and by the clearly defined status which it provides for the two superior classes of tenants. But I think that the abolition of the growth of occupancy-rights under the twelve-years' rule is particularly unfortunate at present. It is of the utmost importance that population should be induced to move into the unoccupied lands of the Central Provinces. I have shown that such a movement has already begun, and the Government is doing what it can to assist the movement by facilities of communication. But to tell the men who come in and clear the forest and bring the land under tillage that, while by their labours the landlord's rent shall rise and the Government revenue increase, they themselves shall never acquire occupancy-rights except by purchase, that, indeed, they shall never obtain a single further right in the soil than that which they possess on the first day that they break up the land, seems equally opposed to Indian custom in the past and to economic expediency in the present. Before considering this aspect of the Bill, I examined the available evidence regarding the movements of the people. It is to such movements quite as much as to the legislation now impending in Bengal, that we must look for a permanent remedy for the poverty and over-population of the Gangetic provinces. The facts available are of a scanty character, as the census does not show the children born to immigrants. But they suffice to disclose the inexpediency of putting any check upon the acquisition of land-rights in sparsely peopled tracts. Since the census of 1872 a vast new population of cultivators has sprung up in the Central Provinces, all of whom have until to-day been acquiring occupancy-rights; but not one of whom will now be permitted to complete the

acquisition of those rights, as the interval since the last census does not amount to twelve complete years. During the same period, more than a million of new holdings by tenants-at-will appear on the returns. How many individual tenants are represented by these holdings the statistics do not show. But every one of this million of new holdings will be now excluded from the customary growth of occupancy-rights. What Mr. Crosthwaite calls the 'residuum chiefly of new men,' at one time comparatively insignificant, but who now occupy nearly one-half of the whole area of tenants' holdings in the Central Provinces, and who will hereafter form the chief source of increase in the cultivation of those Provinces, are from to-day for ever debarred from acquiring occupancy-rights. I think it is much to be regretted that the movements of the people have never formed the subject of a comprehensive enquiry by the Government of India. I believe that the facts elicited by such an enquiry would have prevented this mistake in an Act which, in other respects, has been carefully considered, and which will prove beneficial to the people.

"I am aware that your Lordship's Government had in this Bill to find a workable middle line between two extreme parties—between the partisans of the landlords and the tenants' friends. I acknowledge the fairness and the skill with which that line has been struck, excepting at one point—a point not of immediate urgency, although of great future importance. The increasing population in the Central Provinces is already making itself felt in two ways—by a rise of rent in some districts, and by a more intensive husbandry in others. The holdings of the two superior classes of tenants with occupancy-rights numbered just over a quarter of a million in 1872, with an average of 16 acres a-piece. They had increased to  $1\frac{1}{2}$  million in 1882, with an average of under five acres. The holdings of the tenants-at-will were under half a million in 1872, with an average of ten acres. They now exceed  $1\frac{1}{2}$  million, with an average of three acres. During the last ten years, therefore, the tenants' holdings in the Central Provinces have increased more than four-fold in numbers, and have decreased to one-fifth of their previous average area. The time when the tenants-at-will must require protection is, therefore, not in the distant future. But for the Act which we are now about to pass, that protection would have been given under the customary twelve-years' rule of continuous occupation, and it was given in the earlier draft of the Bill. I believe that the protection thus accorded would have been in strict consonance with the teaching of the past and with the wants of the future. It would have been accorded without any injury to private proprietary rights, for the Government has not yet permitted such rights to fully consolidate themselves in the Central Provinces. The proprietary body is there a comparatively recent creation of British rule, and still holds its land subject to conditions which the Government may make in favour of the tenants-at-will at the next settlement. In this respect the Government had an opportunity to provide for the future of the cultivators of the Central Provinces without infringing on proprietary rights—an opportunity which it has long since lost in Bengal, and which it will no longer enjoy even in the Central Provinces when private proprietary rights have consolidated. The very increase of population which will render a greater degree of protection necessary for the tenants, will also render it more difficult for the legislature to grant such protection without injustice to the landlords. The recognition of the pre-existing twelve-years' rule of occupancy under the safeguards recommended by the present Chief Commissioner of the Central Provinces, and set forth in the earlier draft of this Bill, would have got rid of that difficulty once and for ever. The rights of the cultivators would have grown with a natural and customary growth, as the necessity for such rights augmented. The problem which might at present have been so simple to deal with in the Central Provinces, has become complicated by private proprietary rights in Bengal. I therefore, equally with my hon'ble friend Mr. Quinton, enter a *caveat* against the arguments which I have used in regard to the Central Provinces being transferred, except with great caution and with many reservations, to the proposed Rent Bill for Bengal. I regret to observe a disposition in some of the papers before the Council to minimise this Bill as one intended only for the present, to refrain from seeking a basis for the tenants-at-will in the history of the past, and from attempting to forecast their necessities in the future. It was, therefore, with parti-

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cular pleasure that I listened to the exhaustive retrospect in the speech of the hon'ble the Legal Member to-day. For land-legislation, if it is to be fair, must be based on the history of the past, and, if it is to be safe, it must take into consideration the economic changes impending in the future. For the future will assuredly arrive and bring with it the consequences of the present. Those consequences, if unchecked in the Central Provinces, will in time produce a population of small tenants holding at competitive rents. I sincerely hope that those consequences will be checked, and I think the Government of India may be safely trusted to devise the means. For the great measures of land-legislation, with which your Lordship's name will for ever be associated, are in reality measures for the protection of the peasant. This Bill gives ample security to the cultivator so long as the population continues sparse; and I hope that additional safeguards will be provided as the population increases."

His Excellency THE PRESIDENT said:—"I should like to make one or two observations on the remarks which have fallen from my hon'ble friend Mr. Hunter. I listened with feelings of regret to a great portion of that speech, because I felt it was a very powerful argument against the provisions of this Bill, and I began to fear that the Bill might be open to the objections which he was urging against it. But I confess I was somewhat comforted by the last sentence of his speech, in which he said that this Bill made ample provision for the right of the cultivators so long as the population was sparse. That, however, is really all that the Bill professes to do. Certainly it was all I thought that the Bill would do. It appears to me that, in dealing with this very difficult question of the relations between landlord and tenant, what we have to do is to treat it with reference to the varying conditions of different parts of India as they come before us when we undertake legislation. I feel strongly that legislation which might be wise for one province with a thin population might be altogether inadequate to provide proper securities for the cultivators of the soil in the more thickly populated districts of India.

"In preparing the Bill, the object of its framers has been to deal with the circumstances of the province at the present time. It is undesirable to interfere more than may be necessary in the relations between landlord and tenant, because such interference is always a delicate matter. I am not, however, one of those who object to interference of that kind when necessary; but I think it wise in undertaking such interference to pay careful regard to the agricultural arrangements of each district, and I am not at all inclined to attempt to force one uniform system upon all parts of the country.

"My friend Mr. Hunter spoke of the case of Ireland. He said that some of the proposals in this Bill were borrowed from Bills passed in respect of Ireland, and that they were even less extended in their scope than the proposals contained in the Irish Land Act of 1870, which have been proved to be inadequate. My answer to that objection is this. In Ireland you have a much more keen competition for land than at present exists in the Central Provinces. What may be inadequate in Ireland may not be inadequate in the present circumstances of the Central Provinces. It is very possible that this measure may not afford sufficient protection for the rights of ordinary tenants in the Central Provinces if their circumstances should change. But if they do change, it will be the duty of the Government of India to consider what legislative arrangements will be necessary to meet their altered condition. What we have endeavoured to do now is to provide for these circumstances as we find them, and to have recourse to the minimum of interference in the arrangements between landlord and tenant, which appear to us to be sufficient to give the cultivators of the soil in those Provinces due protection against exorbitant enhancement of rent and arbitrary eviction. It is my hope that this measure will be effectual for that purpose; but this remains to be seen. Ten or twenty years hence it is possible that these arrangements may be found inadequate, and, should that be the case, it will be for the Government of that day to apply a remedy.

"I confess, with respect to the twelve-years' rule, that I cannot speak of it with the amount of satisfaction with which it has been spoken of by my hon'ble friend Mr. Hunter. I share strongly the opinion expressed in an able paper on

the Bengal rent question by my friend Mr. Justice Cunningham, who brings forward there, very clearly and plainly, the objections which lie against any system which makes the acquirement of occupancy-rights dependent on the efflux of a fixed and determined period of time. All the evidence goes to show that that system is open to objection, and it is very undesirable that it should be allowed to grow up. My Hon'ble friend Mr. Hunter argues that the evils resulting from it have not yet sprung up in the Central Provinces; but there is evidence to show that they are already appearing there as the population increases; and it seems to me that it was advisable to put a stop to them now, rather than to wait till we have to encounter hereafter those difficulties which now meet us in Bengal. I yield to no man in the desire to protect the just rights of tenants, and I hope and believe that this Bill will operate to strengthen the position of the cultivating tenants of the Central Provinces. The Bill is not intended, as has been justly remarked by the Hon'ble Mr. Quinton, as a precedent to be followed in other provinces the condition of which is very different, but it is a measure applicable to the circumstances of the day in the Central Provinces; and, if hereafter it should require amendment, I have no doubt that the Government of India will know how to deal with any fresh circumstances which may arise."

The Motion was put and agreed to.

#### NATIVE PASSENGER SHIPS BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend the Native Passenger Ships Act, 1876. He said that the object of the Bill was to amend the Native Passenger Ships Act, VIII of 1876, with a view to provide for the better regulation of the pilgrim-traffic between British India and Arabia. This traffic had formed the subject of correspondence between the Secretary of State, the Government of India and the various Local maritime Governments in India. A careful consideration had brought the Government to the conclusion that the importance of the pilgrim-traffic made its detailed regulation imperative, and that, to secure uniformity of procedure, and thereby avoid the friction which must inevitably follow divergence between rules separately framed by different States, it was desirable that on all the more important points a common understanding should be come to among the Governments who were chiefly interested in the proper management of that traffic. The establishment of a practical coincidence between the general provisions of the local Turkish regulations and those of the law of India could only be effected by diplomatic correspondence between the British and Turkish Governments. But, since experience had shown that the provisions of the Indian law as it at present stood were insufficient to meet the peculiar exigencies of this traffic, and that in some respects they required revision, it seemed desirable, before attempting to bring about an assimilation of the British and Turkish laws, to make such amendments of our own law as were necessary to put it in a satisfactory state.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India*, and in the *Fort St. George Gazette*, the *Bombay Government Gazette*, the *Calcutta Gazette* and the *British Burma Gazette* in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

#### RANGOON STREET TRAMWAYS BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to authorize the making, and to regulate the working, of Street Tramways in Rangoon. He said that the Municipal Committee of Rangoon had entered into an agreement with Mr. J. W. Darwood by which they conferred upon him the exclusive right to construct and work public tramways within the limits of the municipality. The sanction of the Chief Commissioner had been obtained,

but legislation was necessary both for the purpose of giving the requisite powers for interference with the streets and for the purpose of regulating the use of the tramways.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India*, and in the *British Burma Gazette* in English and in such other languages as the Local Government might think fit.

The Motion was put and agreed to.

#### CATTLE-TRESPASS ACT, 1871, AMENDMENT BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to amend the Cattle-trespass Act, 1871. He said that, by the Central Provinces Local Self-government Act passed at the beginning of this year, provision was made for transferring to the local authorities constituted under that Act some of the functions which, under the law as laid down in the Cattle-trespass Act, must be performed by the Magistrate of the district or the local officers, and also for crediting the surplus sale-proceeds of impounded cattle to the local fund. Provisions for the same purpose had been introduced both into the Bill which had been introduced at the Legislative Council of the Lieutenant-Governor of Bengal for amending the system of local self-government in that province, and also into the Bills now pending before this Council for local self-government in the Panjáb and the North-Western Provinces. There was no difficulty about these provisions so far as they were contained in the latter Bills, but doubts had been entertained whether, inasmuch as these provisions amounted to an amendment of the Cattle-trespass Act, their enactment would not be beyond the competency of a local legislature such as that of Bengal. Under these circumstances, the best course to adopt would be to make the Act more elastic by enabling Local Governments to make the requisite changes by executive order.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India*, and in the *Fort St. George Gazette*, the *Bombay Government Gazette* and the *Calcutta Gazette* in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

#### PROTECTION OF INVENTIONS BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill for the protection of inventions exhibited in the Exhibitions of India. He said that this Bill had been prepared in view of the forthcoming Exhibition to be held at Calcutta next cold season. It had been brought to the notice of Government that the want of some such protection might probably deter inventors of important inventions from sending them, and thus prevent the exhibition of some interesting exhibits. The effect of the Bill, if it became law, would be that, if an inventor exhibiting his invention applied, within six months from the opening of the Exhibition, for leave to file a specification, the circumstance of the invention having been publicly used after the opening of the Exhibition would not affect his rights. The Bill was based on an English Statute which had been passed for a similar purpose, and the differences between the present Bill and the English Act were mainly to be explained by reference to the differences between the English and Indian Patent Acts.

The Motion was put and agreed to.



The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India*, and in the local official Gazettes in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

### SUNDRY BILLS.

The Hon'ble MR. QUINTON moved that the Hon'ble Mr. Barkley be added to the Select Committees on the following Bills:—

Bill to provide for the constitution of Local Boards in the North-Western Provinces and Oudh.

Bill to make better provision for the Organization and Administration of Municipalities in the North-Western Provinces and Oudh.

The Motion was put and agreed to.

### AGRICULTURAL LOANS BILL.

The Hon'ble MR. ILBERT moved that the Hon'ble MR. QUINTON be added to the Select Committee on the Bill to consolidate and amend the law relating to loans of money for agricultural improvements.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 27th June, 1883.

D. FITZPATRICK,

SIMLA;  
The 6th July, 1883. }

*Secretary to the Government of India,*

*Legislative Department.*

### GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

### ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 27th June, 1883.

### PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

### AGRICULTURAL LOANS BILL.

The Hon'ble MR. QUINTON presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to loans of money for agricultural improvements.



### NATIVE PASSENGER SHIPS BILL.

The Hon'ble Mr. ILBERT moved that the Bill to amend the Native Passenger Ships Act, 1876, be referred to a Select Committee consisting of the Hon'ble Sir S. C. Bayley, the Hon'ble Mr. Hunter and the Mover.

The Motion was put and agreed to.

### RANGOON STREET TRAMWAYS BILL.

The Hon'ble Mr. ILBERT also moved that the Bill to authorize the making, and to regulate the working, of Street Tramways in Rangoon be referred to a Select Committee consisting of the Hon'ble Messrs. Hope, Hunter and Quinton and the Mover, with instruction to report in one month.

The Motion was put and agreed to.

### CATTLE-TRESPASS ACT, 1871, AMENDMENT BILL.

The Hon'ble Mr. ILBERT also moved that the Bill to amend the Cattle-trespass Act, 1871, be referred to a Select Committee consisting of the Hon'ble Sir S. C. Bayley, the Hon'ble Messrs. Quinton and Barkley and the Mover.

The Motion was put and agreed to.

### PROTECTION OF INVENTIONS BILL.

The Hon'ble Mr. ILBERT also moved that the Bill for the protection of inventions exhibited in the Exhibitions of India be referred to a Select Committee consisting of the Hon'ble Sir S. C. Bayley, the Hon'ble Mr. Barkley and the Mover, with instruction to report in seven weeks. He said:—

“My Lord, I observed last week that this Bill was based on an English Statute. The Council are perhaps aware that a Bill to consolidate with amendments the Patent Law is now before Parliament; and I observe that a clause of that Bill, which purports to reproduce the Statute to which I have referred, contains a proviso which appears to me to be new, and which requires the exhibitor (in order that he may get the benefit of it) to give previous notice of his intention to exhibit. I mention this detail, as it may possibly be thought desirable to introduce a similar condition into the Indian Bill.”

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 11th July, 1883.

D. FITZPATRICK,

SIMLA;  
The 5th July, 1883.

}

Secretary to the Government of India,

Legislative Department.

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 3rd JULY 1883.

GENERAL REMARKS.—Heavy rain has fallen at Cuttaek, Moulmein, and Akyab; elsewhere in Burma, Assam, and Bengal the rain has been lighter than in the previous week, but sufficient for present needs. Abundant rain and favourable weather are reported from the Central Provinces, and the monsoon current seems to have partially reached the North-Western Provinces and Oudh and the Punjab, though the rainfall has as yet been slight and insufficient. According to latest reports westerly winds prevail. In Central and Southern India more or less rain has fallen everywhere; in the Southern Mahratta Country, in Mysore, and parts of Rajputana a further supply is much needed; elsewhere it has been generally sufficient, while unprecedented floods are reported from Surat.

In Sind the dry weather of previous weeks has disappeared; a moderate quantity of rain has fallen and more is expected, but the rivers are unusually low.

Agricultural operations are in active progress throughout India, and, except in the tracts already mentioned as in need of more rain, prospects so far are favourable. Harvesting continues in Madras, and the standing crops in that Presidency and Mysore are in good condition. Rice is being sown and transplanted in Assam and Bengal, and in the latter province jute, sugarcane, and indigo are thriving wherever they have not been injured by floods.

Locusts are still prevalent in Bombay, but appear to be disappearing from Rajputana. Cattle-disease exists in most provinces, but is at present severe only in parts of Burma.

Prices are variable, with a downward tendency wherever good rain has fallen.

Cholera still rages in Poona and Ahmednagar, elsewhere it is on the decrease; but fever is prevalent.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(July 4th)</b>		
Bellary ...	12 (average of six stations).	Standing crops generally good; harvest paddy, yield average.
Kurnool ...	2.25 (average of nine stations).	Small-pox and cattle-disease in parts.
Ganjam ...	3.19 (average of sixteen stations).	Two cases of cholera.
Kistna ...	2.49 (average of twelve stations).	Small-pox abating.
Chingleput (Madras) ...	.8 (average of ten stations).	Standing crops good where water available; harvest <i>kar</i> , paddy, &c., yield half; small-pox, cholera, and cattle-disease in parts.
Coimbatore ...	.59 (average of three stations).	Standing crops generally good; harvest <i>cholum</i> and <i>cumboo</i> in parts, outturn above average; fever and cholera in parts.
Tanjore ...	.3 (average of four stations).	Standing crops generally good; 28 deaths from cholera.
Madura ...	.....	Standing crops fair, except in one taluk; harvest dry crops in parts; fever slight in parts of one taluk.
Malabar ...	8.34 (average of fourteen stations).	First crop progressing in all taluks; small-pox slight in nine taluks; fever and cattle-disease in parts latter slight.
Travancore ...	1.322	Paddy plants in good condition; fever prevails. <i>General Remarks.</i> —General prospects good.
<b>Bombay—(July 4th)</b>		
Kurrachee ...	Good showers of rain in Kurrachee—63 last Friday and Sunday.	More rain threatening; 1 fresh case of small-pox in Kurrachee on 27th, 2 remaining sick; disease also in few villages in districts, 19 fresh cases, 1 death, 20 remaining sick; fever in six talukas; river at Kotri on 2nd 12 feet, against 15 feet 6 inches last year; damage anticipated to crops in Tatta from lowness of river; wheat, red rice, and <i>bajri</i> in Kurrachee 26, 32 and 36 lbs., in Manjhand 28, 32 and 48, in Sakro 16, 30 and 44, and in Mirpur Botoro 22, 30 and 34 lbs. per rupee respectively.
Hyderabad ...	Rain in six talukas—average fall 1.36.	Lowness of river has caused anxiety; small-pox in four, fever in two, and cattle-disease in three talukas; wheat 25, <i>bajri</i> 39, <i>juari</i> 46, red rice 28, and white rice 22 lbs. per rupee.
Ahmedabad ...	1.36	Total rainfall 5.42; sowing commenced; wheat 26 and <i>bajri</i> 29½ lbs per rupee.
Baroda ...	8.24	Total rainfall 10.89; public health good; sowing operations commenced everywhere, except in Amreli, where rain is wanted; transplantation of rice commenced in a few places of Naosari; <i>bajri</i> 26½ to 27½ lbs. and rice 23½ lbs. per British rupee.
Surat ...	.....	Total rainfall about 22.0; heavy and unprecedented floods in Surat.
Násik ...	Good rain everywhere	Small-pox in Sinnar; cholera abating, 86 deaths reported; transplanting of rice and <i>nagli</i> and sowing of <i>urd</i> and <i>mung</i> nearly completed; locusts in most talukas damaging rice and <i>nagli</i> plants; wheat 25 <i>bajri</i> 28, and rice 22 lbs. per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Colaba (Bombay) ...	Rain every day; total of week 3·06.	Total rainfall to date 14·80, being 9·42 below average; abnormal temperature from 2° cool to 1° warm; vapour in air normal; abnormal wind gradually backed from north-west on 1st to south on 3rd; gale on 3rd, thunderstorm on 29th.
Poona ...	Maximum .66 at Kharkala; minimum .09 at Bhimthari.	Slight damage to young crops by locusts in Ellawal taluka; cholera cases 1,107, fatal 422; <i>bajri</i> 37 and <i>juari</i> 44 lbs. per rupee, in Poona <i>bajri</i> 32 and <i>juari</i> 39 lbs. per rupee.
Ahmednagar ...	2·43 in Akola; 1·45 in Kopargaon; 1·16 in Nagar; 1·09 in Newasa; 1·05 in Sanganner; slight in all others.	Sowing of <i>kharif</i> in progress in Shrigonda, Rahuri, Karjat, and Jamkhed; cholera in all talukas, 1,906 attacks and 817 deaths; <i>bajri</i> —maximum 51 lbs. per rupee in Jamkhed, minimum 33 lbs. in Akola; <i>juari</i> —66 lbs. in Jamkhed, minimum 36 lbs. in Akola.
Sholapur ...	1·74	Total rainfall 12·58; <i>kharif</i> sowings in progress; <i>juari</i> 58 and <i>bajri</i> 51 lbs. per rupee; cholera cases 91, deaths 35.
Dharwar ...	Rain at all stations, except Ron—maximum at Hangal, 4·26; very slight in eastern talukas.	Standing young rice and sugarcane crops fair in Navalgund and Gadag talukas; sowing retarded for want of rain, and in Nargund petta, Hangal, and Karajgi by excess of rain, elsewhere <i>ragi</i> and <i>juari</i> sowings in progress where field had been already prepared; public health good; scarcity of drinking-water in some villages of Nargund petta continues; <i>juari</i> 57 and rice 31 lbs. per rupee.
Kanara ...	Karwar, 7·58; Kumpta, 13·06; Sirsi, 6·67; Hallial, 2·31.	Transplanting and weeding continue, also sowing in some places; rice plants, sugarcane, and garden crops healthy; rainfall favourable; small-pox in coast talukas; slight fever throughout the district; common rice in Karwar 12 seers 2 chittucks per rupee, in district average 14 seers per rupee.
Rajkot ...	Heavy rain night of 3rd 8·88.	Total rainfall 10·06; weather cloudy, high wind blowing; cholera in six villages of Nawanager, Und, and two other places; general health good; <i>bajri</i> 28 and <i>juari</i> 34 lbs. per rupee.
<b>General Remarks.</b> —Rain throughout the Presidency and Sind, but urgently wanted in parts of Southern Mahratta Country, where sowing is retarded in consequence, river also low in Sind; sowing in general progress; locusts in Nāsik, Poona, Ahmednagar, Khandesh, Tanna, and Ratnagiri; cholera in most Deccan districts, Kaladgi, and Tanna; small-pox, fever, and cattle-disease in a few places.		
<b>Bengal—(July 4th)</b>		
Chittagong ...	7·42	Weather seasonable; transplanting of <i>aus</i> and sowing of <i>aman</i> going on; prospects fair; prices steady; fever and cattle-disease bad in Cox's bazar; cholera not yet abated.
Dacca ...	2·46	<i>Aman</i> paddy and <i>aus</i> being sown in one station owing to sudden rise of water; crops on low lands in Nawabgunge under water; jute destroyed to a certain extent by worms in the said station; <i>aus</i> rice being harvested.
24-Pergunnahs (Calcutta)	2·68	Prospects of early and <i>aman</i> crops good; early crops doing well; transplanting of <i>aman</i> paddy going on in parts of the district, and high lands being prepared for the crop; price of common rice stationary; public health good.
Moorshedabad ...	2·27	Prospects of crops favourable; <i>bhadoi</i> crops thriving well; sowing of <i>aman</i> paddy still continues; public health on the whole good.
Rajshahye ...	·49; slight rain	State of crops good; <i>til</i> an average crop.
Burdwan ...	2·36	Ploughing for <i>aman</i> paddy going on; more rain wanted for transplanting in Cutwa and Cutwa sub-divisions, elsewhere rainfall sufficient and transplanting in progress; public health fair.
Rungpore ...	·22	Prospects of crops good; transplanting of <i>aman</i> paddy begun; <i>kaon</i> and <i>cheena</i> millets being reaped; cholera still somewhat prevalent in some parts of the district.
Bhagálpur ...	·30	Prospects good except in Muddehporah, where floods have damaged the young paddy; fresh seed being sown; health good.
Purneah ...	·44	Paddy and indigo much improved; prices of food-grains stationary; public health fair; rivers falling.
Patna ...	1·62	Prospects of standing crops good; ploughing and sowing going on; <i>makai</i> has germinated in some places; cholera reported from Barrh and Behar sub-divisions.
Durbhunga ...	1·37	Weather hot, cloudy, and showery; sowing of <i>bhadoi</i> and paddy crops and transplanting of paddy progressing; prices rising slightly; cholera almost disappeared; health good.
Hazáribágh ...	1·14	Weather warm and cloudy; sowing of <i>bhadoi</i> and early rice continue; public health good.
Cuttack ...	12·06; weather rainy	Rivers risen but falling to-day 3rd; sowing finished; plants coming up; prices stationary; public health generally good.
<b>General Remarks.</b> —There has been generally seasonable rain during the week; agricultural prospects are favourable, save in a few localities where crops on low lands have suffered from excessive rain and floods; early rice and jute are doing well and ploughing and sowing of <i>aman</i> rice are in full progress; in some places transplanting of <i>aman</i> seedlings has commenced; in Behar and elsewhere <i>bhadoi</i> sowings are being vigorously pushed on; sugarcane is thriving well and indigo prospects are fair; sesamum and <i>cheena</i> and <i>kaon</i> millets are being reaped, early rice is also being reaped in a few districts; public health generally fair, though cholera still lingers in some districts, and fever is reported from a few.		

Presidency or Province and District.		Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>			
Benares	(July 3rd)	3; Chandauli, 1.1	Some <i>kharif</i> crops sown; no sickness of men or cattle; prices steady.
Allahabad	( „ 1th)	1.0 in four tahsils	Weather sultry, more rain wanted; cholera slightly on the increase; prices steady.
Gorakhpur	( „ 2nd)	2.2	Sky cloudy; <i>kharif</i> sowings in progress; some small-pox, but no cases of cholera; prices steady.
Jhānsi	( „ „ )	1.8; Mau, 1.5; Moth, .6; Garotha, 2.1.	Weather cloudy and stormy; ploughing and manuring in progress; prices rising; health good; no cattle-disease.
Agra	( „ 3rd)	2 to 1.1 in six parganas.	Fever in two and small-pox in four parganas; sporadic cholera in five parganas; prices steady.
Bareilly	( „ „ )	1.5 average	Weather cooler; rains commenced on 30th ultimo; ploughing begun; prices almost stationary; health remains good.
Meerut	( „ „ )	8.0 to 3.0 average on 30th ultimo.	Since then weather clear and hot; health good; prices stationary.
Kumaun	..	Slight rain	Rains not set in; crops doing well; health good; cattle-disease still prevalent; prices unchanged.
Lucknow	(July 3rd)	.9; Malabad, 2.7; Mohanlalganj, 3.5.	Weather cool and cloudy; <i>kharif</i> sowings in progress; prices steady; slight cholera in the city and small-pox prevalent in the Mahona pargana.
Partabgarh	( „ „ )	Rain fairly general; slight in Kunda and Patti tahsils; being only .10.	A slight rise in prices; <i>kharif</i> crops being sown here and there; general health good.
Sitapur	( „ „ )	.8 average	More rain now required; ploughing progressing slowly; sugarcane healthy.
Fyzabad	( „ „ )	No rain	Sowing of <i>kharif</i> crops commenced; cattle-disease in part of district; health good.
Rae Bareilly	( „ 2nd)	Sadr, .8 and .6	Weather cloudy, wind easterly; cholera abating; prices stationary.
Cawnpore	( „ „ )	Average fall in eight parganas 1.1.	Ploughing general, and sowing progressing in places; a few cases of cholera reported in two parganas and city; prices slightly risen.
Farukhabad	( „ 3rd)	Rain throughout district, varying from .7 to .8.	Sky clear since the rain fell; wind continues east; health of people fair.
			<i>General Remarks.</i> —Rain has fallen in all reporting districts except Fyzabad, but the fall has generally been slight, much the heaviest fall was 8.0 in Meerut; ploughing and sowing for the <i>kharif</i> continue, but more rain is required in some districts; cholera is reported from five districts; prices are rising in places, but are as a rule stationary.
<b>Punjab—(July 3rd)</b>			
Delhi	...	3.20	Health fair; prices stationary.
Hissar	...	...	No report received.
Umballa	...	.30	Health fair; <i>kharif</i> ploughing in progress; prices stationary.
Jullundur	...	.40	Health good; prices steady.
Anritsar	...	.40	Health good; slight fall in prices.
Sialkot	...	2.10	Health good; prices steady.
Ferozepore	...	No rain	Health good; <i>kharif</i> ploughing in progress; prices fluctuating.
Lahore	...	1.50	Health good; prices steady.
Rawalpindi	...	Nearly .20	Health good; prices falling.
Mooltan	...	.10	Health good; <i>kharif</i> sowings continue; prices fluctuating.
Dera Ismail Khan.	...	.70	Health good; <i>robi</i> harvesting nearly completed; prices stationary.
Peshawar	...	.80	Health good; prices stationary.
			<i>General Remarks.</i> —Rain has fallen in nearly every district; health generally good; <i>robi</i> harvesting nearly completed; <i>kharif</i> sowings in progress in most districts.
<b>Central Provinces—</b>			
Nagpur	(July 4th)	9.39	Weather rainy; cotton sowings progressing; cholera slight; price of <i>javari</i> fallen.
Jubbulpore	..	5.44	Weather wet and cold; sowings in progress; small-pox lingering; prices stationary.
Saugor	...	2.87	Weather seasonable; cotton and other sowings general; prices steady; health good.
Seoni	(July 3rd)	7.99; heavy showers on 30th June and 1st July.	Sowings progressing; 21 deaths from cholera; price of wheat slightly fallen; prices stationary.
Hoshangabad	...	2.71	Weather rainy and cloudy, occasionally with high winds; small-pox in places; cholera 9 cases; sowings continued; wheat 14 and rice 9 seers per rupee.
Khandwa	...	4.50	Weather cloudy; sowings nearly completed; 16 deaths from cholera; wheat 16, <i>javari</i> 18, and rice 15 seers per rupee.
Raipur	...	7.83	Prospects good; prices stationary.
Sambalpur	(June 28th)	7.2	Weather very favourable; sowings continue; sugarcane greatly injured by hot weather; health good; prices rising.
			<i>General Remarks.</i> —Weather very favourable; rain general; sowings continue; cholera severe in Wardha; prices steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—</b>		
<b>(June 27th)</b>		
Akyab ...	13.94	Total up to date 51.11; public health good; cattle-disease in four townships, severe in two; health of plough cattle good, except in two townships; ploughing in progress in Myohoung, about 11,000 acres ploughed; no reports from other townships; wages of ploughing labour from 29 to 34 baskets per man per season.
Rangoon ...	3.55	Total up to date 21.55; 2 fatal cases of small-pox, otherwise public health good; prices of paddy from Rs. 88 to Rs. 89 per 100 baskets.
Bassein ...	2.43	Total up to date 22.53; 1 death from cholera in Laymyethna township, otherwise public health good; 11 deaths of cattle in Laymyethna, 15 in Thaboung, 2 in Yaygyee, and 53 in Kyonepyaw townships; ploughing begun in different parts of district.
Prome ...	3.27	Total up to date 16.27; public health good; cattle-disease in Shwaylay and Mahthanau townships; ploughing has commenced.
Amherst (Moulmein) ...	3.85	Total 41.59; public health in Moulmein and district good, cattle-disease slight in Yaylammaing, Amherst, and Martaban townships; severe in Baloogyoon and Halaingbweh townships; about 30 per cent. fields ploughed in Amherst district, about 120 acres ploughed during week in Moulmein; ploughing and sowing progressing in Moulmein; health of plough cattle good; sowing partial in Amherst district.
Toungoo ...	2.15	Total up to date 20.54; 1 death from small-pox in town, otherwise public health good. <i>General Remarks.</i> Public health good; rainfall pretty uniform; cattle-disease not on the increase and only sharp in parts of Amherst; price of paddy fairly steady; ploughing general; sowings broadcast and in nurseries here and there.
<b>British Burma—</b>		
<b>(July 4th)</b>		
Akyab ...	15.13	Total up to date 66.24; 4 deaths from small-pox in Koladan, otherwise public health good; cattle-disease in four townships, severe in two townships; health of plough cattle good, except in two townships; ploughing in progress, about 112,841 acres ploughed in four townships; ploughing wages 15 baskets lowest, 40 baskets highest.
Rangoon ...	3.99	Total up to date 25.51; 1 fatal case of small-pox, otherwise public health good; price of paddy from Rs. 88 to Rs. 90 per 100 baskets.
Bassein ...	6.76	Total up to date 29.29; 1 death from cholera in town, otherwise public health good; 12 deaths of cattle in Yaygyee and 105 in Kyonepyaw townships; ploughing progressing.
Prome ...	2.17	Total up to date 18.14; public health good; slight cattle-disease in Shwaylay and Mahthanau townships; ploughing operations being carried on all over district.
Amherst (Moulmein) ...	13.42	Total up to date 55.01; public health good; cattle-disease slight in Yaylammaing, severe in Amherst and Halaingbweh townships; in Amherst district ploughing progressing, about 35 per cent. fields ploughed; health of plough cattle good; sowings progressing, about 5 per cent. fields sown in Moulmein districts; ploughing and sowing progressing, about 100 acres ploughed during week.
Toungoo ...	3.47	Total up to date 24.04; public health good; 8 deaths of cattle in Tagaya township; ploughing just commenced, about 700 acres ploughed; health of plough cattle good; price of paddy from Rs. 30 to Rs. 65 per 100 baskets. <i>General Remarks.</i> —Public health generally satisfactory; cattle-disease unimportant except in parts of Akyab, Pegu, and Amherst districts, where it is severe; ploughing and sowing operations progressing; weather seasonable.
<b>Assam—(July 4th)</b>		
Gauhati ...	10 for week ending 30th ultimo.	Weather very hot; fever and cattle-disease still prevalent in the interior; river subsiding; reaping of <i>aku</i> paddy commenced; public health indifferent.
Sylhet ...	2.38	Crop prospects improved in tracts flooded lately, elsewhere good.
Cachar ...	1.16	Weather intensely hot; cultivation for <i>sali</i> and transplanting <i>aus</i> and sowing <i>asra</i> crops continue; common rice 16 seers per rupee; small-pox has again disappeared, 4 deaths reported from Katigora and 12 from Lakhimpur.
Dibrugarh ...	1.00	Weather very hot; transplanting of <i>sali dhan</i> commenced; cattle-disease reported from North Lakhimpur sub-division; public health improved.
<b>Mysore and Coorg—</b>		
<b>(July 4th)</b>		
Bangalore ...	18	Rain much needed throughout the district for agricultural operations; pasturage insufficient in some taluks; standing crops in good condition; public health generally good.
Mysore ...	Slight rain in the taluks.	Standing crops in good condition, but need rain in some parts; prospects and public health good.
Mercara ...	6.66	Vacancies on coffee estates being supplied by seedlings; paddy and <i>ragi</i> crops above ground; slight rise in prices of food-grains; public health good. <i>General Remarks.</i> —Good rainfall at Shimoga and in the Kadur districts, light rain in other districts; standing crops and public health generally good; prospects favourable; average ruling prices—rice 13, <i>ragi</i> 33, and horse-grain 34 seers per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Berar &amp; Hyderabad—</b> (July 4th)		
Amráoti ...	9.35	<i>Kharif</i> sowings progressing; wheat 16 and <i>juari</i> 16 seers per rupee.
Akola ...	1.26	<i>Kharif</i> sowings in progress.
Hyderabad ...	.....	No report received.
<b>Central India States—</b> (July 4th)		
Indore ...	2.61	Weather seasonable; agricultural prospects favourable; prices falling; health good.
Morar (Gwalior) ...	.86	Health good; weather cool and cloudy.
Sutna ...	3.36	Rain not yet general; weather warm; health good.
Rutlam ...	.....	No report received.
Neemuch ...	3.53	Weather seasonable; public health good.
Goona ...	3.54	Weather cloudy; health good; wheat 24 seers 8 chittacks per rupee; ploughing commenced.
Sehore ...	.....	No report received.
Agar ...	4.4	Weather seasonable; prospects and health good.
Sehore ...	2.94	Weather cloudy; crops and public health good.
Nowgong ...	2.14	Ploughing and <i>kharif</i> sowings commenced; weather seasonable; cholera and small-pox appeared towards north; prices steady.
Bhopawar ...	2.8	Health good; prices stationary; weather rainy; no sun for two days.
<b>Rajputana—</b>		
Abu (July 4th)	8.27	Heavy clouds and high winds during week, apparently regular monsoon has set in.
Sirohi ( „ 1st)	Occasional rain; 1.06	Fair supply in tanks and wells; health good; sowing for <i>kharif</i> begun; weather cloudy at times and oppressively hot.
Marwar (June 29th)	.22	Tanks all empty, water obtained from wells with difficulty; health good; absence of rain retards growth of crops; sky overcast; prices rising.
Meywar (July 1st)	.86	Tanks and wells fair; health very good; crop prospects good.
Harowti (June 30th)	Deoli, 2.31; Tonk, 8.07	Weather cloudy, wind high; health good; prices firm.
Jhallawar ( „ 29th)	4.37	Locusts still reported in one district; ploughing in progress.
Ajnere (July 3rd)	.62	Weather cloudy; Indian-corn sown; health good.
Jeypore ( „ „ )	1.30	Weather preparing for <i>rabi</i> sowings; some cholera cases at capital and districts; prices stationary.
Bhurlpore ...	.....	No report received.
Ulwur (July 3rd)	Average, 1.25	Cholera in four tahsils.
<b>Nepal—(June 28th)</b>		
Katmandu ...	3.90	Prospects good; showery and close weather.

T. W. HOLDERNESS,  
Offg. Secy. to the Govt. of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 7, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

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E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA—REVENUE BRANCH.

#### NOTIFICATION.

*Calcutta, the 4th July 1883.*

No. 5 R.—Mr. D. A. King, Surveyor, 4th Grade, is allowed privilege leave for three months under the provisions of Chapter X, Section 136 of the Civil Leave Code.

J. SCONCE, *Lieut.-Col.*,

*Deputy Surveyor General.*

*in charge Revenue Surveys*

### SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

#### NOTIFICATIONS.

*Simla, the 20th June 1883.*

No. 21.—The services of 3rd Grade Assistant Surgeon Brojo Nauth Chowdhry, of the supernumerary list, are placed at the disposal of the Chief Commissioner, Assam.

No. 22.—The services of 3rd Grade Assistant Surgeon Madhu Sudan Moitra, of the supernumerary list, are placed at the disposal of the Agent Governor General, Central India, for employment in the Charkari State.

A. J. PAYNE, M.D.,

*Offg. Surgeon-General with the Govt. of India.*

### TELEGRAPH DEPARTMENT.

#### NOTIFICATION.

*Calcutta, the 3rd July 1883.*

No. 8.—Mr. A. B. Larkins, an Assistant Superintendent of the 1st Grade, is allowed furlough

for two years, under Section 49 of the Civil Leave Code, with effect from the forenoon of the 22nd of June 1883.

A. J. L. CAPPEL,

*Director General of Telegraphs in India.*

## AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

### NOTIFICATIONS.

*Mount Abu, the 26th June 1883.*

**No. 2126 G.**—Second Class Hospital Assistant Rungbeer Nagarcote, of the Reserve List of Hospital Assistants for Native States, is transferred for service in the Native State of Jeypore from the 1st April 1883.

**No. 2127 G.**—First Class Hospital Assistant Habeeboollah Khan returned from leave granted him in this Office Notifications Nos. 2867 G. of the 18th September 1882 and 473 G. of the 21st February 1883, and resumed charge of the Hospital of the Western Rajputana States Agency on the forenoon of the 16th April 1883.

**No. 2128 G.**—Second Class Hospital Assistant Abdool Wahid, lately acting for Habeeboollah Khan, reverted to the Reserve List of Hospital Assistants for Government appointments, on which he remained until the 30th April 1883, after which he was transferred to the Hospital of the North India Salt Revenue at Didwana, assuming charge thereof on the afternoon of the 25th May 1883.

**No. 2129 G.**—Third Class Hospital Assistant Lakhput Roy is transferred from the Hospital of the North India Salt Revenue at Didwana to the Rajputana Dispensary at Sirohi, taking charge of his duties on the afternoon of the 7th June 1883.

**No. 2130 G.**—Third Class Hospital Assistant Gubabar Sing, attached to the Mayo College Hospital at Ajmer, is granted fifteen months' leave without pay according to Section 133 of the Civil Leave Code from the 1st April 1883.

**No. 2131 G.**—First Class Hospital Assistant Munram Sing, of the Reserve List of Hospital Assistants for Native States, is appointed to act for Gubabar Sing during his absence on leave.

**No. 2132 G.**—First Class Hospital Assistant Kunnea Lall, attached to the Kotah Dispensary, is granted forty-five days' privilege leave from the forenoon of the 7th April 1883. He rejoined on the 21st May 1883.

**No. 2133 G.**—First Class Hospital Assistant Rumzan Ali, of the Baran Dispensary in Kotah, acted during the absence of Kunnea Lal on privilege leave.

**No. 2134 G.**—Second Class Hospital Assistant Polo Ram, of the Banswara Dispensary, is granted privilege leave for three months from the 15th April 1883.

**No. 2135 G.**—Second Class Hospital Assistant Abdool Rahim, of the Reserve List of Hospital Assistants for Native States, is transferred to the Banswara Dispensary, to act for Polo Ram. He took charge on the 28th April 1883.

**No. 2149 G.**—Lieutenant-Colonel G. L. K. Hewett, Commandant, Erinpura Irregular Force, is granted ninety days' privilege leave of absence, from the 15th July 1883 to the 12th October 1883.

*The 2nd July 1883.*

**No. 2212 G.**—Third Class Hospital Assistant (No. 241) Gopal Dass returned on the afternoon of the 24th June 1883 from the sixty days' privilege leave granted him in this Office Notification No. 1129 G., dated the 9th April 1883.

By Order,

E. A. FRASER,

*1st Asst. Agent to the Govr. Genl.*

## CHIEF COMMISSIONER OF AJMER- MERWARA.

### NOTIFICATION.

*Mount Abu, the 26th June 1883.*

**No. 500.**—Under Section 27, Act VII of 1870, the Chief Commissioner of Ajmer-Merwara is pleased to order the publication of the following rules which shall be in force from the 1st July 1883, regarding the stamps to be used to denote the fees chargeable under the said Act :—

- I.—When, in the case of fees amounting to less than R10, the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value. But if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values, which may be required to make up the exact amount of the fee.
- II.—When, in the case of fees amounting to or exceeding R10, the amount can be denoted by a single impressed stamp, the fee shall be denoted by a single impressed stamp of the required value. But if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value shall be used and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower values available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than R10.
- III.—Any adhesive stamps which may be used under Rule II, shall be affixed to the impressed stamp of the highest value employed in denoting the fee.
- IV.—When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court Fees Act, a portion of the subject-matter shall be written on each impressed stamp so used, and the writing on each stamp shall be attested by the signature of the person or persons executing the document.

V.—When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamps, so much plain paper may be joined thereto as may be necessary for the complete writing of the document; and the writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document. No part of the document is in any case to be written on the back of any impressed stamp paper or paper joined thereto.

VI.—In the new adhesive stamps a blank space has been left in which the stamp-vendor must enter under his own signature the name of the purchaser and the date of sale.

By Order,

E. A. FRASER,  
*1st Asst. to the Chief Commr.*

## RESIDENT IN MYSORE.

### NOTIFICATIONS.

*Bangalore, the 25th June 1883.*

No. 10.—Mr. A. B. Bride, Sub-Registrar, Civil and Military Station, Bangalore, is granted one month and twenty-seven days' privilege leave on medical certificate from 21st May 1883.

2. Chinnathumbi Moodaliar, Registration Head Clerk of the Bangalore District Registry Office, is appointed to act during the absence of Mr. Bride, or until further orders.

*The 27th June 1883.*

No. 11.—Under the provisions of Section 3 of the Bangalore Municipal Regulations of 1883, the Officiating Resident is pleased to re-appoint the under-mentioned gentlemen to be Municipal Commissioners for the Civil and Military Station of Bangalore, and to serve for the divisions noted opposite their names, for three years from the 21st June 1883:—

Mr. R. P. Campbell,—No. I, Ulsoor Division.

Mr. V. Sadisiva Mudaliar,—No. I, Ulsoor Division.

Mr. V. Vasudeva Mudaliar,—No. II, Shulé Division.

Mr. Abdul Husain Sahib,—No. III, Arab Lines Division.

Mr. Abdul Koodoos Sahib,—No. IV, General Bazar Division.

By Order,

H. WYLIE, *Major,*  
*Assistant to the Resident.*

## MILITARY WORKS DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 26th June 1883.*

No. 22.—Lieutenant H. F. Chesney, R.E., Assistant Engineer, 2nd Grade, passed the exam-

ination prescribed in Public Works Department Code, Chapter II, paragraphs 16 and 17, on the 19th June 1883.

*The 27th June 1883.*

No. 23.—With reference to Military Department Notification No. 366, dated 22nd June 1883, Lieutenant F. H. Oldfield, R.E., Assistant Engineer, 2nd Grade, is posted to the Presidency-Oudh Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*  
*Insp. Genl. of Military Works.*

## ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned Students have been declared entitled to Maharaja Sir Joteendromohan Tagore's Medals for the year 1883 on the result of the Examination held by the Tagore Law Professor on the subject of his lectures:—

Pareschandra Banerjee, Gold Medal; City College.

Manmathanath Bhattacharyya, Silver Medal; City College.

G. BELLETT,  
*Registrar.*

SENATE HOUSE,  
*The 27th April 1883.*

## DEPARTMENT PUBLIC WORKS HALF- YEARLY EXAMINATION.

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 6th August 1883, and the following days. Applications, with fees for admission to the examination, are required to be filed before the 15th of July 1883. Candidates for the grade of Accountant who are not in Government service should be under twenty-five years of age, and must prove to the satisfaction of the Principal that they are under that age.

The following are the centres of examination sanctioned by the Government of India as stations where candidates for fourth grade Accountantships are to appear for examination:—

Ajmere, Allahabad, Durbhanga, Ghadechi, Howrah, Indore, Lahore, Lucknow, Mount Aboo, Nagpore, Poona, Rangoon, Rawalpindi, Saidpore, Secunderabad, Shillong, Simla, and Sukkur.

Candidates for the Accountant's examination are therefore requested to select one of the places mentioned above.

S. F. DOWNING,  
*Principal, Govt. Engrg. College, Howrah.*

SHIBPORE,  
*The 20th June 1883.*

## COMPTROLLER

## No. 871.—Account of Revenue and Expenditure of the Government of India for the tenth

N. B.—Amounts are converted into

	REVENUE.	Estimates, 1882-83.	April to January 1882.	April to January 1883.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,172,000	16,289,573	16,003,351	...	286,222
II	Opium	9,500,000	8,395,148	7,788,401	...	606,747
III	Salt	6,049,000	6,039,597	5,015,264	...	1,024,333
IV	Stamps	3,342,000	2,761,906	2,779,391	17,485	...
V	Excise	3,331,000	2,796,452	2,914,398	147,946	...
VI	Provincial Rates	2,649,000	2,375,048	2,141,861	...	233,187
VII	Customs	1,181,000	1,870,542	907,122	...	963,420
VIII	Assessed Taxes	538,000	512,072	494,014	...	18,058
IX	Forest	806,900	482,608	532,032	49,424	...
X	Registration	284,000	233,323	237,417	4,124	...
XI	Tributes from Native States	701,000	353,922	352,515	...	1,407
XII	Post Office	967,000	795,059	812,084	17,025	...
XIII	Telegraph	493,700	349,006	383,527	34,521	...
XIV	Mint	145,000	20,894	124,036	103,142	...
XV	Law and Justice	659,000	507,535	519,922	12,387	...
XVI	Police	248,000	196,179	179,597	...	16,582
XVII	Marine	183,000	165,250	156,327	...	8,923
XVIII	Education	177,000	148,573	158,060	9,487	...
XIX	Medical	39,000	29,450	34,215	4,765	...
XX	Scientific and other Minor Departments.	65,500	50,602	54,093	3,491	...
XXI	Interest	617,000	635,963	500,180	...	135,783
XXII	Receipts in aid of Superannuations, &c.	206,800	127,192	122,579	...	4,613
XXIII	Stationery and Printing	59,000	39,700	41,385	1,685	...
XXIV	Miscellaneous	262,000	252,580	200,950	...	51,630
<i>Productive Public Works.</i>		54,705,900	45,428,174	42,482,751	...	2,945,423
XXV	State Railways (Gross Earnings)	2,775,800	1,923,485	2,181,371	257,886	...
XXVI	Guaranteed and Subsidized Railways (Net Traffic Receipts).	3,473,000	3,350,461	3,487,147	136,746	...
XXVII	East Indian Railway (Net Traffic Receipts).	2,660,000	2,708,756	2,265,280	...	443,476
XXVIII	Irrigation and Navigation (direct Receipts).	843,800	557,791	721,445	163,654	...
XXIX	Madras Irrigation and Canal Company (Net Traffic Receipts).	—15,000				
<i>Unproductive Public Works.</i>						
XXXI	State Railways	...	...	...	...	...
XXXII	Subsidized Railways	...	...	...	...	...
XXXIII	Irrigation and Navigation	133,000	24,990	107,684	82,694	...
XXXIV	Military Works	469,000	408,154	383,234	...	24,920
XXXV	Civil Buildings, Roads and Services					
XXXVI	Army	813,500	841,258	749,288	...	91,970
XXXVII	Military Operations in Afghanistan.	...	315,632	1,380	...	314,252
	Do. do. in Egypt	...	...	26,872	26,872	...
		65,859,000	55,558,641	52,406,452	...	3,152,189
England, including Army, Public Works, &c.		219,000	2,581,071	233,406	...	2,347,665
GRAND TOTAL		66,078,000	58,139,712	52,639,858	...	5,499,854

## GENERAL'S OFFICE.

month of the year 1882-83, as compared with the corresponding period of 1881-82.

sterling at R10 to the pound sterling.

	EXPENDITURE.	Estimates, 1882-83.	April to January 1882.	April to January 1883.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt†	3,609,300	2,816,866	3,034,466	217,600	...
2	Do. on Deposits	457,200	338,891	290,067	...	48,821
3	Refunds and Drawbacks	511,000	329,461	332,789	3,328	...
4	Assignments and Compensations	1,233,100	573,957	606,955	32,998	...
5	Land Revenue	3,167,000	2,368,834	2,404,950	36,116	...
6	Opium (including cost of production)	2,219,900	1,918,955	2,211,026	292,071	...
7	Salt (do. do.)	639,000	377,018	371,918	...	5,070
8	Stamps	80,000	61,157	61,821	667	...
9	Excise	99,000	79,523	79,732	209	...
10	Provincial Rates	49,000	12,821	43,685	864	...
11	Customs	163,000	161,117	131,719	...	29,728
12	Assessed Taxes	15,000	11,622	11,164	...	458
13	Forests	575,800	353,858	313,725	...	10,133
14	Registration	186,000	145,961	151,470	5,509	...
15	Post Office	1,069,400	868,022	900,219	32,197	...
16	Telegraph	514,900	339,897	382,059	42,162	...
17	Mint	104,400	60,618	71,464	10,816	...
18	General Administration	1,286,300	1,018,970	1,066,274	48,204	...
19	Law and Justice	3,345,700	2,614,115	2,650,252	36,107	...
20	Police	2,635,000	2,047,229	2,106,339	59,110	...
21	Marine (including river Navigation)	376,300	312,333	288,502	...	23,831
22	Education	1,148,600	856,062	907,027	50,965	...
23	Ecclesiastical	162,000	133,040	133,852	812	...
24	Medical	695,500	536,262	552,941	16,682	...
25	Political	492,700	483,077	391,038	...	89,039
26	Scientific and other Minor Departments	120,800	437,701	347,066	...	90,635
27	Territorial and Political Pensions	610,800	552,906	549,012	...	3,894
28	Civil Purlough and Absentee Allowances	4,000	3,582	894	...	2,688
29	Superannuation Allowances and Pensions	741,000	609,466	673,866	64,400	...
30	Stationery and Printing	309,000	350,500	276,996	...	73,504
31	Miscellaneous	253,000	208,893	187,975	...	20,918
32	Famine Relief	...	1,411	94,263	92,852	...
33	Protective Works—Railways	422,500	194,576	271,357	76,781	...
34	Do. do. Irrigation	327,500	70,511	172,900	102,356	...
35	Reduction of Debt	750,000	...	...	...	...
51	Exchange on transactions with London	2,775,000	2,834,876	2,383,032	...	151,844
<i>Productive Public Works.</i>		31,508,700	24,116,611	24,488,881	372,270	...
36	State Railways (Working and Maintenance)	1,741,050	1,399,030	1,372,869	...	26,161
37	Guaranteed and Subsidized Railways (Interest and Profits)	547,000	410,165	574,868	164,703	...
38	East Indian Railway (Interest and Profits)	214,700	198,164	247,151	48,990	...
39	Irrigation and Navigation (Working and Maintenance)	503,000	464,115	384,198	...	79,617
40	Madras Irrigation & Canal Co. (Interest, &c.)	—200				
<i>Unproductive Public Works.</i>		592,000	213,662	286,316	72,654	...
42	State Railways (Capital Account)	...	...	...	...	...
43	Do. (Working and Maintenance)	33,500	...	19,560	19,560	...
44	Subsidized Railways	...	...	32,950	32,950	...
45	Southern Maratha Railway	120,000	225,080	175,235	400,315	...
46	Frontier Railways	973,800	316,875	566,169	249,294	...
47	Irrigation and Navigation	...	...	...	...	...
48	Military Works	5,280,300	2,941,740	3,679,795	738,055	...
49	Civil Buildings, Roads and Services	12,103,000	10,760,245	10,002,072	...	758,173
50	Army	...	1,973,984	16,211	...	1,957,773
50	Military Operations in Afghanistan	...	...	1,213,152	1,213,152	...
50	Do. do. in Egypt	...	...	...	...	...
England, including Army, P.W. Guaranteed Interest, &c.		53,616,800	42,569,511	43,060,930	490,519	...
...		14,166,200	12,536,392	12,269,922	...	275,470
<i>Productive Public Works—Capital Expenditure.</i>		67,783,000	55,105,903	55,320,952	215,049	...
In India—		1,318,000	918,159	799,248	...	118,911
52	State Railways	485,000	435,234	119,147	...	316,087
53	East Indian Railway	897,000	394,018	363,952	...	39,966
54	Irrigation and Navigation	...	58,164	...	...	58,164
55	Miscellaneous Public Improvements	...	...	...	...	...
In England—		550,000	283,952	291,294	7,342	...
State Railways		...	...	1,751,897	1,751,897	...
Madras Irrigation and Canal Co.'s Undertaking		...	188,050	337,630	...	150,420
East Indian Railway		...	...	...	...	...
GRAND TOTAL		71,033,000	57,683,480	58,983,220	1,299,740	...

† Includes Interest on Debt incurred for Productive Public Works which cannot be separated in the Monthly Accounts.

... Provincial have been treated as entirely

STATEMENT of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th June 1883.

PARTICULARS.	4 PER CENT. LOANS					4½ PER CENT. LOANS					TRANSFERRED LOAN OF 1870-87. PER CENT. OF PORTION.	5 PER CENT. LOAN OF 1867-83. PER CENT. OF PORTION.	GRAND TOTAL.			
	3½ PER CENT. TRANS- FERRED LOAN OF 1854-54	Of 1532-33.	Of 1835-36.	Of 1512-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1872.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1872.				TRANSFER LOAN OF 1870-87. PER CENT. OF PORTION.	TOTAL.	
Balance of 15th June 1883 . . . . .	54,100	13,02,720	30,00,100	2,45,92,940	1,04,30,000	2,70,65,637	2,74,83,100	...	4,42,100	1,09,31,500	10,16,61,700	11,71,55,000	1,25,500	2,000	60,200	21,12,84,157
<b>Add—</b>																
Amount enforced at Madras between 16th and 30th June 1883 . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Amount enforced at Bombay between 16th and 30th June 1883 . . . . .	...	...	...	5,500	2,000	8,000	1,000	...	...	2,000	72,000	74,000	...	...	...	90,500
Amount enforced at Calcutta between 16th and 30th June 1883 . . . . .	...	...	...	12,400	...	5,12,000	3,300	...	...	1,56,000	70,000	2,30,000	...	...	...	7,63,900
<b>Deduct—</b>	54,100	13,12,720	30,00,100	2,46,10,940	1,04,32,000	2,75,85,637	2,74,85,000	...	45,62,100	1,07,50,800	10,18,03,700	11,74,55,000	1,28,500	2,000	60,200	21,21,20,557
Amount written off in the London Registers . . . . .	...	...	32,600	3,00,500	23,800	12,02,500	3,43,000	...	...	34,000	6,94,500	6,41,500	...	...	...	26,93,900
Balance on 30th June 1883 . . . . .	54,100	13,02,720	29,76,500	2,42,50,900	1,04,06,200	2,62,03,137	2,71,41,000	...	15,62,100	1,07,57,800	10,11,04,200	11,68,14,100	1,29,500	2,000	60,200	20,94,32,057

NOTE.—From 8th June 1867 to 30th April 1883, enforced from India 4,771 lakhs; re-transferred from London, 3,988 lakhs.

"	1st May 1883 to 15th May	"	"	"	7	"	"	"	4	"
"	16th "	"	"	"	3	"	"	"	14	"
"	1st June "	"	"	"	3	"	"	"	20	"
"	16th "	"	"	"	8	"	"	"	26	"
										4,062 lakhs.
										4,072 "
										740 lakhs.

Balance against India

PUBLIC DEBT OFFICE,  
BANK OF BENGAL;  
Calcutta, the 4th July 1883.

R. HARDIE,  
Secretary and Treasurer.



*Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.*

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1883.	R	R	R	R	R	R
June 25	...	...	...	3,12,578	21,73,145	8,89,874
" 26	...	...	...	3,12,578	21,76,395	8,89,874
" 27	...	...	1,13,729	2,45,926	22,92,864	10,06,043
" 28	...	...	...	2,37,926	22,92,864	10,06,043
" 29	...	...	2,50,305	312	25,18,538	12,61,718
" 30	...	...	...	312	25,18,538	12,61,718

CALCUTTA MINT,  
The 2nd July 1883.

J. F. TENNANT, Major-Genl., R.E.,  
Mint Master.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

#### Calcutta Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
85	P 9—26926	50	Babu Bepin Behari Dutt.

J. TAYLOR,

Asst. Comptlr. Genl., in charge, Paper Currency.

CALCUTTA,

The 6th July 1883.

#### Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
5	E 19—45872	50	W. Lawrence, Esq., Saharapur.

LAHORE,

The 29th June 1883.

H. J. BRERETON,  
for Depy. Commr. of Paper Currency.

#### Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
15	B 65—73737	50	Tholasee Doss Narainjee Sett, Calicut
	" — 88678	50	
	B 73—51421	100	
	" — 71438	100	

FORT SAINT GEORGE,

The 25th June 1883.

G. W. CLINE, LL.D.,  
Assistant Accountant General,  
in charge of Paper Currency Dept.,  
for Commissioner.

## BRITISH GUIANA EMIGRATION AGENCY.

### NOTIFICATION.

Calcutta, the 12th June 1883.

Notice is hereby given that there is lying at the above Agency a list of the unclaimed balances of the estates of Indian emigrants who have died intestate in the Colony of British Guiana (Demerara) amounting, in the whole, to the sum of \$11,827-21<sup>c</sup>, equal to R37,537-3-10. This list can be inspected at any time during office hours by any person who may be interested in the same.

HENRY KIRKE,

Offy. Emigration Agent for the Govt. of B. Guiana.

### POST OFFICE.

### NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 5th July 1883.

Alexander, Miss E. R. Alexander, W. Lawrie, A. B.

#### Letters marked "Care of Post Office."

A. Q. R.	Fraser, William Stirton.	McClure, A.
Barrett, A. C.	Field, Miss Fauny.	McCurry, E.
Barnes, George.	Gerber, Miss.	McMannus, J.
Blackman, Russell.	Greenberg, Rose.	Moore, Miss Clauda.
Bradley, P. W.	Grove, H. F.	Moore, William.
Bradshaw, D. E.	Hallwell, J. A.	Neville, H.
Brown, E.	Haly, J. J.	O'Donell, —.
Browne, B.	Hay, Arthur.	Onesti, Cresto.
Buckle, Henry.	Hawkins, Geo.	Perkins, C. H.
Burlington, Charles.	Hunkivitz, Madame.	Pethard, John.
C. P.	Harris, Lord.	Pinnett, James Thomas.
Cunha, Madame A.	Heller, Miss.	Pine, Arlo.
Cumrell, Anand A.	Herry, James.	Porter, S. F.
"Chapman, —.	Hillary, W.	Rastan, J. B.
Chavlin, William.	Hoad, P. J.	Ross, J.
Cohen, Capt. J. L.	Horteluz, Charles.	Sandoe, E. C. Aysh-
Connolly, Mrs.	Hunter, H. C. D.	—.
Cotton, F.	Hutchinson, Miss Flo-	Simpson, A. B. A.
Crowther, John.	—.	Shaw, Lt. D. G. L.
DeCruz, M. —. Bella.	—.	Stewart, Duncan.
DeEnaco, P. W.	—.	Tricker, Mrs.
DeLa Courneve, F. E. W.	Kelly, Mrs. F.	White, Mrs. S.
Dick, Arthur.	Koymagh, P.	Williams, John.
Donovan, John.	L. S.	Willinson, W. F.
" Ellis —.	Lewis, Mrs. R. B.	Windsor, Mrs.
Edwards, John.	Lewis, S.	Winlock, Lord.
Francis, G.	Macleo, Raffaele.	
	Maycock, A. H.	

#### Registered Letters.

Angelo, Col. R. F.	Hankivitz, Monsieur	Nardini, Sig. Raffaele.
Blair, T. A.	—.	Webb, Madame Mar-
Browne, David.	Michah, F.	—.
Deveria & Co., Powell.	Munoz, Charles.	

Calcutta, the 7th July 1883.

### SEA AND FOREIGN MAILS.

Foreign Mails for	Date.	Per Steamer
	1883	
Persian Gulf.	13th July	From Bombay.
Madras, Ceylon, and Intermediate Ports.	12th "	Str. <i>Ben Joo</i> .
Madras and Ceylon.	12th "	P. & O. Str.
Colombo, Penang, Singapore, Hong Kong, Shanghai, Yokohama, and Australia.		<i>Norman</i> .
Colombo.	10th "	From Bombay.
Foreign Mails via Bombay.	7th "	From Bombay.
Foreign Mails via Bombay.	14th "	From Bombay.
Do. Book Post and Pattern Packets.	14th "	From Bombay.
Rangoon, Moulemein and Straits.	11th "	Str. <i>Pemberton</i> .
Chittagong, Akyab, Kyauk Phyoo, and Rangoon.	11th "	Str. <i>Commodore</i> .
Madras, Ceylon, Batavia, Singapore, and China.	16th "	French Str.
Straits and Hong-Kong.	18th "	Str. <i>Japon</i> and <i>Leander</i> .

\* Also for South Africa and England can be forwarded.

† Also for Port Blair can be sent by this opportunity.

N.B.—The letter-box will close at 7 p.m. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7.30 p.m.

E. HUTTON,  
Presidency Post Master.

**GOVERNMENT CINCHONA FEBRIFUGE.**

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin *R4-5*; per eight ounce tin, *R8-5*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, *for cash only*, at the under-noted rates:—per four ounce tin *R5-5*; per eight ounce tin *R10-8*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggist in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

### گورنمنٹ سنکونا فبري فيوج

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے یوٹانکل کارتن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیوے اونکے جو کوئی ایک مشیت بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ،

اور عوام الناس یوٹانکل کارتن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنہ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلائی اور دیسی دواخانوں میں ٹکتی ہی ماسیوے قیمت مذکورہ بالا کے محصول ذاک چار اور آٹھ اونس کے تین کا آٹھ آنہ; اور ایک پونڈ کے تین کا بارہ آنہ

### Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

Report on the Meteorology of India, in 1875, 4to, 89 pages text, 297 pages tables, 3 charts . . . . .	R	a.	p.
Report on the Meteorology of India, in 1876, 4to, 97 pages text, 340 pages tables, 3 charts . . . . .	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts . . . . .	8	0	0
Report on the Meteorology of India, in 1878, 4to, 149 pages text, 380 pages tables, 3 plates, 4 charts . . . . .	8	0	0
Report on the Meteorology of India in 1879, 4to, 164 pages text, 273 pages tables, 4 plates, 4 charts . . . . .	8	0	0
Report on the Meteorology of India in 1880, 4to, 174 pages text, 286 pages tables, 6 plates, 4 charts . . . . .	8	0	0

Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates . . . . .	R	a.	p.
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates . . . . .	1	8	0
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Indian Meteorological Memoirs, Vol. I, cloth bound, 4to, 438 pages, 33 plates . . . . .	10	0	0
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Rainfall Chart of India, showing the average annual distribution of rainfall (in colors) . . . . .	1	0	0
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Report on the Madras Cyclone, May 1877, 4to, 117 pages text, 97 pages tables, 4 plates . . . . .	2	8	0
Register of Original Observations of six stations in India, in 1879, corrected and reduced . . . . .	2	0	0
Register of Original Observations of six stations in India, in 1880, corrected and reduced . . . . .	2	0	0
Register of Original Observations of six stations in India, in 1881, corrected and reduced . . . . .	2	0	0

HENRY F. BLANFORD,  
Meteorological Reporter  
to the Government of India.

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### List of Books for sale at the Library of the Asiatic Society of Bengal,

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 *Cash must be sent with order.*

*Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.*

#### NOTICE.

*The 9th February 1883.*—The subscription to, and postage for, the *Calcutta Gazette* will henceforward be at the following rates, payable in advance:—

#### For the Mofussil.

	R	a.	p.
Entire Gazette . . . . .	15	0	0 per annum.
Postage . . . . .	5	0	0 „
Supplement . . . . .	6	0	0 „
Postage . . . . .	3	0	0 „
Parts III, IV, V, and VI, containing the Acts and Bills of the Legislative Councils of India and Bengal . . . . .	5	0	0 „
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The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,

*Offg Under-Secy. to the Govt. of Bengal.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, JULY 7, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost

On 28th June 1883, the Government Promissory Note, No. 163257, of the 4 per cent. of 1865, for Rs500, originally standing in the name of Kanye Lal Sein, and lastly blank endorsed by Prosad Das Boral, on 2nd June 1883, in favour of the undersigned proprietor, by whom it was never endorsed to any other person. Payment of the above Note and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

BUNKU LAL DHUR,  
*8, Roopchand Roy's Street,  
Calcutta.*

#### Lost or Stolen

In transit by post, the upper halves of the Government Promissory Notes, Nos. 002205 and 016139, of the 4 per cent. of 1832-33—1835-36, for Rs500 and 1,000 respectively, originally standing in the name of the Opium Agent, Benares. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

H. RIVETT-CARNAC,  
*Opium Agent, Benares,  
Ghazipore, N.-W. P.*





SUPPLEMENT TO  
**The Gazette of India.**

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No 27.}

CALCUTTA, SATURDAY, JULY 7, 1883.

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OFFICIAL PAPERS.

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*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as will be useful to be made known.*

*Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

*No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.*

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## QUANTITIES PER RUPEE IN SEERS OF 50 TOLAHS

Districts.	Wheat.			Barley.			Rice.			Common.			Great Millet (Cholum, Jowar, &c.)			Burmese Millet (Cawson, Bajra, &c.)			Gram			Firewood.			Salt.		
	Best sort.	Common.	Great Millet (Cholum, Jowar, &c.)	Burmese Millet (Cawson, Bajra, &c.)	Gram	Firewood.	Salt.	Present fortnight.	Corresponding fortnight of last year.	Past fortnight.	Present fortnight.	Corresponding fortnight of last year.	Past fortnight.	Present fortnight.	Corresponding fortnight of last year.	Past fortnight.	Present fortnight.	Corresponding fortnight of last year.	Past fortnight.	Present fortnight.	Corresponding fortnight of last year.	Past fortnight.	Present fortnight.	Corresponding fortnight of last year.	Past fortnight.		
KAYAN DIVISION.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.	S. C. S. C.		
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NT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

D. BARBOUR,

Secretary to the Government of India.





# The Gazette of India

## EXTRAORDINARY.

Published by Authority.

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SIMLA, FRIDAY, JULY 13, 1883.

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### DEPARTMENT OF FINANCE AND COMMERCE.

#### NOTIFICATION.

##### ACCOUNTS AND FINANCE.

No. 2050.

*Simla, the 13th July 1883.*

The Governor General in Council has determined to borrow Two Hundred and Fifty Lakhs of Rupees, being the amount required for the public service.

The following Notification is therefore published:—

##### *FOUR PER CENT. LOAN.*

His Excellency the Right Hon'ble the Governor General in Council has resolved to borrow Two Hundred and Fifty Lakhs of Rupees for the public service in the following manner.

2. Promissory Notes will be issued for the said amount in Form A annexed to this Notification, being the form of the notes of *The Four Per Cent. Loan of 1865*, of which Loan the notes to be now issued will form a part. All the conditions which apply to notes of *The Four Per Cent. Loan of 1865* will apply to the notes to be now issued.

3. Tenders for the whole or any part of the said amount of Two Hundred and Fifty Lakhs of Rupees will be received by the Comptroller General from this date to noon of Tuesday, the 14th August 1883. Tenders must be in sums of 500 Rupees or multiples of 500 Rupees.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Four Per Cent. Loan, 1883.*" If the tenderer is not resident in India, he must name an agent resident in India to whom a letter of allotment may be issued if any part of the loan is allotted to such tenderer.

5. Each tender must be accompanied by a receipt from one of the Banks of Bengal, Madras, or Bombay, or one of their Branches, or from an Officer in charge of some public Treasury, or by a cheque drawn in favour of the Comptroller General on a Bank in Calcutta, Madras, or Bombay, or by\* Government Promissory Notes, standing in the name of or endorsed to the tenderer or

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\* It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller General.

the person making the deposit, for not less than one-hundredth, or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. If the allotment is not fully taken up, this deposit of one or two per centum will be forfeited; and if one or more Government Promissory Notes have been deposited, such note or notes will be appropriated by the Government and cancelled; otherwise, if the deposit is in cash, it will be either refunded to the tenderer after his tender has been completely paid up, or, on his application, taken in part payment, completing the amount due upon his tender. A cash deposit may, after acceptance of the tender in support of which it is made, be replaced by a Government Promissory note, as aforesaid.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

7. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms, as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders, will be rejected as null and void.

8. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

9. Tenders will be opened, publicly, by the Comptroller General at the Currency Office, No. 1, Dalhousie Square, Calcutta, at noon on Tuesday, the 14th August 1883; but the contents of the tenders will not be disclosed otherwise than as provided in clause 11.

10. Tenders at the recorded minimum rate, and at rates above the recorded minimum rate, will be accepted in the order of the rates tendered, beginning with the highest rate; the amount allotted at the lowest rate at which tenders are accepted, will be divided amongst those who have tendered at this rate, in proportion, as nearly as may be found convenient, to the amounts of their tenders: provided that no allotment will be issued if the amount distributable on any tender is less than R350.

11. To each tenderer (or to his agent) whose tender is accepted in whole or in part such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him, will be issued as soon as possible after the 14th August 1883; and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted, for general information, at the Head Offices of Banks of Bengal, Madras, and Bombay.

12. If the allotment made on any tender is less than R3,000, then the whole of the allotment-certificates will be made payable upon Tuesday, September 25th, 1883.

Otherwise the whole amount of each allotment will be divided into three instalments, as follows:—

*Instalment I*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, August 28th, 1883:

*Instalment II*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, September 25th, 1883:

*Instalment III*—The balance, payable upon Saturday, October 20th, 1883: and allotment-certificates will be issued for each instalment separately.

The words “as near as convenient” refer to the necessity for making each instalment an exact multiple of R500.

13. Any allotment-certificate will, on application to the Comptroller General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations, provided that if any payment is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

14. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of one of the Banks of Bengal, Madras, or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the Officers in charge of the Government Treasuries at which payment is made, by encasement upon the relative certificate.

15. (a) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, Promissory Notes of such values as he may desire (each note being in even hundreds and not less than R500), bearing interest from November 1st, 1883, and he will also receive interest at four per cent. per annum from the dates on which he may have made payment till the last day of October 1883.

(b) Or he may, at his option, by paying interest at the said rate from 1st May 1883, to the dates on which he may have made payment, obtain Promissory Notes as above, bearing interest from 1st May 1883.

16. The holder of a paid-up allotment-certificate may also, on special application, obtain, on the same terms and conditions as are mentioned in section 15, clause (a), Promissory Notes with coupons attached, or stock certificates (Form B) with coupons attached, and payable to bearer, in accordance with the Loan Notification of this Department, dated 27th June 1881 (*i.e.*, *The Four Per Cent. Loan of 1881*, forming part of *The Four Per Cent. Loan of 1st May 1865*). In such cases the first coupon issued will be that which falls due on 1st May 1884.

#### FORM A OF PROMISSORY NOTE (see Clause 2).

Fort William, the 1st of May 1865.

<i>Promissory Note</i>	<i>Government Rupees</i>	<i>at four per cent.</i>
<i>No.</i>		<i>of 1865.</i>

The Governor General of India in Council does hereby acknowledge to have received from the sum of Government Rupees Five Hundred as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan, by paying the said sum of Government Rupees Five Hundred to the said

his Executors, or Administrators, or his or their Order, on demand, at the General Treasury at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees Five Hundred from the 1st November 1853 (Eighty-three), at the rate of four per cent. per annum, by half-yearly payments, at the General Treasury of Fort William, to the said

, his Executors, or Administrators, or his or their Order, until the expiration of Three Months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

#### FORM B OF COUPONED CERTIFICATE.

India Four Per Cent. Rupee Loan, 1865.

*Redeemable at any time after three months' notice in the "Gazette of India."*

<i>Certificate</i>	<i>No.</i>
R 000	

This is to certify that the bearer of this certificate is entitled, under the Notification of the Government of India of the 27th June 1881, to Government Rupees India Four Per Cent. Rupee Loan, 1865, payable Three Months after Notice, which may be published in the *Gazette of India* at any time.

<i>No.</i>	,	<i>R</i>
<i>Calcutta, 1st November 1881.</i>		

The coupons attached to this Certificate, as well as the principal sum herein named, are payable to bearer at the Government Treasury at Calcutta only.

**FORM C OF TENDER—(see Clause 4).**

I, *A. B.*, hereby tender for Rupees (X) of *The Four Per Cent. Loan, 1883*, advertised in the Notification published in the *Gazette of India Extraordinary*, dated the 13th July 1883, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (Y) annas (Z) for every hundred rupees allotted to me.

I enclose a *deposit receipt*\* for Rupees (XX), and engage, if my offer be accepted, to pay to the account of the Government at the Bank of† (or at the† Branch of the  
 \* Or Cheque or Government Promissory Note.  
 † Here enter the name of Bank, Bank of† ; or into the Public Treasury at†  
 Branch Bank or Treasury. , as the case may be) —

The first instalment, not exceeding 35 per cent., on or before Tuesday, 28th August 1883.

The second instalment, not exceeding 35 per cent., on or before Tuesday, 25th September 1883.

The balance, on or before Saturday, October 20th, 1883.

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before Tuesday, 25th September 1883.

‡ Here insert *C. D.*'s address, which must be in India. This paragraph should only be inserted if *A. B.* does not reside in India, or if, residing in India, he wishes the allotment communicated to an agent.

Any allotment made to me may be communicated to *C. D.* at ‡

NOTE (1).—*A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount; thus, "One hundred and two," or "One hundred," or "Ninety-nine"; not "Two per cent. premium," or "Par," or "One per cent. discount."*

By order of the Governor General of India in Council,

D. M. BARBOUR,

*Secretary to the Government of India.*



# The Gazette of India

## EXTRAORDINARY.

Published by Authority.

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CALCUTTA, FRIDAY, JULY 13, 1883.

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### DEPARTMENT OF FINANCE AND COMMERCE.

#### NOTIFICATION.

#### ACCOUNTS AND FINANCE.

*Simla, the 13th July 1883.*

**No. 2050.**

The Governor General in Council has determined to borrow Two Hundred and Fifty Lakhs of Rupees, being the amount required for the public service. The following Notification is therefore published :—

#### *FOUR PER CENT. LOAN.*

His Excellency the Right Hon'ble the Governor General in Council has resolved to borrow Two Hundred and Fifty Lakhs of Rupees for the public service in the following manner.

2. Promissory Notes will be issued for the said amount in Form A annexed to this Notification, being the form of the notes of *The Four Per Cent. Loan of 1865*, of which Loan the notes to be now issued will form a part. All the conditions which apply to notes of *The Four Per Cent. Loan of 1865* will apply to the notes to be now issued.

3. Tenders for the whole or any part of the said amount of Two Hundred and Fifty Lakhs of Rupees will be received by the Comptroller General from this date to noon of Tuesday, the 14th August 1883. Tenders must be in sums of 500 Rupees or multiples of 500 Rupees.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Four Per Cent. Loan, 1883.*" If the tenderer is not resident in India, he must name an agent resident in India to whom a letter of allotment may be issued if any part of the loan is allotted to such tenderer.

5. Each tender must be accompanied by a receipt from one of the Banks of Bengal, Madras, or Bombay, or one of their Branches, or from an Officer in charge of some public Treasury, or by a cheque drawn in favour of the Comptroller General on a Bank in Calcutta, Madras, or Bombay, or by\* Government Promissory Notes, standing in the name of or endorsed to the tenderer or the person making the deposit, for not less than one-hundredth, or, if the tender

\* It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller General.

be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. If the allotment is not fully taken up, this deposit of one or two per centum will be forfeited; and if one or more Government Promissory Notes have been deposited, such note or notes will be appropriated by the Government and cancelled; otherwise, if the deposit is in cash, it will be either refunded to the tenderer after his tender has been completely paid up, or, on his application, taken in part payment, completing the amount due upon his tender. A cash deposit may, after acceptance of the tender in support of which it is made, be replaced by a Government Promissory Note, as aforesaid.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

7. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms, as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders, will be rejected as null and void.

8. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

9. Tenders will be opened, publicly, by the Comptroller General at the Currency Office, No. 1, Dalhousie Square, Calcutta, at noon on Tuesday, the 14th August 1883; but the contents of the tenders will not be disclosed otherwise than as provided in clause 11.

10. Tenders at the recorded minimum rate, and at rates above the recorded minimum rate, will be accepted in the order of the rates tendered, beginning with the highest rate; the amount allotted at the lowest rate at which tenders are accepted, will be divided amongst those who have tendered at this rate, in proportion, as nearly as may be found convenient, to the amounts of their tenders: provided that no allotment will be issued if the amount distributable on any tender is less than Rs50.

11. To each tenderer (or to his agent) whose tender is accepted in whole or in part such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him, will be issued as soon as possible after the 14th August 1883; and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted, for general information, at the Head Offices of Banks of Bengal, Madras, and Bombay.

12. If the allotment made on any tender is less than Rs3,000, then the whole of the allotment-certificates will be made payable upon Tuesday, September 25th, 1883.

Otherwise the whole amount of each allotment will be divided into three instalments, as follows:—

*Instalment I*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, August 28th, 1883:

*Instalment II*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, September 25th, 1883:

*Instalment III*—The balance, payable upon Saturday, October 20th, 1883 and allotment-certificates will be issued for each instalment separately.

The words "as near as convenient" refer to the necessity for making each instalment an exact multiple of Rs500.

13. Any allotment certificate will, on application to the Comptroller General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations, provided that if any payment is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

14. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of one of the Banks of Bengal, Madras, or



Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the Officers in charge of the Government Treasuries at which payment is made, by encasement upon the relative certificate.

15. (a) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, Promissory Notes of such values as he may desire (each note being in even hundreds and not less than Rs500), bearing interest from November 1st, 1883, and he will also receive interest at four per cent. per annum from the dates on which he may have made payment till the last day of October 1883.

(b) Or he may, at his option, by paying interest at the said rate from 1st May 1883, to the dates on which he may have made payment, obtain Promissory Notes as above, bearing interest from 1st May 1883.

16. The holder of a paid-up allotment-certificate may also, on special application, obtain, on the same terms and conditions as are mentioned in section 15, clause (a), Promissory Notes with coupons attached, or stock certificates (Form B) with coupons attached, and payable to bearer, in accordance with the Loan Notification of this Department, dated 27th June 1881 (*i.e.*, *The Four Per Cent. Loan of 1881*, forming part of *The Four Per Cent. Loan of 1st May 1865*). In such cases the first coupon issued will be that which falls due on 1st May 1884.

By Order,

D. M. BARBOUR,

*Secretary to the Government of India,  
Department of Finance and Commerce*

#### FORM A OF PROMISSORY NOTE (see Clause 2).

Fort William, the 1st of May 1865.

<i>Promissory Note</i>	<i>Government Rupees</i>	<i>at four per cent.</i>
<i>No.</i>		<i>of 1865.</i>

The Governor General of India in Council does hereby acknowledge to have received from the sum of Government Rupees Five Hundred as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan, by paying the said sum of Government Rupees Five Hundred, to the said

his Executors, or Administrators, or his or their Order, on demand, at the General Treasury at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees Five Hundred from the 1st November 1883 (Eighty-three), at the rate of four per cent. per annum, by half-yearly payments, at the General Treasury of Fort William, to the said

, his Executors, or Administrators, or his or their Order, until the expiration of three months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

#### FORM B OF COUPONED CERTIFICATE.

India Four Per Cent. Rupee Loan, 1865.

*Redeemable at any time after three months' notice in the "Gazette of India."*  
*Certificate*

R 000

No.

This is to certify that the bearer of this certificate is entitled, under the Notification of the Government of India of the 27th June 1881, to Government Rupees India Four Per Cent. Rupee Loan, 1865, payable Three Months after Notice, which may be published in the *Gazette of India* at any time.

No.

R

*Calcutta. 1st November 1881.*

The coupons attached to this Certificate, as well as the principal sum herein named, are payable to bearer at the Government Treasury at Calcutta only.

**FORM C OF TENDER (see Clause 4).**

I, *A. B.*, hereby tender for Rupees (X) of *The Four Per Cent. Loan, 1883*, advertised in the Notification published in the *Gazette of India Extraordinary*, dated the 13th July 1883, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (Y) annas (Z) for every hundred rupees allotted to me.

I enclose a *deposit receipt*\* for Rupees (XX), and engage, if my offer be accepted, to pay to the account of the Government at the Bank of†

\* Or Cheque or Government Promissory Note.

† Here enter the name of Bank, Branch Bank or Treasury.

(or at the† Branch of the ; or into the Public Treasury at† as the case may be) —

The first instalment, not exceeding 35 per cent., on or before Tuesday, 28th August 1883.

The second instalment, not exceeding 35 per cent., on or before Tuesday, 25th September 1883.

The balance, on or before Saturday, October 20th, 1883.

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before Tuesday, 25th September 1883.

‡ Here insert C. D.'s address, which must be in India. This paragraph should only be inserted if A. B. does not reside in India, or if, residing in India, he wishes the allotment communicated to an agent.

Any allotment made to me may be communicated to C. D. at ‡

NOTE (1)—A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount; thus, "One hundred and two," or "One hundred," or "Ninety-nine;" not "Two per cent. premium," or "Par," or "One per cent. discount."

**NOTIFICATION BY THE COMPTROLLER GENERAL.**

The Comptroller General requests the attention of tenderers to the following arrangements:—

*Filling up Tenders.*

(1) They are requested to use only the printed forms of tender, which will be available at his Office and at the Currency Office, on application to the Durwan on duty,—at all the Provincial Account Offices, and at the Banks of Bengal, Madras, and Bombay: and will also be supplied to the principal Treasuries.

(2) If the deposit is in the form of Promissory Notes or of Currency Notes, their number should be quoted in detail in the tender.

*Presentation of Tenders.*

(3) For all tenders presented to him in his Office upon the last fixed day, or the two days preceding it, he will give the bearer a receipt bearing a number, and initialled by himself or an assistant specially deputed for the purpose.

*Return of deposit in case of non-acceptance.*

(4) The reverse of this receipt is a form in which, in the event of the tender not being accepted, the tenderer may give to the Comptroller General a receipt for the deposit accompanying it. This form should, on the third day after the opening of the tenders, be filled up, signed with the same signature as the tender, and be presented at the Office of the Comptroller General. The deposit will then be returned to the bearer, in exchange for the receipt.

(5) Deposit upon tenders presented personally, as described in No. 3 above, will be returned only in this way, and will not be sent by post, or otherwise. Deposits upon other unsuccessful tenders will be returned by post, or by the hands of a clerk.

*Accepted Tenders.*

(6) It will be observed that instead of the hitherto-used form of allotment letter, the Comptroller General will issue allotment certificates to successful tenderers. These certificates will be for the following amounts Rs. 500, Rs. 1,000, Rs. 2,000, Rs. 5,000, Rs. 10,000, Rs. 20,000, Rs. 50,000, Rs. 1,00,000, making up the full value accepted; and will be, substantially, of the following form:—

*This is to certify that, in accordance with the terms of Notification No. 2050, dated 13th July 1883 (Gazette of India Extraordinary, dated 13th July 1883), the above-named tenderer has engaged to take up Rs. 2,000 of the 4 per cent. loan of 1883, at the rate above mentioned, on or before September 25th, 1883, and that on the said payment being completed, he is entitled, on endorsing and delivering up this certificate, to receive a promissory note or notes or stock certificate of the Government of India for Rs. 2,000, bearing interest from November 1st, 1883.*

CALCUTTA,  
13th July 1883.

J. WESTLAND,  
Comptroller General.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 28. }

SIMLA, SATURDAY, JULY 14, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor General's Council assented to by the Governor General :—

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The Native Passenger Ships Bill, 1883.

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**SUPPLEMENT No. 28.**

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATION.—MEDICAL.

*Simla, the 9th July 1883.*

**No. 229.**—The services of Brigade Surgeon J. Brake, Civil Surgeon of Nagpur, are, at his own request, replaced at the disposal of the Military Department, with effect from the 25th June 1883.

A. MACKENZIE,  
*Secy. to the Govt. of India.*

### FOREIGN DEPARTMENT.

#### NOTIFICATIONS.—POLITICAL.

*Simla, the 11th July, 1883.*

**No. 1772 G.**—Subject to the confirmation of Her Majesty's Government, the Governor-General

in Council is pleased to recognise the appointment of Mr. J. Frame as Vice-Consul for Denmark, at Bassein, *vice* Mr. A. Philippi, resigned.

#### JUDICIAL.

*The 7th July, 1883.*

**No. 1883 I.**—In exercise of the powers conferred by Sections 4 and 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the officer holding for the time being the office of Commissioner of Rohilkhand and Agent of the Lieutenant-Governor of the North-Western Provinces for Rampur, provided that such officer be a European British subject, to be a Justice of the Peace within the territories of the Nawab of Rampur.

C. GRANT,  
*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

*Simla, the 13th July 1883.*

**No. 2050.**—The Governor General in Council has determined to borrow Two Hundred and Fifty Lakhs of Rupees, being the amount required for the public service.

The following Notification is therefore published :—

**FOUR PER CENT. LOAN.**

His Excellency the Right Hon'ble the Governor General in Council has resolved to borrow Two Hundred and Fifty Lakhs of Rupees for the public service in the following manner.

2. Promissory Notes will be issued for the said amount in Form A annexed to this Notification, being the form of the notes of *The Four Per Cent. Loan of 1865*, of which Loan the notes to be now issued will form a part. All the conditions which apply to notes of *The Four Per Cent. Loan of 1865* will apply to the notes to be now issued.

3. Tenders for the whole or any part of the said amount of Two Hundred and Fifty Lakhs of Rupees will be received by the Comptroller General from this date to noon of Tuesday, the 14th August 1883. Tenders must be in sums of 500 Rupees or multiples of 500 Rupees.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Four Per Cent. Loan, 1883.*" If the tenderer is not resident in India, he must name an agent resident in India to whom a letter of allotment may be issued if any part of the loan is allotted to such tenderer.

5. Each tender must be accompanied by a receipt from one of the Banks of Bengal, Madras, or Bombay, or one of their Branches, or from an Officer in charge of some public Treasury, or by a cheque drawn in favour of the Comptroller General on a Bank in Calcutta, Madras, or Bombay, or by\* Government Promissory Notes, standing in the name of or endorsed to the tenderer or the person making the deposit, for not less than one-hundredth, or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. If the allotment is not fully taken up, this deposit of one or two per centum will be forfeited; and if one or more Government Promissory Notes have been deposited, such note or notes will be appropriated by the Government and cancelled; otherwise, if the deposit is in cash, it will be either refunded to the tenderer after his tender has been completely paid up, or, on his application, taken in part payment, completing the amount due upon his tender. A cash deposit may, after acceptance of the tender in support of which it is made, be replaced by a Government Promissory note, as aforesaid.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

7. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms, as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders, will be rejected as null and void.

8. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

9. Tenders will be opened, publicly, by the Comptroller General at the Currency Office, No. 1, Dalhousie Square, Calcutta, at noon on Tuesday, the

\* It is particularly requested that such Promissory Notes may NOT be endorsed to the Comptroller General.

14th August 1883; but the contents of the tenders will not be disclosed otherwise than as provided in clause 11.

10. Tenders at the recorded minimum rate, and at rates above the recorded minimum rate, will be accepted in the order of the rates tendered, beginning with the highest rate; the amount allotted at the lowest rate at which tenders are accepted, will be divided amongst those who have tendered at this rate, in proportion, as nearly as may be found convenient, to the amounts of their tenders: provided that no allotment will be issued if the amount distributable on any tender is less than Rs50.

11. To each tenderer (or to his agent) whose tender is accepted in whole or in part such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him, will be issued as soon as possible after the 14th August 1883; and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted, for general information, at the Head Offices of Banks of Bengal, Madras, and Bombay.

12. If the allotment made on any tender is less than Rs3,000, then the whole of the allotment-certificates will be made payable upon Tuesday, September 25th, 1883.

Otherwise the whole amount of each allotment will be divided into three instalments, as follows:—

*Instalment I*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, August 28th, 1883:

*Instalment II*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, September 25th, 1883:

*Instalment III*—The balance, payable upon Saturday, October 20th, 1883: and allotment-certificates will be issued for each instalment separately.

The words "as near as convenient" refer to the necessity for making each instalment an exact multiple of Rs500.

13. Any allotment-certificate will, on application to the Comptroller General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations, provided that if any payment is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

14. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of one of the Banks of Bengal, Madras, or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the Officers in charge of the Government Treasuries at which payment is made, by encasement upon the relative certificate.

15. (a) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, Promissory Notes of such values as he may desire (each note being in even hundreds and not less than Rs500), bearing interest from November 1st, 1883, and he will also receive interest at four per cent. per annum from the dates on which he may have made payment till the last day of October 1883.

(b) Or he may, at his option, by paying interest at the said rate from 1st May 1883, to the dates on which he may have made payment, obtain Promissory Notes as above, bearing interest from 1st May 1883.

16. The holder of a paid-up allotment-certificate may also, on special application, obtain, on the same terms and conditions as are mentioned in section 15, clause (a), Promissory Notes with coupons attached, or stock certificates (Form B) with coupons attached, and payable to bearer, in accordance with the Loan Notification of this Department, dated 27th June 1881 (*i.e.*, *The Four Per Cent. Loan of 1881*, forming part of *The Four Per Cent. Loan of 1st May 1865*). In such cases the first coupon issued will be that which falls due on 1st May 1884.

**FORM A OF PROMISSORY NOTE—(see Clause 2).**

**Fort William, the 1st of May 1865.**

*Promissory Note*

*Government Rupees*

*at four per cent.*

*No.*

*of 1865.*

The Governor General of India in Council does hereby acknowledge to have received from the sum of Government Rupees Five Hundred as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan, by paying the said sum of Government Rupees Five Hundred to the said

his Executors, or Administrators, or his or their Order, on demand, at the General Treasury at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees Five Hundred from the 1st November 1853 (Eighty-three), at the rate of four per cent. per annum, by half-yearly payments, at the General Treasury of Fort William, to the said

, his Executors, or Administrators, or his or their Order, until the expiration of Three Months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

**FORM B OF COUPONED CERTIFICATE.**

**India Four Per Cent. Rupee Loan, 1865.**

*Redeemable at any time after three months' notice in the "Gazette of India."*

*Certificate*

R 000

No.

This is to certify that the bearer of this certificate is entitled, under the Notification of the Government of India of the 27th June 1851, to Government Rupees India Four Per Cent. Rupee Loan, 1865, payable Three Months after Notice, which may be published in the *Gazette of India* at any time.

No.

R

*Calcutta, 1st November 1851.*

The coupons attached to this Certificate, as well as the principal sum herein named, are payable to bearer at the Government Treasury at Calcutta only.

**FORM C OF TENDER—(see Clause 4).**

I, *A. B.*, hereby tender for Rupees (X) of *The Four Per Cent. Loan, 1853*, advertised in the Notification published in the *Gazette of India Extraordinary*, dated the 13th July 1853, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (Y) annas (Z) for every hundred rupees allotted to me.

I enclose a *deposit receipt*\* for Rupees (XX), and engage, if my offer be accepted, to pay to the account of the Government at the Bank of†

\* Or Cheque or Government Promissory Note.

(or at the†

Branch of the

† Here enter the name of Bank, Bank of†

; or into the Public Treasury at†

Branch Bank or Treasury.

, as the case may be) —

The first instalment, not exceeding 35 per cent., on or before Tuesday, 28th August 1853.

The second instalment, not exceeding 35 per cent., on or before Tuesday, 25th September 1853.

The balance, on or before Saturday, October 20th, 1853.

Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before Tuesday, 25th September 1853.

† Here insert C. D.'s address, which must be in India. This paragraph should only be inserted if A. B. does not reside in India, or if, residing in India, he wishes the allotment communicated to an agent.

Any allotment made to me may be communicated to C. D. at †

NOTE (1).—A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount; thus, "One hundred and two," or "One hundred," or "Ninety-nine"; not "Two per cent. premium," or "Par," or "One per cent. discount."

By order of the Governor General of India in Council,

D. M. BARBOUR,

*Secretary to the Government of India.*



**No. 2071.**—Mr. E. S. Byrne, while holding the office of Deputy Accountant General, North-Western Provinces and Oudh, was absent on privilege leave from the 17th May to the 29th June 1883, inclusive.

**No. 2077.**—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 30th June 1883, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta ...	6,19,73,400	1,31,35,272	9,85,277	1,41,40,549
Allahabad ...	81,71,225	58,01,930	—	58,01,930
Lahore ...	73,53,110	72,83,910	—	72,83,910
Bombay ...	3,18,03,040	2,08,65,804	10,40,216	2,79,46,020
Kurrachee ...	31,19,940	28,38,115	29,000	29,17,145
Madras ...	1,00,96,395	98,41,339	8,10,000	1,06,81,590
Calcutt ...	11,97,459	10,90,110	—	10,90,110
<b>Total ...</b>	<b>13,01,04,570</b>	<b>6,72,60,111</b>	<b>28,91,494</b>	<b>7,01,51,604</b>
Deduct amount received at Calcutta but not paid at Lahore...				50,000
				7,01,01,604
Price paid for Government Securities of the nominal value of Rs. 6,25,37,700 held under Section 19 of the Act ...				5,99,99,998
<b>GRAND TOTAL ...</b>				<b>13,01,01,570</b>

D. M. BARBOUR,

Secy. to the Govt. of India.

## MILITARY DEPARTMENT.

Simla, the 13th July, 1883.

### APPOINTMENTS.

#### No. 398.—STAFF CORPS.—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant G. J. Younghusband, Leicestershire Regiment, Squadron Officer, (Queen's Own) Corps of Guides,—5th October, 1880.

#### No. 399.—BRIGADE STAFF.—

Captain (Brevet Major) F. C. Burton, Bengal S. C., Squadron Commander, 1st Bengal Cavalry, Officiating Brigade Major, to be a Brigade Major on the Establishment, *vice* Major A. L'E. H. Holmes. Dated 15th July, 1883.

#### No. 400.—COMMISSARIAT DEPARTMENT.—

Lieutenant B. W. Cracroft, Bengal S. C., Wing Officer, 11th Native Infantry, to be a Sub-Assistant Commissary General, 2nd Class, on probation, with effect from the 25th June, 1883.

#### No. 401.—PUNJAB FRONTIER FORCE.—

##### 1st Punjab Infantry.

Lieutenant S. W. Jervis, Wing Officer, 4th Punjab Infantry, to be Wing Officer and Quartermaster, *vice* Captain L. R. H. D. Campbell, appointed Officiating Wing Commander, 6th Punjab Infantry.

##### 2nd Punjab Infantry.

Lieutenant-Colonel E. C. Codrington, Wing Commander and 2nd-in-Command, to be Commandant, *vice* Colonel H. Tyndall, C.B., who vacates.

Major C. K. Mackinnon, Officiating Commandant, 5th Punjab Infantry, to be Wing Commander and 2nd-in-Command, *vice* Lieutenant-Colonel E. C. Codrington, but to continue to officiate as Commandant, 5th Punjab Infantry, until further orders.

Colonel W. C. Chowne, Wing Commander and 2nd-in-Command, 6th Punjab Infantry, and Officiating Commandant, 2nd Punjab Infantry, to continue to officiate as Commandant, 2nd Punjab Infantry, during the absence on furlough of Lieutenant-Colonel E. C. Codrington, or until further orders.

Major J. Finnis, Wing Commander, 5th Punjab Infantry, to continue to officiate as 2nd-in-Command, 2nd Punjab Infantry, during the period Major C. K. Mackinnon may officiate as Commandant, 5th Punjab Infantry, or until further orders.

Dated 1st April, 1883.

##### 6th Punjab Infantry.

Captain L. R. H. D. Campbell, Wing Officer, 1st Punjab Infantry, to be Officiating Wing Commander, *vice* Major T. F. Bruce, Officiating 2nd-in-Command, and until the return from furlough of Major A. N. Sandilands.

### FURLOUGH.

**No. 402.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel B. Cracroft, Bengal S. C., Squadron Commander and 2nd-in-Command, 3rd Bengal Cavalry, (p. a.) for two years, under rule IX of the regulations of 1868. (This cancels the furlough granted to him in G. G. O. No. 159 of 1883.)

Major T. J. Quin, General List, Infantry, Assistant Commissioner, 2nd Class, North-Western Provinces and Oudh, (p. a.) for 213 days, under rule IX of the regulations of 1868.

Deputy Surgeon-General W. B. Beatson, M.D., (m. c.) for 183 days,—the period up to the 20th December, 1883, under G. G. O. No. 872 of 1876, and the remaining period under rules IX and XV of the regulations of 1868.

**No. 403.**—With reference to G. G. O. No. 77 of 1883, Lieutenant J. Strachey, Bengal S. C., Wing Officer, 11th Native Infantry, has been granted by the Right Hon'ble the Secretary of State for India furlough (m. c.) for 243 days, under the ruling on rule VI of the regulations of 1875, with effect from the 18th March, 1883.

**No. 404.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major D. W. Inglis, General List, Infantry, (m. c.) for six months.

Captain H. M. Briscoe, Bengal S. C., (m. c.) for six months.

Conductor J. Key, Ordnance Department, (m. c.) for four months.

LONDON GAZETTE.

No. 405.—The following extract is published for general information :—

“London Gazette,” dated the 12th June, 1883, page 3039.

INDIA OFFICE;  
12th June, 1883.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Forces made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

- Major William Francis Badgley. Dated 4th April, 1883.
- Major Francis William Grant. Dated 20th April, 1883.
- Major Francis Newland Martin Maynard. Dated 20th April, 1883.

To be Majors.

- Captain and Brevet Major George Masson Abbott. Dated 31st March, 1883.
- Captain Alfred Nimmo Sandilands. Dated 31st March, 1883.

BENGAL ARMY.

Cavalry.

To be Lieutenant-Colonel.

- Major and Brevet Lieutenant-Colonel Thomas Francis Cosby Rochfort. Dated 4th April, 1883.

\* \* \* \*

ERRATUM.

The surname of the Officer of Bengal Staff Corps promoted to the rank of Lieutenant-Colonel in the London Gazette of the 11th May last is *Ollivant*, and not *Olivant*, as stated in the Gazette.”

PENSIONS.

No. 406.—SUBORDINATE MEDICAL DEPARTMENT—

Senior Apothecary James Winn is transferred to the Pension establishment.

PROMOTIONS.

No. 407.—WARRANT OFFICERS—

Conductor George Brady, Ordnance Department, Hyderabad Contingent, to be a Deputy Assistant Commissary.

No. 408.—PUNJAB FRONTIER FORCE—

6th Punjab Infantry.

- Subadar Narain Singh to be Subadar-Major, *vice* Jani Khan, invalided; Havildar Ghulam Mahomed to be Jenadar, *vice* Devi Singh, promoted,—1st May, 1883.

G. CHESNEY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 9th July, 1883.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department between the 29th May and 8th July, 1883 :—

Corps.	Rank and Name.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Army Medical Department	Surgeon C. M. Johnston	17th June, 1883	Cherat	...	...

Statement of Deposits on account of Estates from the 21st May to the 8th July, 1883.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Indian Military Service.					Rs. A. P.		
George Wallace (a)	Conductor	Public Works Department.	26th April, 1883	Intestate	338 5 8	...	...

(a)—Wife—Amelia Martha Wallace.  
Children—Alice Maud Mabel Wallace, Catherine Elinor Blanche Wallace, Florence Harriette Ada Wallace, Charlotte Wright Lincoln Wallace, Marie Louise Wallace.  
Mother—Mrs. Harriette Wallace.  
9, St. Marks Road, Camberwell New Road, London.

F. H. H. COLLEN,  
Officiating Secretary to the Government of India.

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 10th July 1883.*

**No. 169.**—Pundit Premnath, Examiner, 4th Class, 3rd Grade, temporary rank, is transferred from the Punjab Northern State Railway to the Indus Valley State Railway.

*The 12th July, 1883.*

**No. 170.**—With reference to Government of India, Public Works Department, Notification No.

81, dated 6th April 1883, Mr. C. M. Davies, of the State Railway Locomotive Department in Class II of the Revenue Scale, is placed permanently at the disposal of the Chief Commissioner, Central Provinces, and Mr. C. E. Cardew, of the State Railway Locomotive Department in Class III of the Revenue Scale, is transferred from the establishment under the Chief Commissioner, Central Provinces, to that under the Director General of Railways.

W. S. TREVOR, *Colonel, R.E.,*

*Secy. to the Govt. of India*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 14, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th June, 1883, and was referred to a Select Committee on the 27th idem :—

No. 15 of 1883.

*A Bill to amend the Native Passenger Ships Act, 1876.*

1876. WHEREAS it is expedient to amend the Native Passenger Ships Act, 1876, with a view to provide for the better regulation of the passenger traffic between British India and ports in the Red Sea; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Native Passenger Ships Act, 1883;

Commencement. and it shall come into force on such day as the Governor General in Council directs by notification in the *Gazette of India*.

1876. 2. After clause (c) of section 11 of the Native Passenger Ships Act, 1876, the following clause shall be added :—

“(c) in the case of any ship sailing to any port in the Red Sea, that she is propelled principally by steam, and, if she is carrying more than one hundred passengers being Natives of Asia or Africa, that she has on board a medical officer licensed in accordance with rules to be made under this Act.”

3. For section twenty-six of the same Act, the following section shall be substituted :—

“26. In the case of every ship sailing from any port in British India to any port in the Red Sea, the officer whose duty it is to

grant the clearance unless and until the owner, agent or master of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of Rs. 5,000, conditioned—

“(a) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers; and

“(b) that the master and medical officer (if any) of the ship shall comply with on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships sailing between ports in British India and ports in the Red Sea as the Governor General in Council may, from time to time, make under section forty-six.”

4. In section twenty-seven of the same Act, for the word “thirty” the word “sixty” shall be substituted.

5. To section twenty-eight of the same Act the following words shall be added :—“and the authority empowered to grant the same may refuse to grant a bill of health in the case of any ship on board of which the requirements of the rules made under section 16 are not complied with.”

6. After section twenty-eight of the same Act, the following sections shall be added :—

“28A. Every ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one hundred passengers being Natives of Asia or Africa shall have on board a medical officer licensed in accordance with rules to be made under this Act.

“28B. Every ship sailing from or to any port in British India to or from any port in the Red Sea shall be propelled principally by

**"28C. (1) The Governor General in Council**

Power for Governor General in Council to issue notification requiring medical inspection in case of certain passengers.

may, from time to time, by notification in the *Gazette of India*, direct that no passenger of such class as may be specified in the notification shall be received on board any ship sailing from any port in British India to any port in the Red Sea unless and until he has obtained a certificate from a medical officer to be appointed by the Local Government in this behalf, to the effect that he has been examined by that officer and is not suffering from any dangerously infectious or contagious disease, and is in a fit state of health to undertake the voyage to the port in the Red Sea for which he is bound.

(2) The Governor General in Council may cancel or alter, either in whole or in part, any notification which may at any time be issued under this section.

Addition of new sections after section 38 of same Act.

7. After section thirty-eight of the same Act, the following sections shall be added:—

**"38A. If the master of any such ship as is referred to in section twenty-seven, or any medical officer in charge of any such ship, wilfully breaks, or omits or neglects to obey, any rule with regard to those ships made under section forty-six, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.**

**"38B. If any ship sailing from or to any port in British India to or from any port in the Red Sea and carrying more than one**

Penalty on master of certain ships sailing without medical officer.

hundred passengers has not on board a medical officer as required by section 28A, the master of the ship shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

**"38C. The owner and master of any ship sailing from or to any port in British India to or from any port in the Red Sea and not principally propelled by steam shall be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.**

**"38D. If the master of any ship, while a notification under section 28C is in force, knowingly receives on board his ship any person in contravention of that notification, he shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees for each person so received, or with both."**

8. After clause (b) of section forty-six of the same Act, the following clause shall be added:—

**"(bb) the licensing and appointment of medical officers in cases where they are required, under this Act, to be carried"; and after clause (c) of the same section the following clauses shall be added:—**

**"(cc) the functions of the master, medical officer (if any) and other officers of the ship during the voyage;**

**"(ccc) the access of intermediate or between decks passengers to the upper deck.**

## STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to amend the Native Passenger Ships Act, VIII of 1876, with a view to provide for the better regulation of the pilgrim traffic between British India and Arabia. This traffic has formed the subject of correspondence between the Secretary of State, the Government of India and the various local maritime Governments in India. A careful consideration has brought the Government to the conclusion that the importance of the pilgrim traffic makes its detailed regulation imperative, and that, to secure uniformity of procedure, and thereby avoid the friction which must inevitably follow divergence between rules separately framed by different States, it is desirable that, in all the more important points, a common understanding should be come to among the Governments who are chiefly interested in the proper management of that traffic. The establishment of a practical coincidence between the general provisions of the local Turkish regulations and those of the law of India—the country which at present furnishes the largest number of pilgrims to the Hedjaz—can only be effected by diplomatic correspondence between the British and Turkish Governments. But, since experience has shown that the provisions of the Indian law as it at present stands are insufficient to meet the peculiar exigencies of this traffic, and that in some respects they require revision, it seems desirable, before attempting to bring about an assimilation of the British and Turkish laws, to make such amendments of our own law as are necessary to put it in a satisfactory state.

2. The Indian law on this subject is contained partly in the provisions of the Native Passenger Ships Act, 1876, and partly in those of the rules framed under that Act. With a view to the amendment of the latter, the Government of India has already submitted to the Secretary of State a copy of a draft set of rules, which have been framed on the model of those regulating the transport of emigrants from India to the English and French colonies, and which it proposes to issue under the Native Passenger Ships Act, 1876, as rules regulating the conveyance of Native passengers between the ports of India and of the Hedjaz. With a view to the amendment of the former, the present Bill has been prepared.

3. Section 2 adds to section 11 of the Native Passenger Ships Act, 1876, a provision requiring the certificate given under that section to contain in the case of a ship sailing to the Red Sea a declaration that she is propelled principally by steam, and when the ship carries more than 100 Native passengers a declaration that she has on board a licensed medical



officer. The effect of this will be that such ships will not be able to obtain a port-clearance (see section 9) unless they comply with these requirements.

4. Section 3 amends section 26 of the Act, by requiring the bond given under that section to be conditioned for the observance of the provisions of the Act and of such rules with regard to Native passenger ships sailing to the Red Sea as the Governor General in Council may make under section 46 of the Act. The object of this amendment is to enable the Government of India to enforce the observance of its rules beyond the limits of its jurisdiction.

5. The substitution (by section 4 of the Bill) of 60 for 30 as the number of passengers which must be on board a ship in order that section 27 of the Act may apply follows as a necessary consequence of the provision that all ships are to be propelled by steam (see section 2 of the Act).

6. Section 5 empowers the authorities at Aden to refuse a bill of health to a ship if the requirements of the rules are not complied with.

7. The sections (28A, 28B and 28C) which section 6 adds to the Act require every ship sailing to or from the Red Sea and carrying more than 100 Native passengers to have a licensed medical officer, and every Native passenger ship sailing to or from the Red Sea to be propelled principally by steam, and empower the Governor General in Council to issue a notification directing that no passenger of such description as may be specified in the notification shall be received on board any such ship until he has obtained a certificate from a prescribed medical officer certifying that he is not suffering from any infectious or contagious disease, and is in a fit state of health to proceed to the port to which he intends to proceed.

With regard to section 28A, the Government has no doubt that the presence of a medical officer on board will serve to diminish many of the hardships from which pilgrims now suffer, especially if he is by rule made responsible for seeing that the sanitary and dietary arrangements on board are properly managed, and if he is liable to be disqualified for any breach of duty on his own part. It may not always be possible to secure Muhammadan medical men for this service, but endeavours will be made to supply officers of that persuasion in preference to others. Section 28B speaks for itself. Section 28C may have to be enforced, at the instance of the European powers, as a precaution against the possible introduction of epidemic disease by Indian pilgrims into Arabia.

8. Section 7 imposes penalties for breaches of the requirements of the Bill.

9. Lastly, by section 8, certain words are added to section 46 of the Act to enable the Governor General in Council to make rules to regulate the licensing of medical officers and the functions of those officers and of the officers of the ship generally, and ensure to the passengers free access to the upper deck.

*The 20th June, 1883.*

C. P. ILBERT.

D. FITZPATRICK,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th June, 1883, and was referred to a Select Committee on the 27th idem:—

## No. 16 OF 1883.

*Note.*—B. B. in the margin of this Bill refers to the Bill submitted by the Chief Commissioner.

*A Bill to authorize the making and to regulate the working of Street Tramways in Rangoon.*

WHEREAS the Municipal Committee of the Town of Rangoon, by an agreement dated the 22nd

day of June, 1882, a copy whereof is set forth in the schedule annexed to this Act, granted, for the considerations therein expressed, to John William Darwood, his heirs, executors, administrators and assigns, hereinafter called the grantee, the right to construct, maintain and use a tramway or tramways in Rangoon upon the terms subject to the conditions and in the manner mentioned in the said agreement, but the said agreement was made subject to the confirmation thereof by the Chief Commissioner of British Burma and to the recognition thereof by an Act of the Governor General in Council;

and whereas the said agreement was, on the 13th day of November, 1882, confirmed by the Chief Commissioner of British Burma; and it is now expedient to recognise it and give effect to it, subject to the provisions and limitations hereinafter contained; It is hereby enacted as follows:—

*A.—Preliminary.*

1. This Act may be called the Rangoon Tramways Act, 1883;

Short title.  
Commencement.

and it shall come into force at once.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context—

“Committee” means the Committee for the town of Rangoon appointed under the British Burma Municipal Act, 1874.

“Tramway,” means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway.

“Street” means the way of any street, road, thoroughfare, passage or place along or across

which any tramway authorised by this Act is or is intended to be laid, and includes the surface soil and subsoil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

*B.—Powers of Grantee generally.*

3. Subject to the provisions of this Act, and to the terms and conditions of the said agreement, the grantee may make, maintain and use any of the tramways for the construction, maintenance and use of which provision is made in the said agreement:

Provided that any such tramway shall not be opened for public traffic until it has been inspected and certified by the engineer to the Committee to be fit for such traffic.

*C.—Construction and Maintenance of Tramways and of Streets on which they are laid.*

4. Subject to the terms and conditions of the said agreement, the grantee may, from time to time, for the purpose of constructing, maintaining or renewing any tramway under this Act, open and break up any street, and therein or thereon lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on any such street all other acts which may, from time to time, be necessary for constructing, maintaining or renewing the tramway.

Provided that he shall not, without the consent of the Committee, open or break up at any one time a greater length than one hundred yards of any street which does not exceed a quarter of a mile in length; and in the case of any street exceeding a quarter of a mile in length, he shall leave an interval of at least a quarter of a mile between any two places at which he may open or break up the street, and shall not open or break up at any such place a greater length than one hundred yards.

5. The grantee shall, at his own expense, at all times, maintain and keep in good condition and repair, in such manner as the Committee from time to time directs, all tramways constructed by him under this Act, and so much of any street as lies between the ends of any such tramway; and in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway.

6. When the grantee has for the purposes of section 1 or section 5 opened or broken up any portion of a street, he shall be under the following further obligations, namely:—

- (a) He shall, with all convenient speed, and in all cases within six weeks at the most, unless the Committee otherwise consent in writing, complete the work for which the street has been broken up, and fill in the ground, and make good the surface, and, to the satisfaction of the Committee, restore the street to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby.
- (b) He shall, in the meantime, cause the place where the street is opened or broken up, to be fenced and watched, and to be properly lighted at night, and,
- (c) He shall make good all damage done to drains, sewers, water-pipes and gas-pipes, and to the wires or other materials or things used for any system of lighting, and whether belonging to the Committee, to the Government, or to private persons, and shall make compensation for any other damage done in the execution of the powers granted to him.

7. (1) Nothing in this Act shall prevent the Committee from opening, breaking up, widening, altering, diverting or improving any street traversed by a tramway for the purposes for which they might otherwise under the law for the time being in force lawfully open, break up, widen, alter, divert or improve such street

Provided that—

- (a) they shall cause as little detriment or inconvenience to the grantee as circumstances admit; and
  - (b) before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the grantee not less than eighteen hours previous notice of their intention to commence the work, specifying the time at which they will commence it.
- (2) The Committee shall not be liable to pay to the grantee any compensation for injury done to the tramway by the execution of any work referred to in sub-section (1) or for loss of traffic occasioned by the reasonable exercise of their powers in connection with the same.

*D.—Rights over Tramways and Streets on which they are laid.*

8. The grantee shall subject to the provisions of this Act and to the terms right over tramways, and conditions of the said agreement, have the exclusive use of his tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail.

Provided that nothing in this Act shall affect

- (a) The right of the public to pass along or across any part of any road, along or across which any tramway is laid, whether on or

off the tramway with carriages not having flange wheels or wheels suitable to run on a grooved rail; or

- (b) the right of the Commissioners for the Port of Rangoon, or of any other body or person entitled at the time of the commencement of this Act to work and maintain a tramway, to pass across any tramway constructed under this Act with carriages having flange wheels or wheels suitable to run on a grooved rail.

9. Notwithstanding anything in this Act, [33 & 34 Vic. c. 78, s. 57.]  
[B. B., s. 16.]  
Grantee to have right of the grantee shall not acquire any right other than that of user of any street along or across which he lays any tramway.

10. Nothing in this Act shall affect the powers [33 & 34 Vic. c. 78, s. 61.]  
[B. B., s. 27.]  
of the Committee or the police to regulate the passage of any traffic along or across any street along or across which any tramway is laid down, and the Committee or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the grantee as to the traffic of other persons.

*E.—Traffic on Tramways.*

11. The grantee may, from time to time, by [B. B., s. 9.]  
[33 & 34 Vic. c. 78, s. 45.]  
a notice published in such languages and in such manner as the Chief Commissioner may prescribe, fix the rates of fares and charges for carrying passengers and goods in his carriages:

Provided that the rates of passenger fares shall not exceed one anna per mile for each passenger in the lower class and two annas per mile for each passenger in the higher or first class.

12. The fares and charges by this Act authorized shall be paid to such [B. B., s. 11.]  
Mode of payment of fares. persons at such places, upon or near to the tramways, and in such manner and under such regulations as the grantee may, by a notice published as aforesaid, from time to time prescribe.

13. (1) No person shall be entitled to carry or [B. B., s. 22.]  
Carriage of dangerous or offensive goods. to require to be carried on any tramway constructed under this Act any goods of a dangerous or offensive nature.

(2) Every person taking such goods with him on any such tramway shall before entering the carriage give notice of their nature to the servant of the grantee in charge of the carriage.

(3) Every person sending such goods by any such tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the book-keeper or other servant of the grantee with whom the same are left at the time of such sending.

(4) The grantee may refuse to take any parcel which he may suspect to contain goods of a dangerous or offensive nature, or require the same to be opened to ascertain the fact.

*F.—Offences and Penalties.*

Penalty for failure of grantee to comply with provisions of this Act. 14. If the grantee—

[33 & 34 Vic. c. 78, s. 27.]  
[B. B., s. 16.]

- (a) constructs or maintains any tramway, or runs any car or carriage thereon otherwise than in accordance with the said agreement;

(b) opens any tramway for traffic before it has been inspected and certified in manner required by section 3;

(c) opens or breaks up any street otherwise than as permitted by this Act, or having opened or broken up a street fails to discharge any of the obligations imposed on him by section 6, clauses (a) and (b); or

(d) fails to keep the rails of any tramway and the portions of the street adjoining the same in repair as required by section 5

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act or of the said agreement or to any other remedy against him), on complaint of the Committee or of any person injuriously affected thereby, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for each day after the first day during which the offence continues to be committed.

18.] 15. Any person who wilfully obstructs any person acting under the authority of the grantee in the exercise of his powers, in constructing, repairing or renewing a tramway, or injures or destroys any mark, made for the purpose of setting out the line of the tramway, shall be punished with fine which may extend to fifty rupees.

19.] 16. Any person who without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely,—

(a) interferes with, removes or alters any part of a tramway constructed under this Act or of the works connected therewith;

(b) does or causes to be done anything in such a manner as to obstruct any carriage using any such tramway; or

(c) knowingly aids or assists in the doing of such thing,

shall be punished with fine which may extend to one hundred rupees.

22.] 17. Any person taking or sending by any tramway any goods of a dangerous or offensive nature without giving the notice required by section 13 shall be punished with fine which may extend to fifty rupees.

20.] 18. If any person travelling or having travelled in any carriage of the grantee avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit the carriage, he shall be punished with fine which may extend to ten rupees.

21.] 19. Any servant of the Grantee, and any person called in by him for his assistance, may arrest and take to the nearest police-station any person who is discovered either in or after committing or attempting

to commit an offence punishable under section 18, and whose name and residence is refused by him and is unknown to such servant or person, and the police-officer in charge of the police-station, on receiving a complaint that such an offence has been committed, shall adopt such legal measures as may be necessary to cause the accused person to be taken before a Magistrate with the least possible delay.

#### G.—Powers to make Rules.

20. (1) The Committee in special meeting may, with the sanction of the Chief Commissioner, from time to time make such rules consistent with this Act as to the rate of speed, number of passengers, and mode of use of the tramways and as to the licensing and control of drivers, conductors and other persons having charge of the carriages of the grantee as the convenience and safety of the public may require.

(2) The grantee may, with the like sanction, from time to time, make rules consistent with this Act for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to him; and

for regulating the travelling in any carriage belonging to him.

(3) The authority making any rule under this section may prescribe as a punishment for the breach of it a fine which may extend to twenty rupees.

(4) All rules made under this section shall be published in the *British Burma Gazette*.

#### H.—Miscellaneous.

21. For the purpose of clause 15 of the agreement set forth in the schedule annexed to this Act, the want of sufficient funds shall not be deemed to be a circumstance beyond the control of the grantee.

22. The plant, rolling-stock and other vehicles, yards, workshops engine-sheds and depôts of the grantee shall, for a period of five years from the passing of this Act, be exempt from all municipal taxation except such lighting and water-rates as may from time to time be payable in respect of the yards, workshops, engine-sheds, and depôts.

23. Nothing in this Act shall exempt the grantee or any tramway constructed by him under this Act from the provisions of any general enactment relating to tramways now in force or which may hereafter be passed.

#### SCHEDULE.

ARTICLES OF AGREEMENT made this 22nd day of June 1882 BETWEEN THE MUNICIPAL COMMITTEE OF THE CITY OF RANGOON appointed under the British Burma Municipal Act, 1874, hereinafter called the said Committee, of the one part, and JOHN WILLIAM DARWOOD, of Rangoon, hereinafter called the said Grantee, of the other part. WHEREAS the said Committee have, subject to the confirmation thereof by the Chief Commissioner of British Burma and to the recognition of this Agreement by an Act of the Governor General of India in Council, agreed to grant to the said Grantee the right to construct, maintain and use a tramway or

tramways in Rangoon upon the terms and conditions hereinafter contained, NOW THESE PRESENTS WITNESS that in consideration of the covenants and agreements hereinafter contained and on the part of the said Committee to be performed, the said Grantee for himself, his heirs, executors, administrators and assigns doth covenant with the said Committee, so far as the covenants and conditions hereinafter contained are to be performed by the said Grantee and his heirs, executors, administrators and assigns, and the said Committee, for and in consideration of the covenants and agreements hereinafter contained and on the part of the said Grantee, his heirs, executors, administrators and assigns to be performed, do hereby covenant with the said Grantee, his heirs, executors, administrators and assigns so far as the covenants and agreements hereinafter contained are to be performed by the said Committee in manner following, that is to say:—

1. The said Committee grant to the said Grantee and his heirs, executors, administrators and assigns, all which persons are hereinafter included in the words "the said Grantee," the right to construct, maintain and use a tramway or tramways, with single or double tracks or lines, and with all necessary sidings, turnouts, connections and lines, or tracks of whatever nature which may be required to connect the said tramway or tramways with the depots of the said Grantee (but in the case of sidings and turnouts, only in such places as the said Committee may sanction), on the following routes and between such other places and by such other routes as may be hereafter approved of by the said Committee:—

The tramways referred to and now authorised for construction subject to such confirmation as aforesaid are:—

- I.—A tramway with a double track or line along China Street and Pagoda road from the Strand road at its junction with China street to the Shway Dagon Pagoda.
- II.—A tramway with a double track or line along the Strand road from East street to West street.
- III.—A tramway with a double track or line along Dalhousie street from East street to the junction of Dalhousie street with the Strand road.
- IV.—A tramway with a double track or line along Sooday Pagoda road from the Strand road to Montgomery street and along Montgomery street to the Phayre street railway station and along Montgomery road to the iron bridge near the Bazar at Poozoondoung.
- V.—A tramway with a double track or line from the Strand road down Baer street to Shafraz road round the Public Buildings back into the Strand road.

2. When approved of and desired by the said Committee, tramways with such tracks or lines as may be approved of by the said Committee from East street to Monkey point and along the Upper and Lower Poozoondoung roads to Monkey point, and along Merchant street, Fraser street and Canal street, and along Lower Kennaendine road from the Strand road, Kennaendine, to the junction of West street with the Strand road.

3. The said tramway or tramways to be constructed and maintained in such form and manner

and upon such gradient and with such gauge as the said Committee may approve, and the cars and carriages intended to run on the said rails shall be such as are approved of by the said Committee.

4. The cars and carriages of the Grantee on the tracks or lines of the said tramway shall, unless with the consent of the said Committee, be worked with steam power of the most approved engine of the time only, and the said Committee shall have power at all times to make such regulations as to the rate of speed and mode and use of the said tracks or lines as the convenience and safety of the public using the streets may require.

5. The said Grantee shall have power from time to time to fix the rate of fares for carrying persons and goods in the cars or carriages to be run on the said tramway or tramways, provided that the rates of fares shall for any distance not exceed the rate of one anna per mile for the lower class and two annas per mile for the higher or first class for each passenger.

6. The said Grantee may, for the purpose of constructing and maintaining such tramways under such superintendence as is hereinafter specified, open and break up the soil and metalled way of the several streets, roads and bridges in the city and thereon lay sleepers and rails, and from time to time repair, alter or remove the same, and may, for the purposes aforesaid, remove and use all earth and materials in such streets, roads and bridges, and the said Grantee may, in and on such streets, roads and bridges, do all other acts which he shall from time to time deem necessary for constructing and maintaining street tramways in the said city, doing as little damage as may be in the execution of the powers hereby granted, and shall make good all damage done to drains, sewers, water and gas pipes or to the wires or other materials or things used for any other system of lighting, and whether belonging to the said municipality or to private individuals, and shall make compensation for any other damage done in the execution of such powers.

7. Before the said Grantee proceeds to open or break up any street, road or bridge other than those referred to in sub-clauses from I to V in clause 1, he shall obtain the approval in writing of the said Committee to the tracks or lines of the said tramway being laid down on the said streets, roads or bridges, and the said Grantee, before opening or breaking up any street, road or bridge, shall give to the said Committee or their Executive Engineer, or other municipal officer duly appointed for that purpose, notice in writing of his intention to open or break up the same not less than three clear days before beginning such work, except in such cases of emergency arising from defects in any of the rails or other work, and then so soon as is possible after the beginning of the work or the necessity for the same shall have arisen.

8. No street, road or bridge shall, except in cases of emergency as aforesaid, be opened or broken up, except under the superintendence of the said Committee or of their Executive Engineer or of some other municipal officer duly appointed for that purpose, and according to such plans as shall be approved of by him or them: provided always that if the said Committee or their Engineer or other such officer as aforesaid fail to attend at the time fixed for the opening of any

such street, road or bridge after having had such notice of the said Grantee's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Grantee may perform the work specified in such notice without such superintendence as aforesaid.

9. When the said Grantee opens or breaks up the roadway or pavement of any street, road or bridge, he shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and make good the roadway or pavement so opened or broken up as aforesaid, and carry away the rubbish occasioned thereby and deposit the same for the use of the said Committee at such place as the Executive Engineer of the said municipality shall direct, and shall at all times whilst any such roadway or pavement shall be so opened or broken up cause the same to be guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such roadway or pavement where the same shall be open or broken up every night during which the same shall continue open or broken up.

10. If the said Grantee opens or breaks up any street, road or bridge without giving such notice as hereinbefore mentioned or in a manner different from that which shall have been approved of or determined as aforesaid except in the cases in which the said Grantee is hereby authorized to perform such work without any superintendence or notice, or if the said Grantee shall make any unnecessary delay in completing any such work or in filling in the ground or reinstating and making good, so far as is consistent with the existence of the said tramway, the roadway or pavement so opened or broken up, or in carrying away the rubbish occasioned thereby, or if he neglect to cause the place where such roadway or pavement has been broken up to be guarded and lighted, he shall forfeit to the said Committee a sum not exceeding fifty (50) rupees for every such offence, and he shall forfeit an additional sum not exceeding fifty (50) rupees for each day during which any such delay or neglect as aforesaid shall continue after he shall have received notice thereof.

11. The said Grantee shall maintain and keep in repair such portion of the streets, roads and bridges in the City of Rangoon as shall be occupied by his tracks or lines, including therein not only the space between his tracks or lines but a space eighteen inches on either side thereof, and in consideration of the maintenance of such streets, roads and bridges as aforesaid, and of the yearly rent hereinafter mentioned to be paid by the Grantee, the plant, rolling-stock and other vehicles, yards, workshops, engine-sheds and depôts of the said Grantee shall be exempt from municipal taxation for a period of five years, except lighting and water-rates for such yards, workshops, engine-sheds and depôts.

12. The said Grantee shall be liable for any loss, damage or injuries that any person or persons may sustain by reason of any defect or want of repairs in any of the plant, rolling-stock or other properties of the said Grantee, or by reason of any carelessness, neglect or misconduct of his agents or servants in the management, construction or use of the said tramways or any portion thereof, or in the exercise of the power given by clauses 6, 7, 8, and 11; the same shall be made

good by the said Grantee, and in the event of any suit being instituted against the said Committee in respect of any of the matters hereinbefore mentioned, the said Grantee shall, within fourteen days from the receipt of a notice thereof from the said Committee, settle the same; but if the said Grantee choose to defend such suit, he shall be at liberty to do so upon his undertaking to indemnify the said Committee against all losses, damages and expenses in respect thereof; provided always that, if the said Grantee fail to settle such suit or to indemnify the said Committee as is hereinbefore provided, it shall be lawful for the said Committee to settle the same without any consent or concurrence on the part of the said Grantee, and the sums which they shall have to pay in making such settlement, together with interest thereon at the rate of 5 per cent. per annum from the date of payment, and with all expenses which they may be put to, shall be recoverable as a debt from the said Grantee.

13. Nothing in this agreement shall be construed to prevent the said Committee from taking up any of the public streets or roads traversed by the said tramway for the purposes for which the said Committee may lawfully take up the same, and that the said Grantee shall have no right to claim cost from the said Committee for obstructing the tramway or causing delay in the traffic so long as the delay shall not be unreasonable for the work to be performed.

14. If the said Committee shall hereafter alter the level of any street, road or bridge along or across which any tramway by this agreement authorized is laid or authorized to be laid, the Grantee shall alter or (as the case may be) lay his rails to suit the altered level of such street, road or bridge, provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways, and in any case so as not to stop or prevent the free use or working thereof.

15. If at any time after the opening of any tramway for traffic the said Grantee shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the said Grantee), it shall be lawful for the said Committee, without any previous notice to the said Grantee, to remove the tramway or part of the tramway so discontinued, and the said Grantee shall pay to the said Committee the cost of such removal and of the making good of the street, road or bridge, and the certificate of the said Committee or of their Engineer as to such cost shall be conclusive.

16. The provisions of this agreement shall remain and be in force for a term not less than twenty-one (21) years from the date thereof. The said Committee shall have the right of purchasing the said tramways with the plant, stores, rolling-stock, sheds, depôts and yards, and everything connected therewith after the expiration of the said twenty-one (21) years upon declaring its intention so to do within six months after the expiration of the said twenty-one (21) years; the amount to be paid in the event of such purchase shall be the actual *bona fide* value at the termination of this agreement exclusive of any compensation for goodwill, premium on compulsory sale or other consideration whatever of the tramways and of the work and materials connected therewith.



and of the lands and buildings and all other the property of the Grantee, such value to be decided by mutual agreement or by arbitration as hereinafter provided.

17. The provisions hereinbefore contained shall, so far as applicable, apply to all tramways to be constructed by the said Grantee by any route or routes to be hereafter sanctioned by the said Committee and to the works connected with or incidental to such tramways, it being agreed that in the event of the municipality failing to declare its intention as above provided to purchase the property of the said Grantee the terms of this contract shall continue in force during the period of six months from the date of the determination of these presents and for a further period of six months, and if the said Committee shall not within that time exercise the option of purchase hereby given, the said Committee and the said Grantee shall enter into a fresh agreement.

18. The said Grantee will, if required by the said Committee before opening up the roadway of any street, road or bridge, deposit with the Bank of Bengal in the name of the said Committee the sum of rupees five thousand (5,000) or, in their option, promissory notes of the Government of India of the nominal value of rupees five thousand (5,000), and the same will remain so deposited until the completion by the said Grantee of the abovementioned lines of tramway herein sanctioned for construction. All interest accruing on the said sum, or the said notes, shall be credited to the said Grantee, and, subject as next hereinafter mentioned, be paid to him as the same accrues due. The said Committee shall be entitled to deduct all fines recoverable by the said Committee and all monies to which they may be entitled under any clause or clauses of these presents out of the sum so deposited, or the interest accruing on the said sum or notes, or out of the proceeds of sale of a portion of the said notes on completion of the tramways herein sanctioned for immediate construction.

19. In consideration of the concession herein granted, the said Grantee undertakes on behalf of himself, his heirs, executors, administrators and assigns that he will pay to the said Committee a yearly rent of rupees three thousand (3,000) per mile of double track or line and rupees two thousand (2,000) per mile of single track or line, payable half-yearly; the date on which such rent on each line of tramway shall begin to accrue shall be the date on which such line of tramways is open for public traffic.

20. It is agreed that the tramway or tramways from the Strand road along Barr street and Shafraz road round the Public Buildings and back to the Strand road should not be included, and that no sidings, turnouts or tracks necessary to connect the traffic lines with the carriage-sheds, engine-sheds, factories, depôts, yards or other property or properties of the said Grantee shall be included in the mileage on which rent is to be paid, the tramway or tramways more particularly described in this paragraph, and such sidings, turnouts and necessary connecting tracks or lines, being free of rent.

21. The sleepers, rails, materials and implements, and other erections placed and erected by the said Grantee on the streets, bridges or roads under the powers hereby granted shall be and remain the property of the said Grantee, and the said Grantee shall have the exclusive use of his

tramway or tramways for carriages with flanged wheels or other wheels suitable only to run on the prescribed rail.

22. The prescribed rail is that known as the box-rail introduced by Mr. Robinson Souttar, to be made of Bessemer steel of the weight of sixty pounds to the yard, or such other rail of such weight as may be approved by the said Committee.

23. The said Grantee shall have the exclusive right of laying and using tramways within the limit of the Rangoon Municipality on the terms herein stated, but in the event of the said Grantee refusing to lay down any line when the said Committee may consider it necessary, the said Committee shall be at liberty to grant the right of laying and using such line to any other party.

24. Unless the said Grantee shall have commenced the work of laying down the said tramways within twelve months from the date of the execution of these articles of agreement, the said Committee shall be at liberty to cease and determine this contract and to enter into arrangements with any other person or persons for the construction of tramways, it being agreed, however, that these conditions of contract are subject to the sanction of Government, and that, in the event of their being executed prior to such sanction being given, the said 12 months shall date from the day on which notice of such sanction is given to the said Grantee, provided also that any delay in commencing the work beyond 12 months shall not have been due to any cause beyond the control of the said Grantee.

25. If any doubt, difference or dispute shall arise between the said Grantee and the said Committee touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons, one to be chosen by the said Grantee and the other by the said Committee within one calendar month after either of them shall have made to the other a requisition to that effect, and should the arbitrators fail to agree, they shall refer the question or questions at issue to the decision of an umpire to be chosen by the said arbitrators, and the decision of such arbitrators if they agree, or of such umpire if they disagree, shall be final; and in case either party shall neglect or refuse to appoint an arbitrator within the specified time, the arbitrator appointed by the other party shall make a decision alone, and the decision of such arbitrators, umpire or arbitrator, as the case may be, shall be effectual and binding upon both parties.

26. The said Grantee is to be at liberty to form a Company or Limited Liability Company for the purpose of constructing, maintaining and working the tramways authorized by or hereafter to be authorized under the terms of this agreement. The words "the said Grantee" used in this agreement shall include such Company or Limited Liability Company so formed as aforesaid.

27. The words "the said Committee" used in this agreement shall include the present Committee and their successors, and also persons empowered by the said Committee or their successors or by other duly constituted authority to do any act or thing or exercise any powers or authorities which the said Committee are hereinbefore authorized or empowered to do or exercise.

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**STATEMENT OF OBJECTS AND REASONS.**

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On the 22nd June, 1882, the Municipal Committee of Rangoon entered into an agreement with Mr. J. W. Darwood, by which they conferred upon him the exclusive right to construct and work public tramways within the limits of the municipality, and arranged with him for the construction and working of certain specified tramways and of such others as might from time to time be determined on.

2. An agreement of this description, it need hardly be said, requires to be supported and supplemented by legislation. Statutory powers are needed by the grantee of the concession to enable him to exercise with safety the powers over the public streets which the agreement purports to confer on him. Statutory penalties must be provided, in order, on the one hand, to impose an efficient check on the abuse of those powers and enforce the conditions upon which they are conferred, and, on the other, to prevent any improper interference with the exercise of them.

3. It is further desirable to fix by a legislative enactment a maximum limit to the fares to be charged, and to provide a penalty for evading the payment of fares and empower the servants of the grantee in certain cases to arrest persons charged with this offence.

4. Lastly, it is desirable to confer upon the municipal authority and upon the grantee a power to make rules regarding the working and use of the tramways, and to impose a small pecuniary penalty for the breach of such rules.

5. The above are the principal matters provided for in the present Bill, which, it should be stated, has been prepared on the principle of restricting the action of the legislature to those points for which the agreement does not sufficiently provide. The only other matters to which attention need here be directed are, first, that the carriage of goods of a dangerous or offensive nature is placed by the Bill under very much the same species of control as the carriage of dangerous goods is by the Railway Act; and secondly, that, in consideration of the grantee being obliged to keep a considerable portion of the roadways in repair, his premises and rolling-stock are exempted for five years from all municipal taxation, except lighting and water rates.

C. P. ILBERT.

*The 20th June, 1883.*

D. FITZPATRICK,  
*Secretary to the Government of India.*



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

[ Third publication. ]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th June, 1883, and was referred to a Select Committee on the 27th idem :—

No. 17 OF 1883.

*A Bill for the protection of Inventions exhibited in the Exhibitions of India.*

WHEREAS it is expedient that such protection as is hereinafter mentioned should be afforded to the inventors of new manufactures who are desirous of exhibiting them at Exhibitions to be held in India; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Protection of Inventions Act, 1883 ;  
Commencement. and it shall come into force at once.

2. It shall be read with and taken as part of Act XV of 1859 (for granting exclusive privileges to inventors).

3. If, within six months from the time of the opening of an International Exhibition, a person, being the inventor and exhibitor of any manufacture exhibited at that Exhibition, petitions the Governor General in Council under Act XV of 1859, for leave to file a specification of his invention, the circumstance that the invention has at any time after the opening of the Exhibition been publicly used or made publicly known shall not prevent the invention being deemed to have been at the time of presenting the petition a new invention for the purposes of the said Act.

4. In this Act, "International Exhibition" means the International Exhibition to be held in the year one thousand eight hundred and eighty-four at Calcutta, and any Exhibition to be held in India which the Governor General in Council may, upon the application of any persons desirous of holding the Exhibition, by notification in the *Gazette of India*, declare to be, in the judgment of the Governor General in Council, calculated to promote Indian art or industry, and to prove beneficial to the mercantile, agricultural or industrial classes of Her Majesty's subjects in India.

STATEMENT OF OBJECTS AND REASONS.

THIS Bill has been prepared in view of the forthcoming International Exhibition which it is proposed to hold in Calcutta next cold weather. It has been brought to the notice of Government that the want of some such protection as the Bill affords might probably deter inventors of unpatented inventions from sending them, and thus prevent the exhibition of some interesting exhibits.

2. It has been found necessary in England, and also, it is believed, in the Australian colonies, to legislate on this subject.

The Bill is drawn on the model of the Protection of Inventions Act, 1870 (33 & 34 Vic., cap. 27), but necessarily differs from it in details, inasmuch as the system of protection to inventions in force in this country differs from that in force in England in many respects, and, among others, in permitting an inventor to use his invention, or allow others to use it, publicly for a year without losing his right to protection. The effect of the Bill, if it becomes law, may be shortly stated to be that, if an inventor exhibiting his invention applies within six months from the opening of the exhibition for leave to file a specification, the circumstance of the invention having been publicly used or publicly made known after the opening of the exhibition will not affect his rights.

3. To prevent the necessity for similar legislation in the case of other exhibitions which may hereafter be held, section 4 of the Bill defines the term "International Exhibition" as meaning, not only the contemplated "International Exhibition" to be held at Calcutta, but any exhibition to be held in India which the Governor General in Council may, upon the application of any persons desirous of holding the exhibition, by notification in the *Gazette of India*, declare to be, in the judgment of the Governor General in Council, calculated to promote Indian art or industry, and to prove beneficial to the mercantile, agricultural or industrial classes of Her Majesty's subjects in India.

The 20th June, 1883.

C. P. ILBERT.

D. FITZPATRICK,  
Secretary to the Government of India.



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GOVERNMENT OF INDIA.  
HOME DEPARTMENT.

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MEASURES TO PREVENT FREQUENT CHANGES IN THE PERSONNEL OF THE  
ADMINISTRATIVE STAFF OF A PROVINCE.

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No. <sup>24</sup><sub>886-00</sub>.

*Extract from the Proceedings of the Government of India, in the Home Department (Public),—  
dated Simla, the 6th July 1883.*

Read the undermentioned papers on the subject of certain proposed alterations  
in the Civil furlough rules :—

Home Department Resolution Nos. 33—1343-1354, dated 7th September 1882.

Financial Despatch to Secretary of State No. 299, dated 26th September 1882.

Financial Despatch from Secretary of State No. 66, dated 22nd February 1883.

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RESOLUTION.

In the Resolution of the 7th September 1882, the Government of India intimated to Local Governments the result of the reference made to them a year previously, as to the practical working of the rule under which officers absent on furlough retain a lien on their appointments. It was stated that the Governor General in Council had found no sufficient reason for the withdrawal of that concession, but that at the same time there could be no doubt that in some provinces changes among the administrative, and especially among the district, staff had been more frequent than was at all desirable; and it was said that something should be done to check this tendency where it existed, partly by amendment of the rules in some points of minor detail, and partly by the adoption in all Local Administrations of a settled line of policy in working the rules. Much could, it was believed, be done by making proper arrangements for regulating the posting of officers on their return from furlough; and the general principle by which the Government of India desired that Local Governments should be guided in this matter was that private and personal considerations should always give way to public interests; and that every endeavour should be made to avoid unnecessary disturbance of existing arrangements. In these views of the Government of India the Secretary of State has now intimated his general concurrence, remarking that, while it is undesirable to lay down any general rule as to the length of time during which an officer should remain in one district, or as to the considerations which should guide the several Governments in posting officers on their return from furlough, the arrangements of Government must always be regulated with reference to the requirements of the public service at the time. The Governor General in Council trusts that Local Governments will in future see that full effect is given to these instructions of Her Majesty's Secretary of State. It was not the intention of the Government of India in the Resolution of September last to lay down any hard-and-fast rule as to the maximum term during which an officer should be retained in a district. Local Governments must of course be guided in deciding such matters by a consideration of what is best for the public interests, but it should not be forgotten that, while frequent changes are bad, an officer may yet be left too long in a district, and that it may sometimes be best both for himself and for the district administration to make a change.

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2. It was further proposed in the Resolution of September 1882 that Local Governments should have the power to require an officer to regulate the precise term of his leave to suit the public requirements, *i.e.*, that an officer should be compelled to take less or more leave (within reasonable limits) than he applies for, on penalty of his forfeiting a lien on his appointment if he declined to accept the arrangement. Upon this the Secretary of State remarks: "The Government should certainly have the power of refusing an officer the full leave for which he applies, if there is reason to think that the grant of that precise amount will be prejudicial to the public interests; but I do not think that an officer should ever be required to take more leave than he desires, or that he should, if prepared to pay the penalty of forfeiting the lien on his appointment or his claim to a similar one, have the right of taking an amount of leave (whether less or more) which would be inconvenient to the Government." The Governor General in Council desires that effect may be given to this view which practically enables the Local Government to insist on leave being taken in the manner most consistent with the interests of the Public Service. The point has been made clear in the Civil Leave Code by the insertion of the note under section 4 of the code, published in the Financial Department Notification No. 1333, dated 7th June 1883.

3. In paragraph 6 of the Resolution of September 1882, it was stated that a recommendation would be made to the Secretary of State that the period of a Civil Servant's residence in India entitling him to his first furlough should be reduced from eight to five years. It has now been decided that no change shall be made in the furlough rules on this point.

4. The Secretary of State has approved of the principle of imposing a check on the abuse of the leave rules by recurring grants of furlough on medical certificate to which attention was drawn in paragraph 7 of the Resolution of the 7th September last. The best mode of effecting this is still under consideration.

5. Lastly, the Secretary of State agrees to the proposal made by the Government of India that (except in very special cases) extensions of leave should not be granted in England, unless the applicants produce evidence that the Governments under which they are employed have no objection to such extension. This point has been provided for by the revised rule I under Section 77 of the Civil Leave Code, published in Financial Department Notification No. 1333, dated 7th June 1883.

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ORDER.—Ordered, that a copy of this Resolution be communicated to the

Madras.  
Bombay.  
Bengal.  
North-Western Provinces and Oudh.  
Punjab.

Central Provinces.  
British Burma.  
Assam.  
Coorg.  
Hyderabad.

Local Governments and Administrations noted on the margin for information and guidance, and that a copy be forwarded to the Department of Finance for information, and that the Resolution be published

in the Supplement to the *Gazette of India*.

A. MACKENZIE,

*Secretary to the Government of India.*



GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR  
THE WEEK ENDING THE 10th JULY 1883.

**GENERAL REMARKS.**—Rain in varying quantities, heaviest on the south-west and north-east coasts, has fallen throughout the Madras Presidency. In Mysore the fall is still insufficient for standing crops, but Coorg has received a plentiful supply.

The rains over the districts of the Bombay Presidency, Berars, Central India, and Rajputana have, with few exceptions, been favourable and sufficient. In Guzerat the fall has been heavy; river floods have caused great damage in Surat, and a break is required. The Indus is rising in Sind, and prospects have improved. Parts of the Southern Mahratta Country are still in need of more rain. A break would be beneficial in Indore, but rain is beginning to be urgently wanted in Marwar in Rajputana where the tanks are all dry and water is obtained with great difficulty.

In Burma and Assam the weather continues favourable, but for the time of the year the rainfall is below average, particularly in the former province. The cessation of heavy rain in Bengal noticed last week has become more marked, the average fall being under two inches, except in Orissa and at Calcutta and Hazaribagh. Heavy and seasonable rain has fallen throughout the Central Provinces. The North-Western Provinces and Oudh have also received a moderate supply during the week, but more is required in several districts. Rain still holds off in the Punjab, hardly any having fallen between Delhi and Amritsar; elsewhere the fall has averaged under an inch and a half.

Harvesting is still in progress in Madras and Mysore. The rice crops of the districts on the west coast are being weeded and transplanted and promise well. Ploughing and sowing for the *kharif* continue everywhere, but are backward in parts of the North-Western Provinces and Oudh and the Punjab for want of rain. In Assam and Bengal the prospects of the rice crops are on the whole favourable, but more rain is necessary to admit of transplanting on high lands in Bengal. Harvesting of jute and early rice has commenced in a few places in the latter province, and the condition of standing crops of jute, indigo, and sugarcane is satisfactory.

Some damage has been done to crops in Surat by the floods, and danger from a similar cause is apprehended in Orissa where the rains have been heavy. Locusts continue to threaten the crops of several districts of the Bombay Presidency, and their appearance is also reported in one of the Central India States.

Fever is generally prevalent, and the mortality from cholera is still severe in Poona and Ahmednagar in Bombay and Wardha in the Central Provinces.

Prices are for the most part stationary, with a tendency to rise in the North-Western Provinces and the Punjab.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(July 11th)</b>		
Bellary ...	·54 (average of seven stations).	Standing crops generally good; harvest ready, yield average.
Kurnool ...	1·51 (average of eight stations).	Small-pox in one and cattle-disease in six taluks.
Ganjam ...	4·13 (average of seventeen stations).	One case of cholera.
Kistna ...	·38 (average of seven stations).	Fever, small-pox, guinea-worm, and cattle-disease slight.
Chingleput (Madras) ...	2·26 (average of eleven stations).	Standing crops good where water available; harvest <i>kar</i> , paddy, &c., yield half; small-pox in two taluks; cholera in two villages; cattle-disease slight in one taluk.
Coimbatore ...	·55 (average of three stations).	Standing crops generally good; harvest <i>cholum</i> in parts, yield average; 2 deaths from cholera in one taluk; fever in one taluk.
Tanjore ...	·97 (average of eight stations).	Standing crops generally good; 5 deaths from cholera; rinderpest slight in one taluk.
Madura ...	·93 (average of five stations).	Standing crops generally fair except in one taluk; harvest dry crops in parts; cholera slight in parts of one taluk.
Malabar ...	3·82 (average of fourteen stations).	First crop progressing in all taluks; small-pox slight in nine taluks; fever and cattle-disease in parts, latter slight.
Travancore ...	·529	Paddy plants being weeded and in good condition; fever prevails. <i>General Remarks.</i> —General prospects good.
<b>Bombay—(July 11th)</b>		
Kurrachee ...	1·67; average of twelve other stations, 1·47.	One case of small-pox still remaining in Kurrachee, no fresh cases since 28th June, disease in eight villages in districts, 22 fresh cases, 1 death, 13 remaining sick; river at Kotri on 9th 15 feet 3 inches, 2 inches lower than on same date last year; fever in seven talukas.
Hyderabad ...	Rain in eight talukas, average fall ·85.	River rising at last; small-pox in eight and fever in one taluka; prices of food-grains steady since last week.
Ahmedabad ...	6·47	Total rainfall 11·89; sowings progressing; wheat 26½ and <i>bajri</i> 30 lbs. per rupee.
Baroda ...	10·48	Total rainfall 21·37; sowing operations commenced everywhere, including Amreli; health good; <i>bajri</i> 27 and rice 24 lbs. per rupee.
Surat ...	6·01	Total rainfall 25·34, break wanted; much damage to property in city and to property and crops in Chorasi by recent flood; transplanting of rice in some talukas; fever in Bulsar and Pardi; <i>juari</i> 41 and <i>nagli</i> 43 lbs. per rupee.

Residency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Nbay—contd.</b>		
Nasik	... Heavy rain throughout the district.	Small-pox in Nasik and Sinnar; cholera still prevails in most talukas; transplanting of <i>nugli</i> and <i>juari</i> in progress in Dangi villages, completed in others; locusts damaging <i>nugli</i> and rice crops; prices stationary.
Colaba (Bombay)	... Rain every day, heavy on 7th, 8th and 9th; total of week 13·0.	Total rainfall up to date 27·80, being ·03 above average; abnormal temperature from 1° warm to 2° cool; vapour in air normal; abnormal wind south-easterly till 6th, afterwards north-westerly, strong on 4th.
Poona	... Maximum 2·46; minimum ·32.	697 cholera cases, 290 fatal; sowing nearly completed; <i>bajri</i> 37 and <i>juari</i> 45 lbs. per rupee, in Poona <i>bajri</i> 32 and <i>juari</i> 39 lbs. per rupee.
Ahmednagar	... 1·62 in Parner; 1·55 in Rahuri; 1·20 in Jamkhed; 1·14 in Kopergaon; 1·02 in Akola; in the remaining talukas from ·29 in Nagar to ·99 in Newasa.	Sowing of <i>kharif</i> in progress in all the talukas, except Parner, Kopergaon, and Akola; cattle-disease to a slight extent in Parner; cholera in all talukas, 1,748 cases, 873 deaths; <i>bajri</i> —maximum 51 lbs. per rupee in Jamkhed, minimum 33 lbs. in Rahuri; <i>juari</i> —maximum 66 lbs. per rupee in Jamkhed, minimum 48 lbs. in Rahuri.
Holapur	... ·22	Total rainfall 12·90; <i>kharif</i> sowings continue; <i>juari</i> 59 and <i>bajri</i> 52 lbs. per rupee; 160 cholera cases, 68 deaths.
Dharwar	... Maximum at Hargal, 1·12; at Dharwar, 1·31; at Mugud, ·82; Mundargi, nil; at all other stations, less than ·50.	Rain urgently required at Navalgund, Nargund, Gadag, Mundargi, and Rannibemur; sowing of <i>juari</i> begun in some places; rice crop good, except in Kaladgi where it has been eaten up by insects, and fields are being sown afresh; ague prevails in Mugud and Mandargi pettas; <i>juari</i> 56 and rice 30 lbs. per rupee.
Kanara	... In Karwar, 5·61; in Kumpta, 2·67; in Sirsi, 3·53; in Hallial, 1·06.	Transplanting and weeding continue, also sowing in some places above ghat; rice plants and garden crops healthy; small-pox in Karwar, Hallial, and Kumpta, 2 deaths; in Bhathal petta 1, and Sirsi 2; slight fever throughout the district; common rice in Karwar 12 seers per rupee, in district average 13½ seers per rupee.
Rajkot	... 2·64	Total rainfall 12·70, weather cloudy; health good; cholera in some parts of Halar; <i>bajri</i> 28 and <i>juari</i> 33 lbs. per rupee; the heavy rain in some parts of Halar has caused damage to houses.
<b>General Remarks.</b> —Rain throughout the Presidency and Sind, heavy in Guzerat, but wanted in parts of the Southern Mahratta Country; river rising in Sind; sowing in general progress, as also transplanting of rice; locusts in Nasik, Khandesh, Tanna, Colaba, and Ratnagiri; cholera in Nasik, Poona, Ahmednagar, Khandesh, and Tanna; cattle-disease in a few places.		
<b>Bengal—(July 11th)</b>		
Chittagong	... ·78	Weather seasonable; transplanting of <i>aus</i> rice nearly over; sowings of <i>amun</i> rice actively going on; prospects fair; prices stationary; sporadic cholera and cattle-disease continue; fever abating.
Dacca	... 1·74	Transplanted and <i>shail</i> rice being sown; <i>aus</i> being harvested; jute has been to a great extent destroyed by worms, and crops to a certain extent by the sudden rise of water in the Nawabgunge station.
24 Pargunnahs (Calcutta)	... 3·99	Prospects of <i>aus</i> and <i>amun</i> crops good; transplanting of <i>amun</i> rice on low lands going on, and high lands being prepared for it; price of common rice stationary; public health good.
Moorshedabad	... 1·03	Prospects of crops continue to be favourable; transplanting of <i>amun</i> rice has commenced in some places; average price of rice 19 seers per rupee; health generally good.
Rajshahye	... 1·21; slight rain	More rain wanted at an early date; crops rather backward for want of rain.
Burdwan	... 0·6	Rain much wanted in Cutwa sub-division where agricultural operations are at a standstill, insufficient rain in Culna sub-division; elsewhere transplanting in progress; public health fair.
Rungpore	... ·06	Prospects of crops good; some cholera still in the district.
Bhagulpur	... ·26	Prospects good; rice 17 seers 10 chittacks per rupee.
Purneah	... 1·63	Prospects of crops good; indigo manufacture commenced; common rice 18 seers per rupee; public health good; rivers falling.
Patna	... ·76	Prospects of crops good; ploughing and sowing going on; <i>makai</i> germinated in some places.
Durbhunga	... ·42	Low lands still under water, high lands dry; transplanting checked; rain wanted; cholera greatly diminished, but breaks out sometimes in places; prices stationary; health good.
Hazáribágh	... 4·59; ample rain during the week.	Weather seasonable; prospects of <i>bhadoi</i> and early rice favourable; general health good.
Cuttack	... 5·54	Rivers falling; rice growing well; prices unchanged; public health generally good.
<b>General Remarks.</b> —More or less rain fell during the week in all the districts of Bengal; in a few places agricultural operations are retarded for want of sufficient rain; prospects of the crops on the whole are favourable; in a few places early rice and jute are being harvested; transplanting of <i>amun</i> rice on low lands is progressing, and high lands are being prepared and awaiting more rain for transplanting operations; sugarcane, jute, and other crops are doing well; <i>bhadoi</i> crops are doing well; some damage is anticipated in Orissa in consequence of high floods and breaches in embankments; public health generally good, though in a few places cholera and fever are still prevalent; cattle-pox in Gya.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>		
Benares (July 11th)	·6	Weather cloudy; some <i>kharif</i> crops sown; no sickness of men or cattle; prices steady.
Allahabad ( " " )	2·8 average in all parganas on 6th; ·8 at Sadr on 10th.	More rain wanted; ploughing and sowing begun all over district; cholera increased; prices slightly risen.
Gorakhpur ( " 9th)	2·0	Sky generally cloudy; <i>kharif</i> sowings in progress; no cholera; prices steady.
Jhansi ( " " )	3·4; Mau, ·7; Moth, 4·1.	Ploughing and sowing in progress; prices fluctuating; health good.
Agra ( " " )	·6 to 2·4 in all parganas.	<i>Kharif</i> sowings in progress; fever in two and small pox in one pargana; sporadic cholera in four parganas; prices rising slightly.
Bareilly ( " 10th)	Rain over most of the district on the 9th instant.	Sowings going forward; prices tending to rise; health remains good.
Meerut ( " " )	2·8; Ghaziabad, ·7; Hapur, ·8; drizzle in Sardhana; very insufficient rain so far.	<i>Kharif</i> crops are being sown where there is sufficient moisture; weather hot, wind easterly; prices showing a further tendency to rise.
Kumaun ( " " )	Fair rain in all parts of district, except in neighbourhood of Almora where scarcely any rain has fallen.	Crop prospects good; health fair; cattle-disease still continues; prices stationary.
Lucknow ( " " )	1·9; Malabad, 2·1; Mohanlalganj, 1·4.	Wind variable; <i>kharif</i> sowings in progress; prices steady; cholera disappearing.
Partabgarh ( " " )	Sadr, 2·5; Khandwa, 3·3; Patti, 2·7.	Land being ploughed for <i>kharif</i> sowings; rice sown here and there; general health good; prices almost stationary.
Sitapur ( " " )	1·0	Rainfall sufficient to prevent much harm, but rice sowings arrested in many places.
Fyzabad ( " " )	Tahsil Bekapur, 1·9; Tanda, ·7; Akbarpur, 1·0.	Sowing of <i>kharif</i> crops nearly completed; small-pox and fever in parts of district; condition of cattle fair.
Cawnpore ( " " )	·6 to 4·1 on 6th	A few cases of cholera; <i>kharif</i> sowings in progress; prices almost stationary.
Farukhabad ( " " )	Rain slight in three tahsils.	Weather clear and cloudy; ploughing and sowing commenced; condition of people fair.
Rae Bareilly ( " 9th)	Good rain on 6th, average 2·5.	Sky cloudy; ploughing and sowing for <i>kharif</i> in progress; cholera abating; prices stationary.
<b>Punjab—(July 10th)</b>		
Delhi ...	·03	Health fair; prices fluctuating.
Hissar ...	.....	Weather cloudy; rain much needed; prices rising; sporadic cholera in Jhajjar tahsil; general health everywhere good.
Umballa ...	.....	No report received.
Jullundur ...	No rain	Health good; prices stationary.
Amritsar ...	Slight rain	Health good; prices stationary.
Sialkot ...	1·0	Health good; prices stationary.
Ferozepore ...	1·0	Health good; slight rise in prices.
Lahore ...	Slight rain	Twenty-five cases of cholera; prices steady.
Rawalpindi ...	·6	Health good; prices falling.
Mooltan ...	1·4	Health good; prices steady.
Dera Ismail Khan ...	·4	Health good; <i>rabi</i> harvesting over; prices steady.
Peshawar ...	1·3	Health good; prices rising.
<b>Central Provinces—</b>		
Nagpur ...	2·85; heavy rain in early part of the week.	Weather cloudy and wet; cotton and <i>tur</i> being sown; cholera slight; prices steady.
Jubbulpore ...	3·98	Weather wet and cloudy; sowing progressing; small-pox lingering; wheat 21 and rice 14 seers per rupee.
Saugor ...	3·49	Sowings general; early sowings have germinated in places; prices steady; health good.
Seoni (July 10th)	14·16	Weather cloudy and wet; sowings progressing; 17 deaths from cholera; prices stationary.
Hoshangabad ...	5·28; heavy rain on 9th.	Weather cloudy and wet; <i>kharif</i> sowings continue; 2 deaths from small-pox; wheat 14 and rice 9 seers per rupee.
Khandwa ...	3·17	Weather cloudy; sowings nearly completed; 10 deaths from cholera; prices steady.
Raipur ...	2·24	Prospects good; health good; prices steady.
Sambalpur (July 7th)	12·14; very heavy rain during the week.	Early rice sowings almost finished; land being prepared for late rice sowings; break in the rains necessary; health good; common rice 45 seers per rupee.
<b>General Remarks.</b> —Rain fell in all reporting districts during the week; ploughing and sowing are in progress, but several districts complain of the insufficiency of the rain, and the rice sowings have been stopped in Sitapur in consequence; cholera appears to be abating; prices are stationary in most districts, but are rising in a few.		
<b>General Remarks.</b> —Moderate rain in nearly every district, but more needed; health good, except in the Delhi and Lahore districts; <i>kharif</i> sowings in progress.		
<b>General Remarks.</b> —Rain general and very seasonable; sowings continue; cholera still very severe in Wardha; prices steady.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma— (July 11th)</b>		
Akyab ...	5.48	Total up to date 71.72; 12 deaths from cholera in district and 3 in town and 7 deaths from small-pox in Koladan; cattle-disease in four townships, in others health of plough cattle good; ploughing wages from 15 to 40 baskets per man per season.
Rangoon ...	4.34	Total up to date 29.88; public health good; prices of paddy from Rs. 97 to Rs. 98 per 100 baskets.
Bassein ...	5.59	Total up to date 34.88; 2 deaths from cholera in town, otherwise public health good; 2 deaths of cattle in Bassein, 35 in Laymyethna, and 18 in Yaygyee townships; ploughing progressing.
Prome ...	2.77	Total up to date 21.21; public health and health of plough cattle good; ploughing progressing everywhere, about 20,000 acres already ploughed.
Amherst (Moulmein) ...	6.57	Total up to date 61.58; 2 cases of cholera in one township, otherwise public health in Moulmein and district good; cattle-disease slight in Gyaingsalween and Zaya and severe in Baloogyoon and Martaban townships; ploughing progressing, about 60 per cent. of fields ploughed; health of plough cattle good; sowings progressing, about 10 per cent. of fields sown in Moulmein town and district; ploughing and sowing progressing, about 100 acres ploughed during the week; wages of ploughing labour 8 annas a day; crops being small, transplanting has not begun yet.
Toungoo ...	2.69	Total up to date 26.70; public health good; health of plough cattle good; ploughing progressing rapidly. <i>General Remarks.</i> —A little sporadic cholera and small-pox, otherwise health of province good; cattle-disease in various districts, everywhere slight, except in part of Amherst district where it is reported as severe; agricultural operations going on satisfactorily.
<b>Assam—(July 11th)</b>		
Gauhati ...	2.78 for week ending 10th instant.	Weather very hot; reaping of <i>ahu</i> paddy in progress; lands being ploughed for <i>sali</i> crop; public health fairly good; slight cholera in parts of interior.
Sylhet ...	3.38	Crop prospects improving; small-pox still prevalent in parts of the district.
Cachar ...	5.88	Weather intensely warm; cultivation of <i>sali</i> and transplanting of <i>aus</i> and sowing of <i>asra</i> crops progressing; common rice 16 seers per rupee; general health good.
Dibrugarh ...	2.49	Weather hot; transplanting of <i>sali dhan</i> progressing; cattle-disease still reported from North Lakhimpur; public health good.
<b>Mysore and Coorg— (July 11th)</b>		
Bangalore ...	1.41	Standing crops in good condition; preparations are being made for sowing dry crops; harvesting of <i>rysakh</i> paddy almost completed; prospects improved; public health good.
Mysore ...	.42	Standing crops need rain in some parts; prospects favourable; public health good.
Mercara ...	11.01	Standing crops doing well; labour coming in very slowly on coffee estates. <i>General Remarks.</i> —1.36 rain at Kolar slight rain in other districts; standing crops in good condition; prospects favourable; public health generally good; prices much the same as last reported.
<b>Berar &amp; Hyderabad— (July 11th)</b>		
Amraoti ...	5.18	<i>Kharif</i> sowings continue; wheat 16 and <i>juari</i> 26 seers per rupee. <i>Kharif</i> sowings progressing. No report received
Akola ...	9.06	
Hyderabad ...	.....	
<b>Central India States— (July 11th)</b>		
Indore ...	3.20	Weather seasonable, a break in the rains would now be advantageous; health good; prices steady.
Morar (Gwalior) ...	1.78	Health good; weather sultry.
Sutna ...	.16	Health good.
Sehore ...	2.2	Weather cloudy; crops and public health good.
Rutlam ...	.....	No report received.
Neemuch ...	.07	Weather seasonable; public health good.
Goona ...	.75	Weather cloudy; health good; wheat 24 seers per rupee; locusts have appeared in the Ragoogarh district.
Bhopal ...	.....	No report received.
Agar ...	.....	No report received.
Newgong ...	1.39	Weather seasonable; sowing operations progressing; health good; cholera prevalent in parts of Bundelkhand; prices rising.
Bhopawar ...	5.22	Health good; prices stationary; continuous rain retards sowing operations.
Manpur ...	.....	No report received.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—</b>		
Abu (July 11th)	6.29 during week	Total rainfall 25.0; weather cloudy and showery and occasionally close.
Sirohi ( „ 8th)	Rain slight at intervals during week; 1.04.	Weather cloudy; tanks partly full, wells full; health and crops good.
Marwar ( „ 6th)	.09	Tanks all empty, water obtained from wells with great difficulty; health good; crops in need of rain and in danger of being scorched up; sky overcast, but rain holds off; prices stationary.
Meywar ( „ 8th)	1.22	Tanks and wells fair; health good; crop prospects very good.
Harrowti ( „ 7th)	Deoli, 1.23; Tonk, 1.90; Kotah, .44; Shahpura, .21; previous week—Kotah, 2.17; Shahpura, .62.	Weather seasonable; sowings progressing; health good.
Jhallawar ( „ 6th)	.24	Heavy rain in some districts; weather cloudy and cool.
Ajmere ( „ 10th)	3.36	Sowings progressing favourably; health good.
Jeypore ( „ „ )	1.58	Some cholera cases at capital and districts; sowings commenced; prices stationary.
Bhurtpore	.....	No report received.
Ulwur (July 10th)	Average .33	Strong westerly wind; prices rising; cholera in four tahsils.
<b>Nepal—(July 6th)</b>		
Katmandu ...	2.58	Agricultural prospects good; more rain is desired; rice transplanting is still going on.

# **MEMORANDUM ON THE WEATHER CHARACTERISTICS OF INDIA DURING MAY AND JUNE 1883.**

No. 63 Met.

*Extract from the Proceedings of the Government of India, Revenue and Agricultural  
Department (Meteorology), under date Simla, the 13th July 1883.*

Read the following :—

*Memorandum on the weather characteristics of India during the month of May 1883.*

Throughout the Punjab and North-Western Provinces, from Mooltan to Benares, the telegraphic reports show that from the 1st to the 21st of May the atmosphere was exceptionally dry. This was most remarkable at the hill stations in the North-Western Himalaya, but over the whole region the air apparently became drier as the month advanced, till, on the 19th and 20th, at Chakrata the amount of moisture was about 15 per cent. below the average and equalled only 8 per cent. of saturation. During this time no rain fell, but on the 22nd there was a rapid increase in the dampness of the air, and from that date till the close of the month humidity was above the average, and frequent and rather heavy showers of rain fell. As usual, the temperature of the air varied inversely with its humidity. From the 1st to the 22nd it was above, and from the 23rd to 31st below, the average of the month. The hottest day was the 20th, when the average was exceeded—

by 14° at Dera Ismail Khan,  
„ 12° at Rawalpindi, Delhi, Chakrata and Agra,  
„ 11° at Ludhiana and Sirsa;

and the coolest day was the 28th, when the average was not reached—

by 23° at Murree,  
„ 20° at Dera Ismail Khan and Sialkot,  
„ 17° at Lahore, Sirsa and Agra.

The 20th May was probably the hottest day of the year over the whole of Northern India. Excluding Bengal and Chutia Nagpur, it appears that on that day there was a mean maximum temperature of 111° and a mean minimum temperature of 87°, making the approximate mean of the day as high as 99°. The highest reading recorded was 117°.

On the 28th, above noted as being the coolest day of the month in Northern India, there was a somewhat unusual fall of snow on the Himalaya. In Kashmir it was slight but general, but in the Chumba State a great deal of fresh snow fell which was only beginning to melt on June 7th; and in Kulu there was a fall of about 6 inches on May 28th and 29th. In Sikkim the snowfall of the month was above the average.

In Northern Bengal and Assam the conditions were nearly the reverse of the above. Here the humidity was above the average from the 1st to the 21st, and below it from the 22nd to the end of the month. The day of greatest humidity was apparently the 14th; and this date corresponds with the middle of that period of excessive precipi-

tation which gave Silchar 27 inches of rain in ten days, and produced disastrous floods, raising the river Barak  $4\frac{1}{2}$  feet above its zero level, and submerging the station of Silchar and all the country around. No such flood has been experienced since 1833. With the 21st the rainfall appears to have almost entirely ceased. As in the former case, the changes of temperature were the reverse of those of humidity, the readings of the thermometer being below the average from the 1st to 21st, and above it from the 22nd to the 31st, and the day of lowest temperature was that of greatest humidity, *viz.*, the 14th.

In the Central Provinces the conditions were similar to those of North-Western India, humidity being below and temperature above the average during the first 25 days, while dry westerly winds were blowing; but in this region the hottest day was the 19th. On the 26th a rapid change took place, the air becoming suddenly much damper and the temperature falling quickly, so that, while on the 19th at Jubbulpore and Saugor it had reached  $111^{\circ}$ , on the 28th it only amounted to  $91^{\circ}$  and  $92^{\circ}$  respectively.

In Rajputana, Sind, Cutch, Guzerat, &c., dry westerly winds prevailed almost throughout the month, the only exception being about a week in the middle of the period. Practically no rain fell over this region, but the temperature varied with that of the more northern provinces, being above the average from the 1st to the 21st. After the latter date it fell suddenly, and on the 27th the readings at Neemuch and Indore were respectively  $22^{\circ}$  and  $19^{\circ}$  below the average.

In the Peninsula and Burma the variations from the mean were irregular, and on the whole nowhere large. Over Burma the rainfall was more or less evenly distributed throughout the month, while over the Peninsula the amount of precipitation increased towards its close. In both regions the end of the month was marked by a somewhat sudden increase of humidity and fall of temperature—changes probably connected with the approach of the monsoon, which was apparently setting in at Cochin on the 28th.

A brief summary of the weather over the whole country shows that over the whole of North-Western India, *i.e.*, the country north of the Satpuras and west of Behar, the first two-thirds of the month were exceptionally hot and dry and the last ten days damp, showery, cool and unsettled; that over Bengal and Assam the reverse was the case; and that over the Peninsula and British Burma the whole month presented conditions not widely differing from the average of past years.

#### *Memorandum on the chief weather characteristics of India during the month of June 1883.*

In Bengal, after some weeks of close cloudy weather, with occasional showers, the monsoon rains were ushered in on the 13th June with a little cyclonic storm formed apparently on the coast of the Sunderbuns. From the coast on the three following days, this storm passed inland on a north-west course, bringing heavy rain in its track as far west as Behar, and a moderate fall up to Allahabad, beyond which, for the time, the rains did not advance. The following are the maximum falls recorded each day:—

June 13th.—Cuttack	...	...	...	1.66 inches.
„ 14th.—Saugor Island	...	...	...	5.11 „
„ 15th.—Darjeeling	...	...	...	4.56 „
„ 16th.—Gya	...	...	...	8.95 „
„ 17th.—Mozufferpore	...	...	...	12.49 „

At Bombay it blew strongly on the 11th, 12th and 13th, but not from the monsoon quarter; and afterwards the wind fell light, and so continued till the 24th, when the monsoon set in steadily. But the rainfall has been light throughout the month, and at its close was 6 inches short of the normal average. On the 26th or 27th a second cyclone was formed at the head of the Bay of Bengal, causing heavy rain around the coasts, and especially on those of Orissa and Ganjam; then travelling westward, the centre reached Cuttack on the 30th June; Seoni on the 1st July; Indore on the 2nd, and lay between Rajkot and Kurrachee on the 3rd. It caused very heavy rain in Guzerat, flooding the rivers, and interrupting railway communication between Bombay and Baroda.

In the North-Western Provinces, with the exception already mentioned, the rains did not set in before the 26th, but throughout the month the wind was in general easterly, and occasional thunderstorms occurred. In the Punjab also the first rain fell between the 26th and 29th, but in the eastern half of the province the prevailing high temperature was mitigated by an occasional duststorm. The hottest days were the 4th, 25th and 26th, when the mean temperatures were approximately  $92.8$ ,  $93.1$  and  $94.3$  respectively.

In Northern Bengal, during the first half of the month, the humidity was below, and in the second half above, the mean, while in Assam the variations were slight and irregular. The rainfall in Northern Bengal was large, but it fell mostly in the latter half of the month, and was directly attributable to the depression of the 13th—16th. The number of rainy days in Assam and Northern Bengal was 18; but while the rainfall of Bengal was 5 inches in excess of the normal average, that of Assam was 5 inches deficient.

In Lower Bengal rain of importance fell on 22 days. The total fall of the month was 5 inches in excess.

In the Central Provinces rain fell on 18 days; the amounts on the 14th and 15th being large, and the average total amount exceeded the mean by  $1\frac{1}{2}$  inches.



In Rajputana, Sind, &c., the number of days on which rain fell was only 4, and the average total was less by  $\frac{3}{4}$  of an inch than even the small amount which generally falls in this region in the month of June. In Rajputana the month was decidedly cool, but in Sind and Cutch the temperature was generally above the average.

In Bombay and Guzerat rain fell upon 19 days, but the falls were not heavy, and the total amount was 5 inches less than the normal. The temperature was below the average, the difference, over an area stretching from Bombay to Belgaum and from Poona to Secunderabad, being  $2\frac{1}{2}^{\circ}$ .

In Madras and Mysore the weather was cloudy; rain fell upon 26 days, the average fall exceeding the normal by  $\frac{3}{4}$  of an inch. Under these circumstances the temperature was somewhat below the mean.

In Burma the largest number of wet days was recorded, *viz.*, 27, but the falls of rain were not very heavy, except between the 4th and 9th; so that, at the close of the month, there was an average deficiency of 6 inches. The thermometer was below the average throughout.

From the above it appears that over a large part of the country the monsoon so far has been weak. On the 28th of May it was reported to have burst at Cochin, and between that date and the 5th of June it appears to have spread along that coast as far north as Goa. In Bombay itself the weather has been showery, but there have been no very heavy falls of rain. On the Bengal side, on the contrary, the south and south-west winds have brought up even more than the normal amount of rain, and the weather at the head of the Bay has been somewhat exceptionally rough. In Northern India the monsoon current has been much delayed, and in parts of the North-Western Provinces and the Punjab continuous rain has hardly yet set in.

W. L. DALLAS,

*Assistant Meteorological Reporter  
to the Government of India.*

ORDER.—Ordered, that the memorandum be inserted in the Supplement to the *Gazette of India*.

T. W. HOLDERNESS,

*Offg. Secretary to the Government of India.*

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 11th  
July, 1883.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

BIKRÁMA SINGH'S ESTATES BILL.

The Hon'ble MR. ILBERT presented the Report of the Select Committee  
appointed to inquire into the proposed amendments made by His Excellency the



Viceroy and Governor General regarding certain matters in dispute between Sardár Bikráma Singh and the Kapurthhala State.

EMIGRATION BILL.

The Hon'ble MR. ILBERT also moved that the Hon'ble Mr. Quinton be added to the Select Committee on the Bill to amend the law relating to the Emigration of Natives of India.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 18th July, 1883.

D. FITZPATRICK,

SIMLA ;  
The 11th July, 1883. }

*Secretary to the Government of India,  
Legislative Department.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 14, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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E. J. DEAN,  
*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATION.

*Simla, the 9th July 1883.*

No. 366.—Mr. W. R. Vyall, Surveyor, 3rd Grade, Survey of India, is granted furlough in India, for two years, under Chapter X, Section 131, of the Civil Leave Code, with effect from such date as his services can be spared.

G. C. DEPRÉE, Colonel,  
*Offg. Surveyor General of India.*

### TELEGRAPH DEPARTMENT.

#### NOTIFICATION.

*Simla, the 6th July 1883.*

Offices opened and closed during the month of June 1883 :—

Name of Station.	Where situated.	Date.	REMARKS.
Badani	Sind	1st	Opened.
Bogra	Bengal Presdy.	20th	Ditto.
Chittoor	Madras Presdy.	1st	Ditto.
Danaurie	N.-W. Provinces	16th	Closed.
Kach	Beluchistan	1st	Ditto.
Mahableswar	Bombay Presdy.	15th	Ditto.
Malliapuram	Madras Presdy.	14th	Opened.
Ranikhet Cantonment.	N.-W. Provinces	27th	Ditto.

A. J. L. CAPPEL,  
*Director General of Telegraphs in India.*

AGENT, GOVERNOR GENERAL, FOR  
CENTRAL INDIA, P. W. D.  
Establishment.

#### NOTIFICATIONS.

*Indore, the 5th July 1883.*

No. 4.—Mr. H. E. Grant, Assistant Engineer, 3rd Grade, has been placed in independent charge

of the Office of Executive Engineer, Gwalior Division, which he received from Mr. H. F. White, M.I.C.E., Executive Engineer, 1st Grade, on the afternoon of 11th June 1883.

**No. 5.**—With reference to G. O. No. 115, dated 4th May 1883, Mr. H. F. White, M.I.C.E., Executive Engineer, 1st Grade, received charge of the Office of Superintending Engineer and Secretary to Agent, Governor General, for Central India from Colonel C. S. Thomason, R.E., on the forenoon of 18th June 1883.

H. F. WHITE, M.I.C.E.,  
Offg. Secy. to Agent, Govr. Genl.,  
for Central India, P. W. D.

### AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

#### NOTIFICATIONS.

*Mount Abu, the 6th July 1883.*

**No. 2276 G.**—With reference to Foreign Department Notification No. 1112 G., dated 18th April 1883, Lieutenant W. H. Cornish, Officiating Wing Officer, Meywar Bhil Corps, returned from the examination leave granted him in Foreign Department Notification No. 16 G., dated 4th January 1883, and assumed charge of the Adjutancy, in addition to his own duties, on the 14th May 1883.

**No. 2280 G.**—Lieutenant W. H. Cornish, Officiating Adjutant, Meywar Bhil Corps, availed himself on the 23rd June 1883 of the privilege leave granted him in this Office Notification No. 1765 G., dated 4th June 1883.

By Order,  
E. A. FRASER,  
1st Asst. Agent to the Govr. Genl.

### CHIEF COMMISSIONER OF AJMER- MERWARA.

#### NOTIFICATIONS.

*Mount Abu, the 7th July 1883.*

**No. 535.**—Munshi Jagat Narain and Rae Bishen Sarup, respectively, delivered over and received charge of the Office of Deputy Magistrate, Kekree, on the afternoon of the 13th day of June 1883.

The unexpired portion (four days) of the privilege leave granted to Rae Bishen Sarup in this Office Notification No. 476, dated 18th June 1883, is hereby cancelled.

**No. 537.**—In virtue of the powers under Section 37 of Act X of 1882 (Criminal Procedure Code), the Chief Commissioner of Ajmer-Merwara is pleased to invest Pundit Bhag Ram, Judicial Assistant Commissioner of Ajmer, with the powers specified in Section 260 of the said Act to try cases summarily.

By Order,  
E. A. FRASER,  
1st Asst. to the Chief Commr.

### CHIEF COMMISSIONER OF COORG.

#### NOTIFICATIONS.

*Bangalore, the 4th July 1883.*

**No. 565-192.**—Bidandra Mandanna, Subedar, Kiggatnad Taluk, is granted one month's privilege leave from such date as he may avail himself of it.

Kutati Chengapa, Parpattegar and 3rd Class Magistrate, Mercara-nad, is appointed to act as Subedar and 3rd Class Magistrate, Kiggatnad Taluk, from date of his taking charge of the Office, *vice* Bidandra Mandanna, on leave, or until further orders.

**No. 567-193.**—The Officiating Chief Commissioner is pleased to appoint the Inspector of Schools in Coorg an *ex-officio* Member of the Mercara and Verajendrapet Municipal Committee.

By Order,  
H. WYLIE, Major,  
Secretary to the Chief Commr. of Coorg.

### MILITARY WORKS DEPARTMENT.

#### NOTIFICATION.

*Simla, the 4th July 1883.*

**No. 24.**—Lieutenant H. Finnis, R.E., Executive Engineer, 4th Grade, temporary rank, is transferred from the Rawalpindi Command, Military Works, to the Sirhind-Lahore Command, Military Works, as a temporary arrangement.

J. J. McLEOD INNES, Colonel, R.E.,  
Insp. Genl. of Military Works.

### DIRECTOR GENERAL OF RAILWAYS.

#### NOTIFICATION.—ESTABLISHMENT.

*Simla, the 2nd July 1883.*

**No. 31.**—With reference to Public Works Department Notification No. 157, dated 22nd June 1883, Mr. M. O. Norris, Assistant Engineer, 2nd Grade, is posted to the Rajputana-Malwa State Railway.

H. F. HANCOCK, Col., R.E.,  
Offg. Director General of Railways.

### ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned Students have been declared entitled to Maharaja Sir Joteendromohan Tagore's Medals for the year 1883 on the result of the Examination held by the Tagore Law Professor on the subject of his lectures:—

Pareschandra Banerjee, Gold Medal; City College.  
Manmathanath Bhattacharyya, Silver Medal; City College.

G. BELLETT,  
Registrar.

SENATE HOUSE,  
The 27th April 1883.

**COMPTROLLER GENERAL'S OFFICE.**

**TELEGRAPHIC STATEMENT OF RECEIPTS AND OUTGOINGS FROM TREASURIES  
DURING JUNE 1883.**

**Thousands of Rupees.**

	Civil Revenue.	Civil Debt and Remittance Heads.	Forest, Telegraph, and Marine.	Post Office.	Guaranteed Railways.	Military Department.	P. W. Department.	Opening Balance.	TOTAL.
<b>Receipts.</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>	<b>R</b>
India General	15,68	3,12,24	22	3,51	4,39	77	53,72	2,60,15	6,50,68
Central Provinces	19,98	21,25	86	1,97	...	10	1,14	76,61	1,21,91
British Burmah	13,53	6,51	2,52	2,92	...	10	1,67	66,34	93,59
Assam	3,88	6,02	15	1,70	...	3	6	26,19	38,03
Bengal	1,69,30	49,42	1,62	6,93	...	7	4,21	1,44,26	3,75,81
N.-W. Provinces and Oudh	1,22,66	1,18,37	41	2,99	3,92	45	9,12	2,46,85	5,04,77
Punjab	63,47	68,16	56	3,24	7,18	1,28	5,64	81,61	2,31,14
Madras	57,86	69,32	1,09	3,97	9,72	64	38	1,90,18	3,33,16
Bombay	60,92	1,76,47	2,26	5,55	56,83	82	3,24	1,87,65	4,93,74
Remittance Adjustment	...	7,83	...	...	...	...	...	10,25	18,08
<b>TOTAL RECEIPTS</b>	<b>5,27,28</b>	<b>8,35,59</b>	<b>9,69</b>	<b>32,78</b>	<b>82,04</b>	<b>4,26</b>	<b>79,18</b>	<b>12,90,09</b>	<b>28,60,91</b>

<b>Outgoings.</b>									
India General	12,47	3,00,71	1,37	80	3,11	17,80	18,55	2,95,87	6,50,68
Central Provinces	5,84	26,43	41	22	...	2,62	1,97	84,42	1,21,91
British Burmah	8,05	18,81	1,47	6	...	2,13	8,04	55,03	93,59
Assam	3,09	6,16	25	19	...	76	70	26,88	38,03
Bengal	35,77	1,61,63	1,11	7,29	...	1,77	15,36	1,52,88	3,75,81
N.-W. Provinces and Oudh	25,16	1,25,36	90	8,37	3,63	17,12	10,14	3,14,09	5,04,77
Punjab	18,96	51,86	75	3,80	4,14	23,54	19,28	1,08,81	2,31,14
Madras	32,75	98,95	1,38	4,27	4,72	12,94	7,71	1,70,44	3,33,16
Bombay	30,00	2,24,63	4,17	3,04	16,97	14,86	22,37	1,77,70	4,93,74
Remittance Adjustment	...	...	...	...	...	...	...	18,08	18,08
<b>TOTAL OUTGOINGS</b>	<b>1,72,09</b>	<b>10,14,54</b>	<b>11,81</b>	<b>28,04</b>	<b>32,57</b>	<b>93,54</b>	<b>1,04,12</b>	<b>14,04,20</b>	<b>28,60,91</b>

**SUMMARY OF ACCOUNTS FOR THE THREE MONTHS ENDING JUNE 1883.**

**Lakhs of Rupees.**

	RECEIPTS.						OUTGOINGS.					
	Accounts till April.	TELEGRAPHIC.		Total. 3 months.	Budget Estimate. 3 months.		Accounts till April.	TELEGRAPHIC.		Total. 3 months.	Budget Estimate. 3 months.	
		May.	June.					May.	June.			
Civil Revenue	4,24*	4,93*	5,29*	14,46	14,15		...	...	...	...	...	
Civil Expenditure	...	...	...	...	...		2,36*	2,33*	1,74*	6,43	6,94	
Military Department	6	5	4	15	21		99	97	93	2,89	2,96	
Public Works Department	67	80	79	2,26	...		1,27	1,01	1,04	3,32	1,34	
Forest, Telegraph, and Marine Dept. (net)	...	...	...	...	...		3	...	2	5	4	
Post Office Department (net)	5	3	5	13	6		...	...	...	...	...	
Guaranteed and Subsidized Railways	57	59	49	1,65	1,02		...	...	...	...	...	
Imperial Loan	...	...	...	...	2		...	...	...	...	...	
Council Bills, including Exchange	...	...	...	...	...		2,70	2,40	2,05	7,15	5,11	
Mint and Coinage Accounts	...	...	...	...	...		—10	—9	5	—14	...	
Civil Debt and Remittance (net)	1	—5	31	27	11		...	...	...	...	...	
<b>Total</b>	<b>5,60</b>	<b>6,35</b>	<b>6,97</b>	<b>18,92</b>	<b>15,57</b>		<b>7,25</b>	<b>6,62</b>	<b>5,83</b>	<b>19,70</b>	<b>16,39</b>	
Opening Balance	14,82	13,17	12,90	14,82	13,84		...	...	...	...	...	
Closing Balance	...	...	...	...	...		13,17	12,90	14,04	14,04	13,02	
<b>GRAND TOTAL</b>	<b>20,42</b>	<b>19,52</b>	<b>19,87</b>	<b>33,74</b>	<b>29,41</b>		<b>20,42</b>	<b>19,52</b>	<b>19,87</b>	<b>33,74</b>	<b>29,41</b>	

\* Includes Forest in Madras and Bombay.

The 10th July 1883.

**J. WESTLAND,  
Comptroller General.**

**ACCOUNTANT GENERAL'S OFFICE.**  
**Public Works Department.**

**NOTIFICATION.**

*Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 6th July 1883.*

[illegible]

**A. FILGATE, Lieut.-Colonel, R.E.,**  
*Accountant General, P. W. Dept.*

*Simla, the 7th July 1883.*

*Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.*

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1883.	R	R	R	R	R	R
July 2	...	...	...	342	25,48,538	12,61,718
" 3	...	...	363	...	25,48,910	12,62,089
" 4	...	...	...	...	25,48,910	12,62,089
" 5	...	...	...	...	25,48,910	12,62,089
" 6	2,37,352	...	...	2,37,352	25,48,910	12,62,089
" 7	...	...	...	2,37,352	25,48,910	12,62,089

CALCUTTA MINT,  
The 9th July 1883.

J. F. TENNANT, *Major-Genl., R.E.,*  
*Mint Master.*

**CURRENCY NOTES.**

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

**Bombay Circle.**

**NOTE WHOLLY LOST OR DESTROYED.**

Regr. No.	No. of Note.	Value.	Name of Claimant.
1883.		R	
W42	M 66—97265	100	Assistant Political Agent, Riwakuntha.

BOMBAY,  
The 3rd July 1883.

C. J. RIVETT-CARNAC,  
*Asst. Acctt. Genl., Paper Currency Department,*  
*for Commissioner of Issue.*

**Calcutta Circle.**

**NOTES WHOLLY LOST OR DESTROYED.**

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
87	P 9—95684	50	Inspector J. W. Bell.
88	P 9—95215	50	Babu Jogendra Nath Dutta.
89	P 9—14290	50	Babu Rakhal Chundra Bose.
90	P 9—95467	50	Babu Khetter Mohan Mukerjee.
91	P 44—05656	100	Mr. J. A. Simpson.

J. TAYLOR,  
*Asst. Comptlr. Genl., in charge, Paper Currency.*  
CALCUTTA,  
The 13th July 1883.

**Lahore Circle.**

**NOTE WHOLLY LOST OR DESTROYED.**

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
6	E 20—81592	100	Ram Dyal Surt Lal, Banker, C-4th R.A., Meean Meer.

LAHORE,  
The 7th July 1883.  
H. J. BRERETON,  
*for Depy. Commr. of Paper Currency.*

**TREASURE TROVE.**

In terms of Section 5 of Act VI of 1878, notice is hereby given, that on 15th April 1883, certain treasure (Akbari R18 of the value of about R17), was found in a piece of Gaothan land belonging to one Mukunda wd. Mahadu, of Kasbe Nasirabad, Taluka Nasirabad, of the Khandesh Collectorate of the Bombay Presidency.

Claimants are hereby required to appear personally or by agent before the Collector of Khandesh, on Monday, the 19th November 1883, when he will proceed to hold an enquiry according to law.

N. OMMANEY,  
*Actg. Collector of Khandesh.*

DHULIA,  
The 3rd July 1883.

*Report of a Deserter from the 2nd Battalion, Royal Lancaster Regiment of Infantry, dated at Colaba, Bombay, East Indies, this 6th day of July 1883.*

Number, Rank, and Name,— No. 11—2119, Private James Joyce.	At what Place Enlisted,— Lancaster.
Age,—26 years 7 months.	Parish and County in which Born,—Christ Church, Armagh.
Size,—5 feet 5½ inches.	Marks,—3 scars on pit of stomach, 1 scar on right side of neck.
Colour of— Complexion, fresh; Hair, light brown; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—1st July 1883.	Coat or Jacket,—
Place of Desertion,—Colaba, Bombay, East Indies.	Waistcoat,—
Date of Enlistment,—9th May 1878.	Breeches or } Trowsers,— } Regi- mental clothing.
	REMARKS.— Under 6 years' service.

C. P. STOKES, *Lieut.-Colonel,*  
*Comdg. 2nd Battn., Royal Lancaster Regt.*

*Report of a Deserter from the 8-1st Brigade, Cinque Ports Division, Royal Regiment of Artillery, dated at Colaba, Bombay, this 8th day of July 1883.*

Number, Rank, and Name,— No. 23697, Gunner Alfred Hartnell.	Date of Enlistment,—22nd January 1880.
Age,—23 years 5 months.	At what Place Enlisted,— Woolwich.
Size,—5 feet 10 inches.	Parish and County in which Born,—Exminster, Devon.
Colour of— Complexion, fresh "pale"; Hair, light brown; Eyes, grey.	Marks,—Nil.
Date of Desertion,—6th July 1883.	Trade,—Clerk.
Place of Desertion,—Colaba, Bombay.	Coat or Jacket,—
	Waistcoat,—
	Breeches or } Trowsers,— } Regi- mental dyed khaki.
	REMARKS.— Under 4 years' service.

HUGH W. PERRY, *Lieut.,*  
*Comdg. 8-1st, C. P. D., R.A.*

**POST OFFICE.**

**NOTIFICATIONS.**

*Unclaimed Letters held in the Calcutta General Post  
Office on 12th July 1883.*

D'Oyly, Mrs. Lawrie, A. B.

**Letters marked "Care of Post Office."**

A. B. C.	Fraser, William Stirton.	Neville, H.
Agist, John.	Field, Miss Fanny.	Neville, Sergeant.
A. Q. R.	Grove, H. F.	O'Donel, —
Barrett, A. C.	Hallewell, J. A.	Perrins, C. H.
Binnie, George.	Haly, J. J.	Pethard, John.
Blackman, Russell.	Hay, Arthur.	Pimlott, James Thomas.
Bradshaw, D. E.	Hankivez, Madame.	Pine, Arol.
Buckle, Henry.	Harris, Lord.	Rains, —
Burlington, Charles.	Heller, Miss.	Rostam, J. B.
C. P.	Henry, James.	Ross, J.
Cammar, Madame A.	Hiley, Charles.	Salvator, Madame
Cammell, Minard A.	Horridge, Charles.	Amelte.
Can, Mrs.	Hunter, H. C. D.	Sanford, E. C. Aysh-
C. S. 1,000.	Hutchinson, Miss Flo-	ford.
"Chaperone."	rence.	Schulze, William.
Connolly, Mrs.	Jones, H.	Simpson, A. B. A.
Cotton, F.	Jones, John.	Shaw, Lt. D. G. L.
Crowther, John.	Kelly, Mrs. E.	Specht, Otto.
Dalyell, Mrs. R. F.	Kavanagh, P.	Tucker, Mrs.
David, Jacob.	L. S.	Vardon, Mrs. E. M.
D'Cruz, Mrs. Bella.	Lewis, Mrs. R. B.	Vaughan, Percy.
DeLa Corneuve, F. E. W.	Matteo, Raffaele.	White, Mrs. S.
Dick, Arthur.	Maycock, A. H.	Williams, John.
Donovan, John.	McClure, A.	Williamson, W. F.
"Felis."	Moore, Miss Claudia.	Windemar, Mrs.
Francis, G.	Moore, William.	Winloch, Lord.

**Reinstated Letters.**

Angelo, Col. R. F.	Hankivez, Monsieur	Nardin, Sig. Raffaele.
Blin, T. A.	Charles.	Weben, Madame Mar-
Browne, David.	Mislaeh, F.	tha.
Fenn, Captain E. H.		

Calcutta, the 14th July 1883.

**SEA AND FOREIGN MAILS.**

Foreign Mails for	Date.	Per Steamer
	1883	
Persian Gulf.	20th July	From Bombay.
Madras, Ceylon, and Intermediate Ports.	19th "	Str. <i>Culna</i> .
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies.	24th "	From Bombay.
Foreign Mails via Bombay.	14th "	From Bombay.*
Foreign Mails via Bombay.	21st "	From Bombay.*
Do. Book Post and Pattern Packets.	20th "	From Bombay.
Rangoon and Moumein.	18th "	Str. <i>Paralia</i> .
Chittagong, Akyab, Kyauk Phyo, and Rangoon.	18th "	Str. <i>Madras</i> .
Madras, Ceylon, Batavia, Singapore, and China.	16th "	French Str. <i>Tibre</i> .
Straits and Hong-Kong.	18th "	Str. <i>Japan</i> and <i>Lennox</i> .

\* Also for South Africa via England can be forwarded.

N.B.—The letter-box will close at 7 p.m. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 p.m.

E. HUTTON,

Presidency Post Master.

**DEPARTMENT PUBLIC WORKS HALF-YEARLY EXAMINATION.**

The half-yearly examination of candidates for promotion and employment in the Public Works Department will be held at the Government Engineering College, Howrah, at 10 o'clock, on Monday, the 6th August 1883, and the following days. Applications, with fees for admission to the examination, are required to be filed before the 15th of July 1883. Candidates for the grade of Accountant who are not in Government service should be under twenty-five years of age, and must prove to the satisfaction of the Principal that they are under that age.

The following are the centres of examination sanctioned by the Government of India as stations where candidates for fourth grade Accountantships are to appear for examination:—

Ajmere, Allahabad, Durbhanga, Ghadechi, Howrah, Indore, Lahore, Lucknow, Mount Aboo, Nagpore, Poona, Rangoon, Rawalpindi, Saidpore, Secunderabad, Shillong, Simla, and Sukkur.

Candidates for the Accountant's examination are therefore requested to select one of the places mentioned above.

S. F. DOWNING,

Principal, Govt. Engrg. College, Howrah.

SHIPBORE,

The 20th June 1883.

**GOVERNMENT CINCHONA FEBBRIFUGE.**

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin *R4-8*; per eight ounce tin, *RS-5*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, *for cash only*, at the under-noted rates:—per four ounce tin *RS-8*; per eight ounce tin *R10-8*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggist in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سنکونا فبری فیوج**

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے بوٹانیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوا ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیواے اونکے جو کوئی ایک مشیت بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ

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# The Gazette of India.

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CALCUTTA, SATURDAY, JULY 14, 1883.

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SUPPLEMENT TO  
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INDIA.

NCE AND COMMERCE.

DIA FOR THE 1st HALF OF JUNE 1883.

SEERS OF 80 TOLAHS.

Mer Mill, Kazi, &c. Savary, Taku, Sawas, Heena, Alou, Murn- A. N. &c., Panicum Sittig, &c.			Gram.			Firewood.			Salt.						DISTRICTS.	PROVINCE.
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...	16 0 16 0 19 0	80 0 80 0 80 0	...	...	Kaira											
...	14 0 14 0 14 14	80 0 80 0 80 0	13 9 13 9	13 10 13 9 13 9 13 10	Surat											
11 25 11 25 11	13 14 16 0 16 0	106 0 106 0 108 0	15 9 15 9	15 4 14 8 15 1 15 4	Broach											
...	13 4 13 4 15 4	71 1 71 1 71 1	14 5 14 5	14 5 13 4 13 4 12 12	Tanna (Salsette)											
...	11 8 14 0 14 0	120 0 120 0 120 0	14 8 16 0	14 0 14 0 15 0 13 0	Colaba (Alibag)											
...	16 0 16 0 15 15	140 0 140 0 140 0	16 0 16 0	15 6 15 14 15 14 15 0	Khandesh (Dhulia)											
11 23 0 30 0	17 0 17 0 18 0	128 0 128 0 128 0	15 8 15 8	14 6 15 5 15 5 14 2	Nasik											
...	18 10 18 2 20 1	89 4 79 12 91 5	14 10 14 14	14 9 14 6 14 10 14 7	Ahmednagar											
6 15 6	16 2 16 2 18 6	68 0 68 0 68 0	13 10 14 11	13 10 13 6 14 7 13 6	Poona											
...	19 3 21 0 21 7	74 2 91 0 80 0	13 8 13 8	13 12 13 4 13 4 13 8	Sholapur											
...	18 0 19 8 16 0	100 0 100 0 100 0	11 2 12 0	11 12 10 12 11 12 11 0	Kaladgi (Bagalkot)											
...	16 14 16 14 15 10	116 8 122 10 110 15	13 13 13 13	12 6 13 2 13 2 11 10	Satara											
30 20 4 35 0	16 8 16 8 14 8	65 0 65 0 80 0	13 0 13 0	12 8 12 0 12 0 12 0	Belgaum											
0 33 0 28 0	18 0 18 0 12 0	80 0 80 0 80 0	9 8 10 3	8 12 9 0 10 0 8 0	Dharwar (Hubli)											
2 21 2 21 2	14 0 14 0 14 0	150 0 150 0 120 0	14 6 14 6	11 13 14 4 14 4 11 10	Ratnagiri											
0 18 0 21 0	12 8 13 0 12 0	213 5 213 5 213 5	12 8 14 0	13 4 11 8 13 0 12 8	Kanara (Karwar)											
10 26 10 23 0	22 13 22 13 25 0	200 0 200 0 200 0	16 0 16 0	16 0 15 4 15 4 15 4	Panch Mahals (Godhra)											
...	9 5 9 5 9 5	65 5 65 5 65 5	...	32 0 32 0 32 0 32 0	Aden											
...	18 0 17 12 20 0	160 0 160 0 160 0	12 0 12 0	12 4 12 0 12 0 12 4	Asirgarh											
...	15 3 15 2 17 8	...	14 5 14 9	14 10 14 0 14 9 14 9	Baroda											
...	17 0 17 8 18 8	137 8 137 8 137 8	12 8 12 8	13 8 12 0 12 0 13 0	Dasa											
...	19 8 20 0 17 0	160 0 180 0 160 0	...	13 0 13 0 13 0 11 0	Nimach											
...	25 0 25 0 21 9	80 0 80 0 85 0	16 2 16 2	16 6 15 8 15 9 16 0	Nasirabad											
...	16 0 16 2 16 0	85 0 90 0 80 0	60 0 65 0	52 8 50 0 50 0 48 0	Rajkot											
0 8 8 40 0	24 8 22 4 22 4	160 0 160 0 160 0	12 12 12 12	12 4 12 8 12 8 12 4	Upper Sindh Frontier											
8 9 8 9 8	18 0 18 0 20 0	105 0 105 0 103 0	17 13 17 13	14 3 17 0 17 0 14 0	Karachi											
0 24 0	22 0 20 0 16 0	320 0 320 0 480 0	14 8 14 8	14 0 14 8 14 8 14 0	Haidarabad (Nakur)											
...	23 12 22 2 19 7	260 0 280 0 280 0	13 8 14 0	13 2 13 6 13 14 13 0	Shikarpur											
...	23 8 23 8 19 4	125 0 120 0 160 0	13 8 13 8	13 8 13 0 13 0 13 0	Sukkur											
...	...	120 0 120 0 160 0	14 12 13 8	10 11 14 12 13 8 10 11	Thar and Parkar (Umarkot)											
Prices per md. of 40 seers.																
...	...	...	R a. p.	R a. p.	R a. p.	...	...	...	...	...	...	...	...	Western Districts.		
...	21 0 20 0 24 0	120 0 120 0 120 0	3 1 3 3 1 0	2 12 0 12 0 12 4	Burawan											
...	18 8 18 8 20 0	320 0 320 0 320 0	3 3 6 3 3 6	...	Banacorah											
...	21 0 21 0 24 0	200 0 200 0 180 0	3 10 3 3 5 0	3 3 6 10 8 11 4 12 0	Beerbhoom											
...	16 0 14 0 20 0	155 0 155 0 160 0	2 14 0 2 14 0	3 0 0 13 0 13 0 13 8	Mianpore											
...	17 0 17 0 21 0	120 0 120 0 120 0	2 14 0 2 14 0	2 14 0 13 9 13 9 13 9	Hooghly											
...	17 0 19 0 21 0	80 0 80 0 80 0	3 0 0 3 0 0	2 14 0 13 0 13 0 13 0	Howrah											

**PRICES CURRENT OF FOOD-GRAINS THROUGHOUT**

DISTRICTS.	QUANTITIES PER RUPEE																	
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Hoious Sorghum.			Bulrush Millet (Cumboo, Baira), Pennisetia Spicata.		
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
<b>Central Districts.</b>																		
Alcutta . . . . .	14 4	14 4	13 5	19 6	18 13	26 8	10 5	10 5	10 0	16 0	16 0	20 0	...	...	23 2	20 0	19 6	...
Pergunnahs . . . . .	13 5	13 5	13 5	16 0	16 0	20 3	8 0	9 0	10 8	14 0	16 0	17 0	...	...	19 0	...	...	...
Madras . . . . .	14 8	14 8	15 4	22 15	22 15	26 0	15 4	15 4	18 13	17 4	17 4	21 5	...	...	...	...	...	...
Madras . . . . .	...	...	...	...	...	...	17 0	17 0	...	25 0	25 0	...	...	...	...	...	...	...
Madras . . . . .	14 8	19 0	16 0	...	...	...	16 0	16 0	18 12	22 12	22 12	29 0	...	...	...	...	...	...
Madras . . . . .	17 0	17 0	16 0	...	...	...	16 0	16 0	18 0	19 0	19 0	24 0	...	...	...	...	...	...
Madras . . . . .	11 0	12 12	10 8	11 0	11 0	16 0	18 0	18 0	22 0	20 6	20 0	25 4	...	...	...	...	...	...
Madras . . . . .	16 8	17 4	16 8	30 0	35 0	48 12	13 8	13 8	18 0	17 4	16 8	21 0	...	...	...	...	...	...
Madras . . . . .	11 7	11 7	15 0	...	...	...	13 5	13 5	16 0	17 3	16 0	22 8	...	...	...	...	...	...
Madras . . . . .	15 0	15 0	15 12	...	...	...	12 0	13 8	18 0	24 0	24 0	28 2	...	...	...	...	...	...
Madras . . . . .	19 8	18 12	18 0	...	...	...	8 0	8 0	10 0	17 4	19 8	23 4	...	...	...	...	...	...
Madras . . . . .	8 0	8 0	8 0	8 0	8 0	8 0	5 0	6 0	5 0	9 0	9 0	13 0	...	...	...	...	...	...
Madras . . . . .	10 0	10 0	9 0	20 0	20 0	20 0	13 4	16 0	16 0	18 0	20 0	24 0	...	...	...	...	...	...
<b>Eastern Districts.</b>																		
Madras . . . . .	14 8	14 4	15 4	19 0	19 0	40 0	15 12	16 0	20 10	19 4	19 4	26 6	...	...	...	...	21 8	...
Madras . . . . .	20 0	24 0	21 0	30 0	37 0	35 0	16 0	18 0	22 0	18 0	20 0	23 0	...	...	...	...	...	...
Madras . . . . .	...	...	...	...	...	...	19 0	19 0	22 0	21 0	20 0	26 0	...	...	...	...	...	...
Madras . . . . .	12 0	12 8	11 8	...	...	...	13 0	15 0	22 8	17 8	18 0	29 0	...	...	...	...	...	...
Madras . . . . .	12 12	12 12	13 4	...	...	...	17 8	17 4	22 8	20 0	19 12	28 0	...	...	...	...	...	...
Madras . . . . .	12 0	12 0	9 0	...	...	...	13 0	13 0	18 0	22 0	22 0	22 8	...	...	...	...	...	...
Madras . . . . .	...	...	...	...	...	...	20 0	23 0	27 0	22 0	26 0	31 0	...	...	...	...	...	...
Madras . . . . .	...	...	...	...	...	...	12 8	10 0	16 0	13 4	11 8	17 12	...	...	...	...	...	...
Madras . . . . .	10 0	10 0	10 0	...	...	...	16 0	18 0	24 0	20 0	22 0	34 0	...	...	...	...	...	...
<b>Behar.</b>																		
Madras . . . . .	17 8	17 8	16 8	32 0	32 0	34 0	14 0	14 0	11 8	19 0	19 0	21 8	...	...	...	...	...	...
Madras . . . . .	20 0	20 0	17 8	27 0	26 0	29 0	12 0	12 8	12 0	16 0	16 8	20 8	...	...	...	...	...	...
Madras . . . . .	17 0	17 0	15 0	...	...	...	11 8	...	...	15 8	16 0	...	...	...	...	...	...	...
Madras . . . . .	18 0	18 0	17 0	27 0	29 0	30 0	12 0	...	...	21 0	16 0	17 0	...	...	...	30 0	...	...
Madras . . . . .	17 0	18 0	15 0	35 0	35 0	35 0	13 0	13 0	14 0	18 0	19 0	16 0	...	...	...	...	...	...
Madras . . . . .	17 0	20 0	17 0	28 0	30 0	30 0	12 0	12 0	12 0	17 0	17 0	17 0	...	...	...	...	...	...
Madras . . . . .	17 0	17 0	16 0	27 0	29 0	32 0	10 0	10 0	10 0	18 0	18 0	22 0	29 0	32 0	37 0	...	...	...
Madras . . . . .	19 0	18 0	19 0	40 0	40 0	38 0	13 0	13 0	12 0	18 0	18 0	21 0	...	...	...	...	...	...
Madras . . . . .	18 14	19 3	16 12	31 8	28 5	31 8	14 10	15 12	15 11	16 12	16 12	18 15	...	...	...	...	...	...
Madras . . . . .	16 6	16 6	15 2	27 8	30 5	34 0	15 12	16 6	18 5	17 10	17 11	22 12	...	...	...	...	...	...
Madras . . . . .	16 0	17 0	16 0	...	...	...	16 0	15 0	22 0	18 0	16 0	26 0	...	...	...	...	...	...
Madras . . . . .	17 8	17 0	16 0	...	...	...	16 0	17 0	18 0	18 0	19 0	22 0	...	...	...	...	...	...
Madras . . . . .	14 0	15 0	13 0	...	...	...	16 0	16 0	20 0	22 0	22 0	25 0	...	...	...	...	...	...
<b>Orissa.</b>																		
Madras . . . . .	11 13	11 13	13 2	...	...	...	14 7	15 12	15 12	23 10	24 15	26 4	...	...	...	...	...	...
Madras . . . . .	13 2	11 13	12 8	...	...	...	21 0	23 10	22 0	23 10	32 8	25 0	...	...	...	...	...	...
Madras . . . . .	14 0	14 0	16 0	...	...	...	16 0	16 0	26 0	28 0	32 0	32 0	...	...	...	...	...	...
<b>CHOTA NAGPORE.</b>																		
<b>South-Western Frontier Agency.</b>																		
Madras . . . . .	16 0	16 0	16 0	22 0	20 0	24 0	10 0	10 0	11 0	16 0	16 0	21 0	...	...	...	...	...	...
Madras . . . . .	17 0	18 0	18 0	22 0	24 0	28 0	18 0	20 0	22 0	22 0	24 0	26 0	...	...	...	...	...	...
Madras . . . . .	20 0	20 0	22 0	32 0	32 0	32 0	32 0	32 0	36 0	36 0	36 0	40 0	...	...	...	...	...	...
Madras . . . . .	13 0	13 0	13 0	...	...	...	18 0	16 0	19 0	27 0	24 0	34 0	...	...	...	...	...	...

In the interior prices range from 31-8 to 30-6 seers.  
 In the sub-divisions retail prices of salt are as follow:—Baraset and Bussirhat 13 seers, Diamond Harbour 10-8 seers, Barrackpore 12-12 seers, and Dam-Dam 12 seers.  
 In the sub-divisions retail prices of salt are as follow:—Koochta 12-12 seers, Meherpore and Kanaghat 12 seers and Chooadanga 12-8 seers.  
 In the sub-divisions retail prices of salt are as follow:—Bagirhat 11 seers and Satkhira 10 seers.  
 In the sub-divisions retail prices of salt are as follow:—Jhenidah, Alagura and Narail 12 seers, and Bongong 13 seers.  
 In the sub-divisions retail prices of salt are as follow:—Lalbagh 11 seers, Jurgipore 9-8 seers, and Kandi 11-8 seers.  
 Retail prices of salt at Raigunge 11-8 seers and Neepore 12 seers.  
 In Natore and Nowgong retail price of salt 12 seers.  
 In the sub-divisions retail prices of salt are as follow:—Nilphamari 12 seers, and Kurigram and Gaibanda 10 seers.  
 In Serajgunge retail price of salt 12 seers.  
 Retail price of salt at Kuracong 8 seers and Shilligore 10 seers.  
 In the sub-divisions retail prices of salt are as follow:—Manickgunge 12 seers, Naraingunge 12-8 seers.  
 In the sub-divisions retail prices of salt are as follow:—Goatundo 10-8 seers, Madaripore 13 seers, Bhanga 11 seers, and Gopalgunge 12-12 seers.  
 In the sub-divisions retail prices of salt are as follow:—Patuakhali 10-10 seers, Bhoia 9 seers, and Ferozepore 10 seers.  
 In the sub-divisions retail prices of salt are as follow:—Kishoregunge 10-10 seers, Attea 12 seers, Jamalpore 11 seers, and Nitrokhna 12-5 seers.

**SEERS OF 80 TOLAHS.**

Gram.				Firewood.				Salt.												DISTRICTS.		PROVINCE.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
								Wholesale prices per maund of 40 seers.						Retail.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
Past fortnight.				Corresponding fort- night of 1882.				Present fortnight.				Past fortnight.				Corresponding fort- night of 1882.				Present fort- night.						Past fort- night.						Correspond- ing fortnight of 1882.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.

\* Retail price of salt at Kumeriah 10 seers, and Hathazaree and Cox's Bazar 8 seers.  
 \* In the interior retail prices of salt range from 8 to 12-4 seers.  
 \* In the sub-divisions retail prices of salt are as follow:—Sasseram and Bhabooa 10-8 seers and Buxar 11 seers.  
 \* In the sub-divisions retail prices of salt are as follow:—Mudhubani 10 seers and Tappur 12 seers.  
 \* In Hazipore sub-division retail price of salt in some places 11 seers and in others 12 seers.  
 \* In the interior retail prices of salt range from 10 to 12-8 seers.  
 \* In the sub-divisions retail prices of salt are as follow:—Begusarai 10-4 seers and Jamui 11 seers.  
 \* In the sub-divisions retail prices of salt are as follow:—Banka and Soopole 11 seers and Muddichpooa 10-8 seers.  
 \* In the sub-divisions retail prices of salt are as follow:—Kissengunge 9 seers and Arrureah (at Laneegunge) 11 seers.  
 \* In Khoorda retail price of salt 13 seers.  
 \* In Bhadrak retail price of salt 10 seers.  
 \* Retail price of salt at Chuttra 10 seers and Khurruckdiha 11 seers.  
 \* Retail price of salt at Daitongunge 9 seers.  
 \* Retail price of salt at Burraabazar 11 seers.

PRICES CURRENT OF FOOD-GRAINS THROU

DISTRICTS.	QUANTITIES PER RUPEE																	
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Chotum, Jowar), <i>Zoiscus Soryham.</i>			Bairush Millet (Cumboo, Bajra), <i>Pennisetaria Sricata.</i>		
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Alhot	13 4	13 4	11 12	...	...	...	14 0	14 0	17 0	17 8	17 8	35 0	...	...	...	...	...	...
Ichur	9 2	10 0	9 2	13 5	16 0	16 0	13 5	12 13	21 5	16 0	13 5	23 10	...	...	...	...	...	...
Salpārā	20 0	22 0	26 11	...	...	...	13 0	13 0	13 5	18 0	17 0	20 0	...	...	...	...	...	...
Āro Hills	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	16 0	16 0	18 0	...	...	...	...	...	...
Āmrāp	18 0	16 0	19 0	...	...	...	11 12	11 12	11 0	15 4	15 4	18 0	...	...	...	...	...	...
Armag	...	...	...	...	...	...	10 0	10 0	10 0	13 0	13 0	16 0	...	...	...	...	...	...
Awgong	...	...	...	...	...	...	13 8	13 8	13 8	16 0	16 0	16 0	...	...	...	...	...	...
Āhāgar	...	...	...	...	...	...	6 8	6 8	6 8	16 0	16 0	16 0	...	...	...	...	...	...
Ākhimpur	7 8	7 8	8 0	7 0	8 0	10 0	6 0	7 8	7 0	12 0	12 0	16 0	...	...	...	...	...	...
Āfāf & Jaintia Hills	8 0	8 0	...	...	...	...	10 0	9 0	10 0	11 0	10 0	11 0	...	...	...	...	...	...
Āga Hills	...	...	...	...	...	...	5 0	5 0	5 0	8 0	8 0	8 0	...	...	...	...	...	...
Dehra Dūn	19 0	18 8	19 0	31 0	31 0	30 0	6 8	6 8	6 0	11 0	11 0	11 0	24 0	26 0	22 0	26 0	26 0	20 0
aharanpur	20 15	21 8	20 7	32 4	31 6	29 1	8 9	8 9	9 11	11 13	12 14	12 14	26 14	25 13	25 13	17 3	21 8	23 10
Āzaffarnagar	19 12	20 4	18 11	35 5	35 5	28 11	6 9	6 9	6 9	12 2	12 2	11 5	33 0	35 5	26 6	26 6	6 22	0
Āerūt	18 8	19 0	18 0	30 0	31 0	24 0	7 0	7 0	6 0	14 0	14 0	16 0	29 0	31 0	25 0	21 0	23 0	21 0
Ālandahār	19 14	21 0	18 14	27 8	29 0	23 0	6 0	6 0	6 0	10 15	11 0	10 15	28 0	27 0	23 0	18 0	18 0	20 0
Ālighar	18 0	18 0	17 8	26 0	27 0	22 8	7 0	6 8	6 0	12 0	12 0	15 8	28 0	28 0	21 8	16 0	18 0	19 0
Āmān	15 0	15 0	17 0	18 0	18 0	18 0	10 0	10 0	10 0	12 0	13 0	13 0	...	...	...	...	...	...
Ārhwāl	22 0	18 0	23 8	23 0	20 0	25 0	9 0	9 0	9 0	15 0	16 0	15 0	...	...	...	30 0	27 0	30 0
Āijnor	20 4	21 2	17 2	31 12	33 3	26 7	10 4	10 6	11 4	11 13	11 13	12 10	21 12	29 4	23 8	21 6	21 9	2
Āoradabad	20 5	21 4	18 7	31 4	32 8	24 6	10 10	10 10	9 6	13 13	13 12	14 6	23 2	29 6	23 12	14 6	18 2	19 6
Āudun	19 8	20 11	17 11	30 0	31 15	21 14	8 6	8 6	9 9	14 14	14 14	15 9	...	...	...	...	...	...
Āureilly	18 2	19 6	17 3	26 4	26 14	25 0	7 8	7 8	8 2	13 2	13 2	15 0	23 12	28 12	22 8	18 12	20 0	0
Āhāljahānpur	20 8	21 9	18 4	32 0	32 0	23 8	9 12	9 12	9 4	15 12	16 4	16 8	...	...	...	...	...	...
Ārāī Parganahs	23 0	23 0	20 0	37 8	25 0	30 0	8 12	10 0	7 8	13 12	14 0	13 0	...	...	...	...	...	...
Muttra	18 0	18 8	17 0	25 8	27 0	21 8	7 0	7 0	...	12 0	13 0	15 0	22 0	24 0	22 0	20 0	20 0	0
Āgra	16 8	17 8	16 12	23 8	25 0	20 8	5 12	5 12	6 0	12 0	12 0	14 0	21 0	26 0	22 0	21 0	23 0	0
Ārukhabad	19 6	19 9	17 12	27 11	27 10	23 1	7 2	7 5	8 3	12 9	12 8	14 6	26 7	24 15	23 8	20 3	21 1	...
Āunpuri	18 10	18 12	17 12	27 8	26 0	21 8	4 8	4 0	5 0	10 8	10 0	11 0	...	...	...	...	...	...
Ātāwah	17 0	18 0	17 0	20 8	21 8	23 0	6 0	6 0	6 0	12 8	14 0	14 8	24 0	24 0	16 0	22 8	22 8	816 0
Ātāh	19 4	19 15	20 0	27 0	27 8	22 8	8 0	7 12	8 0	14 0	14 0	13 0	22 0	23 8	...	20 8	22 0	0
Ālāun	19 0	20 0	19 0	22 0	22 0	20 0	10 0	10 0	10 0	11 0	11 0	13 0	25 0	26 0	28 0	23 0	23 0	0
Āhānsi	23 0	23 0	21 4	40 0	35 0	33 5	10 0	10 0	8 8	17 0	17 0	15 0	35 0	35 0	29 3	...	...	...
Āalitpur	22 0	22 4	22 8	10 0	41 4	34 0	9 0	9 0	10 0	13 0	13 0	13 0	38 0	38 0	32 0	30 0	30 0	0
Āwarpore	18 8	19 0	17 12	28 0	29 0	25 8	10 0	10 0	10 8	14 0	14 8	15 0	28 0	30 0	26 0	23 0	25 0	8
Ātelipur	17 6	17 8	16 10	26 0	27 0	22 4	11 4	11 4	11 12	15 8	15 8	17 0	...	...	...	...	...	...
Āānda	23 0	25 0	18 0	31 0	35 0	25 0	8 0	8 8	9 0	14 8	14 8	14 8	34 0	36 0	32 0	33 0	...	...
Ālāhabad	18 2	17 12	17 2	29 8	29 0	25 0	10 0	10 0	11 8	17 8	15 8	17 8	32 0	32 0	30 0	30 0	30 0	4
Āampur	19 2	20 0	16 0	...	...	22 10	9 0	10 0	13 12	...	...	...	21 0	24 0	25 0	...	20 0	...
Āampur	20 8	20 8	19 1	32 12	32 12	28 4	7 12	7 12	8 7	14 2	14 13	16 14	...	...	...	...	23 9	...
Āorākhpur	18 14	18 14	18 13	27 0	27 0	32 6	12 9	13 8	14 6	16 3	16 3	18 13	28 13	32 6	...	...	...	...
Āostī	19 0	19 0	18 8	36 0	27 0	38 0	13 12	15 0	15 0	16 0	17 8	16 0	...	...	...	...	...	...
Āzamgarh	18 7	18 7	19 3	25 13	25 13	28 0	10 5	10 5	8 14	14 12	14 12	17 11	29 8	29 8	41 4	20 10	20 10	...
Āirzapur	17 8	17 8	16 0	27 0	26 0	25 0	10 0	9 0	10 0	14 8	14 0	18 0	29 0	30 0	30 0	28 0	25 0	0
No return received																		
Āhāzipur	19 5	20 9	19 5	27 0	28 5	28 5	9 0	9 0	10 15	16 1	16 1	20 15	25 12	29 10	33 7	26 6	27 0	12
Āalia	18 12	19 6	17 0	28 4	28 12	28 12	10 0	10 0	10 0	18 12	17 8	17 8	...	...	...	...	...	...
Āilibhīt	21 2	21 6	18 12	36 4	35 4	28 10	15 0	13 12	14 12	16 8	16 4	16 12	...	...	...	...	...	...
Lucknow	18 9	18 12	16 9	27 14	28 6	23 6	6 0	6 0	6 0	13 2	13 3	14 5	30 8	29 14	24 6	21 8	24 1	10
Unāo	18 8	19 4	19 0	26 0	28 0	26 0	11 0	11 0	11 0	14 0	14 0	16 0	30 0	30 0	...	21 0	21 0	...
Āāra Banki	18 8	18 4	18 0	29 0	30 0	25 0	10 0	9 0	10 0	15 0	18 0	17 0	33 0	35 0	28 0	22 0	22 0	0
Āitapur	22 4	23 0	18 14	35 0	35 4	25 2	8 0	8 0	8 0	16 0	16 0	15 12	32 0	33 0	20 0	26 0	27 8	0
Āardui	18 12	18 12	20 6	30 0	30 0	27 11	5 10	5 10	5 10	11 0	11 12	13 3	...	23 7	...	16 14	23 0	...
Āheri	21 0	23 12	18 0	36 0	36 0	27 0	7 0	7 0	7 0	16 0	15 0	15 0	45 0	50 0	25 0	...	...	...
Āyzābād	18 0	18 0	16 12	29 0	30 0	23 8	10 0	10 0	11 8	17 0	17 0	17 8	36 0	36 0	30 0	...	...	...
Āharāch	19 0	20 0	17 0	42 0	42 0	38 0	10 0	11 0	9 0	17 0	17 8	18 0	38 0	38 0	33 0	20 0	24 0	0
Āonda	22 9	21 8	22 1	42 0	42 0	39 0	14 4	13 8	15 4	16 2	15 0	19 4	41 12	43 0	42 8	23 12	26 0	0
Āai Bureli	19 4	19 8	18 0															



## SEERS OF 80 TOLAHS.

Wheat, Milllets, Ragi, &c. (Kavaru, Veragu, awes, Cheena, Coralloo, Juhwa, Niglee), &c.			Gram.			Firewood.			Salt.			Wholesale.			Retail.			DISTRICTS.	PROVINCES.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.		
Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	R. a. R. a. R. a.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.	S. Ch. S. Ch. S. Ch.		
...	...	...	11 6	8 6	16 0	108 0	108 0	108 0	3 6	3 6	3 6	11 12	11 12	11 12	Sylhet				
...	...	...	10 10	9 2	12 13	80 0	80 0	80 0	3 8	3 8	3 7	10 10	10 10	9 2	Cachar				
...	...	...	16 0	16 0	13 6	120 0	120 0	120 0	3 6	3 6	3 6	12 0	11 0	10 2	Goalpara				
...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	5 6	5 6	5 6	6 6	6 6	6 6	Garo Hills				
...	...	...	11 12	11 12	13 0	160 0	160 0	160 0	3 8	3 8	3 4	11 8	11 8	11 0	Kamrup				
...	...	...	10 0	10 6	8 9	160 0	160 0	160 0	4 8	4 8	4 8	8 0	8 0	8 0	Darrang				
...	...	...	8 0	8 0	8 0	100 0	100 0	120 0	5 0	5 0	4 12	8 0	8 0	8 0	Nowgong				
...	...	...	10 0	10 0	10 0	80 0	80 0	80 0	4 8	4 8	4 8	8 0	8 0	8 8	Sibsagar				
...	...	...	10 0	11 0	12 0	200 0	200 0	120 0	4 4	5 0	5 0	8 0	8 0	8 0	Lakhimpur				
...	...	...	10 0	10 0	10 0	...	...	...	5 0	5 0	5 0	8 0	8 0	8 0	Khási & Jaintia Hills				
...	...	...	2 0	2 0	2 0	120 0	120 0	120 0	13 0	13 0	13 0	3 0	3 0	3 0	Naga Hills				
...	...	...	24 0	26 0	21 8	160 0	160 0	160 0	11 8	11 8	11 8	11 0	11 0	11 0	Dehra Dun				
...	...	...	27 15	29 0	24 1	150 0	150 0	150 8	12 14	12 14	12 6	12 9	12 11	12 1	Saharanpur				
...	...	...	27 8	28 11	23 10	110 0	110 0	132 0	12 6	12 8	11 8	11 10	11 10	11 4	Muzaffarnagar				
...	...	...	26 8	27 0	21 12	110 0	110 0	110 0	12 8	12 8	12 0	12 0	12 0	11 8	Meerut				
...	...	...	25 0	25 0	21 0	130 0	130 0	130 0	12 0	11 8	11 8	...	...	...	Bulandshahr				
...	...	...	25 0	25 8	21 8	120 0	120 0	120 0	12 8	13 0	12 8	12 0	12 8	12 0	Aligarh				
...	...	...	12 8	13 8	12 0	200 0	200 0	200 0	8 0	8 8	7 0	7 0	7 0	6 0	Kannun				
...	...	...	10 0	9 0	9 0	280 0	280 0	200 0	8 8	8 8	7 8	7 13	8 0	7 0	Gharwal				
...	...	...	22 8	25 5	19 10	135 0	135 0	135 0	...	...	...	11 4	11 4	11 14	Bijnor				
...	...	...	23 12	23 12	21 4	125 0	125 0	162 8	12 10	12 10	12 7	12 8	12 8	12 3	Moradabad				
...	...	...	23 6	21 0	19 8	192 0	192 0	192 0	11 6	11 14	10 8	11 14	10 12	10 0	Budaun				
...	...	...	22 8	23 2	20 0	125 0	125 0	125 0	12 8	12 8	11 14	11 14	12 3	11 4	Bareilly				
...	...	...	21 4	25 0	20 12	160 0	160 0	200 0	13 0	13 0	12 0	11 0	11 8	12 0	Shahjahanpur				
...	...	...	22 0	22 8	17 8	120 0	120 0	130 0	15 0	13 8	11 4	14 0	12 8	11 0	Tarai Pergunnahs				
...	...	...	25 0	27 8	21 4	140 0	140 0	120 0	14 0	14 0	12 0	12 0	12 8	11 0	Muttra				
...	...	...	24 0	25 0	21 4	100 0	100 0	100 0	13 8	13 8	12 8	13 0	13 0	12 0	Agra				
...	...	...	24 15	24 12	21 6	156 8	156 8	156 8	12 1	12 4	11 14	11 6	11 9	10 14	Farrukhabad				
...	...	...	23 0	21 0	20 0	160 0	160 0	160 0	12 0	11 0	10 0	10 0	10 0	10 8	Mainpuri				
...	...	...	24 0	26 0	22 0	100 0	100 0	120 0	12 0	12 0	10 8	11 0	11 0	10 0	Etawah				
...	...	...	23 8	24 4	19 0	160 0	160 0	140 0	12 2	12 4	12 8	12 0	12 0	12 0	Etah				
...	...	...	32 0	33 0	27 0	140 0	140 0	140 0	11 0	12 0	...	11 0	11 0	10 0	Jalaun				
...	...	...	31 6	31 14	28 3	200 0	200 0	200 0	11 0	12 8	13 0	10 0	11 8	12 0	Jhansi				
...	...	...	33 8	33 8	32 0	160 0	160 0	160 0	12 0	12 0	12 0	10 8	11 0	11 8	Lalitpur				
...	...	...	29 0	29 8	24 8	145 0	150 0	150 0	13 4	13 4	12 12	13 0	13 0	12 8	Cawnpore				
...	...	...	28 4	28 12	22 8	200 0	200 0	200 0	11 0	11 0	9 10	10 12	10 12	9 6	Fatehpur				
...	...	...	37 0	40 0	29 0	160 0	160 0	160 0	11 0	12 0	11 12	10 12	11 0	11 4	Banda				
...	...	...	29 4	29 8	24 12	130 0	120 0	140 0	12 0	12 0	11 4	11 0	11 0	10 6	Allahabad				
...	...	...	28 0	32 0	26 0	140 0	140 0	110 0	11 13	12 2	10 0	10 0	11 0	9 12	Hamirpur				
...	...	...	31 1	28 15	25 6	148 12	148 12	169 8	10 12	10 12	9 11	10 10	10 10	9 9	Jaunpur				
...	...	...	28 13	29 11	29 10	160 0	160 0	160 0	11 0	11 0	...	10 13	10 13	9 9	Gorakhpur				
...	...	...	30 0	27 0	28 0	150 0	150 0	140 0	8 8	9 8	8 0	8 0	8 0	8 0	Basti				
...	...	...	25 13	25 13	24 6	147 8	147 8	147 8	9 3	9 3	9 3	8 14	10 8	8 8	Azamgarh				
...	...	...	27 0	26 0	22 0	90 0	100 0	90 0	11 0	11 0	9 0	10 0	10 0	8 0	Mirzapur				
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Benares				
...	...	...	28 15	29 10	28 15	128 12	128 12	103 0	10 15	10 15	10 5	10 5	10 5	9 10	Ghazipur				
...	...	...	28 12	30 0	28 12	100 0	100 0	100 0	11 4	11 4	10 0	11 4	11 4	10 4	Balia				
...	...	...	23 4	23 12	18 8	150 0	150 0	150 0	13 8	13 0	12 12	12 8	12 0	11 12	Pilibhit				
...	...	...	24 11	24 13	20 9	115 0	115 0	120 0	11 0	11 0	10 0	10 8	10 8	9 8	Lucknow				
...	...	...	27 0	28 0	23 0	160 0	160 0	160 0	...	...	...	11 0	12 0	11 0	Unao				
...	...	...	25 0	25 0	22 0	130 0	130 0	130 0	12 0	12 0	12 0	11 0	11 0	9 8	Bara Banki				
...	...	...	27 8	28 0	19 8	160 0	160 0	160 0	12 4	12 0	12 0	11 4	11 0	11 8	Sitapur				
...	...	...	21 9	21 9	22 8	200 0	200 0	240 0	9 6	9 6	8 8	7 8	7 8	8 7	Hardua				
...	...	...	28 0	28 0	18 8	160 0	160 0	200 0	12 0	12 0	10 8	11 0	11 0	10 0	Kheri				
...	...	...	28 0	28 14	23 0	120 0	120 0	120 0	11 0	11 0	12 0	10 0	10 0	10 0	Fyzabad				
...	...	...	28 0	28 0	27 0	160 0	160 0	200 0	...	...	...	9 8	9 8	9 0	Bharnua				
...	...	...	33 6	33 4	28 14	200 0	200 0	240 0	11 10	12 0	...	11 6	11 8	11 4	Gonda				
...	...	...	25 4	25 0	19 4	200 0	200 0	160 0	...	...	...	9 8	9 0	9 0	Rai Bareilly				
...	...	...	31 0	31 0	27 8	160 0	160 0	160 0	12 1	12 4	12 0	12 0	12 0	11 12	Sultanpur				
...	...	...	27 8	28 0	24 3	200 0	200 0	200 0	...	...	...	10 11	10 11	10 10	Partabgarh				
...	...	...	24 8	25 8	22 0	80 0	80 0	90 0	13 0	12 8	12 8	12 0	11 8	12 0	Delhi				
...	...	...	26 4	26 4	22 0	140 0	130 0	140 0	12 0	12 0	12 0	12 0	12 0	12 0	Gurgaon				
...	...	...	29 8	29 0	24 0	140 0	140 0	160 0	11 8	11 4	11 14	11 0	11 0	11 8	Karnal				
...	...	...	32 0	32 0	26 8	80 0	80 0	80 0	12 8	12 0	11 8	12 0	11 0	11 0	Hissar (b)				
...	...	...	27 0	27 0	24 8	100 0	100 0	100 0	12 12	12 12	11 0	12 4	12 8	11 4	Rohatak (c)				
...	...	...	42 8	41 8	37 6	120 0	120 0	120 0	13 0	13 0	11 12	12 8	12 8	11 8	Sirsa (a)				
...	...	...	33 0	33 0	26 4	140 0	140 0	130 0	14 4	14 4	13 8	11 0	14 0	13 4	Unbhatta				
...	...	...	37 0	38 0	29 12	100 0	100 0	100 0	14 14	14 14	14 11	14 8	14 8	14 8	Ludhiana				
...	...	...	21 8	20 0	...	80 0	80 0	80 0	11 0	10 10	10 8	10 7	10 0	9 13	Simla (d)				
...	...	...	35 0	35 0	28 8	110 0	110 0	100 0	14 0	14 8	14 8	13 8	14 4	14 0	Jullundur (e)				
...	...	...	35 0	35 8	27 0	110 0	110 0	120 0	14 0	14 0	14 0	13 12	13 12	13 8	Hoshiarpur				
...	...	...	23 0	25 0	23 0	140 0	140 0	140 0	11 8	11 8	11 0	11 0	11 0	10 0	Kangra				

(d) Prices steady.

(e) Wheat and barley falling; jowar rising.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																																												
	Wheat.									Barley.									Rice (best sort).						Rice (common).						Great Millet (Choum, Jowar), Holcus Sorghum.						Burmese Millet (Cumboo, Baire), Pennisetum Spodiopogon.								
	Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.		
	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.							
Mritsar (a)	25	0	24	8	25	8	39	0	39	0	39	0	...	...	...	13	8	13	8	12	8	39	0	41	0	28	4	25	8	25	8	24	8	...	...	...	...								
Kalkot	26	8	26	8	25	12	40	0	42	0	37	8	...	...	...	16	0	16	0	16	0	36	8	39	0	26	0	37	0	39	0	24	0	...	...	...	...								
Nadapur	30	0	32	0	30	0	38	0	40	0	40	0	...	...	...	16	0	16	0	16	0	35	0	35	0	28	0	14	0	14	0	14	0	...	...	...	...								
Nahore	23	0	23	0	23	0	38	0	38	0	33	0	...	...	...	13	0	13	0	10	0	40	0	48	0	28	0	28	0	28	0	22	0	...	...	...	...								
Norapora	23	0	22	0	23	0	50	0	45	0	35	0	...	...	...	12	0	11	0	11	0	45	0	50	0	36	0	36	0	36	0	36	0	...	...	...	...								
Njauwala	24	0	24	4	23	8	15	0	45	0	38	0	...	...	...	16	0	16	0	12	0	36	0	36	0	30	0	35	0	35	0	20	0	...	...	...	...								
Awalpindi	{ No return received }						...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...							
Jelun	{ No return received }						...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...							
Najrat (b)	28	8	28	8	26	8	42	8	46	8	38	8	...	...	...	14	0	14	0	12	0	50	0	50	0	21	0	50	0	50	0	28	0	...	...	...	...								
Nalpur	32	0	31	0	20	0	53	0	53	0	31	8	...	...	...	16	0	16	0	13	0	44	0	42	0	20	0	48	0	48	0	20	0	...	...	...	...								
Noltan (c)	16	12	16	4	17	8	29	0	29	0	23	0	...	...	...	10	0	10	0	10	0	30	0	30	0	24	0	27	0	27	0	24	0	...	...	...	...								
Nung (d)	23	0	22	0	18	8	34	0	32	0	28	0	...	...	...	11	0	11	0	11	0	35	0	32	0	14	0	32	0	32	0	16	0	...	...	...	...								
Outgomery	20	0	19	0	19	8	32	0	32	0	24	0	...	...	...	6	0	5	8	5	8	30	0	30	0	...	...	...	...	...	...	...	...	...	...	...									
Uzunfargah	{ No return received }						...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Era Ismail Khan	{ No return received }						...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...							
Era Ghazi Khan	{ No return received }						...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...							
Unu	24	10	24	4	18	0	41	8	4	0	35	12	...	...	...	13	0	12	8	9	8	38	0	35	6	26	8	33	0	31	0	13	6	...	...	...	...								
Shahwar	22	10	21	10	15	15	44	10	47	2	31	14	...	...	...	15	15	15	5	11	8	42	0	43	6	22	5	40	13	43	6	19	2	...	...	...	...								
Shat (a)	...	...	...	...	...	...	...	50	0	34	0	...	...	...	...	18	0	...	13	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Azara	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Sigpur	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Mandara	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Landa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Ardia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Ilughat	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Abulpor	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Ugor	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Moh	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Oni	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Mulla	{ No return received }						...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...							
Tul	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Hindwana	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Shahganabad	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...								
Orsinghpur	...	...	...	...	...	...	...	...	...	...	...																																		

ERS OF 80 TOLAHs.

Millet, Rice, Javan, Veragu, Cheena, Corn, Maize, Nuts, etc.				Grain.						Firewood.						Salt.						Districts.						PROVINCES.				
Past fortnight.		Corresponding fortnight of 1882.		Present fortnight.		Past fortnight.		Corresponding fortnight of 1882.		Present fortnight.		Past fortnight.		Corresponding fortnight of 1882.		Present fortnight.		Past fortnight.		Corresponding fortnight of 1882.		Wholesale.		Retail.		Present fortnight.			Past fortnight.		Corresponding fortnight of 1882.	
S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.		S.	Ch.	S.	Ch.
h.																																
...	...	...	...	39	4	39	4	32	12	80	0	80	0	80	0	15	6	15	6	15	4	14	14	14	14	14	14	14	14	14	Amritsar (a)	
...	...	...	...	34	0	34	0	27	0	130	0	130	0	130	0	16	0	16	0	15	0	15	8	15	8	15	0	15	0	15	0	Sialkot
...	...	...	...	36	0	36	0	33	0	120	0	120	0	120	0	13	8	13	8	13	4	13	0	13	0	12	8	13	0	12	8	Gurdaspur
...	...	...	...	38	0	38	0	29	0	90	0	90	0	80	0	15	0	15	0	15	0	14	0	14	0	14	0	14	0	14	0	Lahore
...	...	...	...	42	0	43	0	31	6	90	0	100	0	90	0	13	12	13	12	13	4	13	8	13	8	13	0	13	8	13	0	Ferozepore
...	...	...	...	38	8	38	8	28	0	95	0	95	0	95	0	15	0	15	4	15	4	14	12	15	0	15	0	15	0	15	0	Gujranwala
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Rawalpindi
...	...	...	...	35	8	35	12	25	8	100	0	100	0	100	0	*	*	*	*	*	*	16	0	16	0	16	0	15	0	15	0	Jhelum
...	...	...	...	49	0	47	0	24	8	320	0	320	0	320	0	17	0	17	0	17	0	16	0	16	0	16	0	16	0	16	0	Gujrat (b)
...	...	...	...	28	0	29	0	22	8	90	0	90	0	90	0	15	0	14	12	13	12	14	8	14	8	13	8	13	8	13	8	Shahpur
...	...	...	...	30	8	32	0	23	12	200	0	200	0	200	0	14	12	14	10	14	8	14	8	14	4	14	0	14	0	14	0	Mooltan (c)
...	...	...	...	24	0	32	8	24	0	200	0	200	0	200	0	13	0	13	0	11	8	12	0	12	0	10	8	10	8	10	8	Jhang (d)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Montgomery
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Muzaffargarh
...	...	...	...	30	4	25	10	18	4	86	0	86	0	91	0	54	10	54	10	55	4	52	0	52	0	53	0	53	0	53	0	Dera Ismail Khan
...	...	...	...	28	11	28	11	18	8	114	12	114	12	76	8	91	12	91	12	91	0	51	0	63	12	80	0	80	0	80	0	Dera Ghazi Khan
...	...	...	...	...	...	...	...	18	12	140	0	140	0	140	0	*	*	*	*	*	*	12	0	12	0	12	0	12	0	12	0	Bannu
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Peshawar
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Kohat (a)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Hazara
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Nagpur
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Bhandara
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Chanda
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Wardha
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Balaghat
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Jubbulpore
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Sangor
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...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return	No return	No return	No return	No return	No return	No return	No return	No return	No return	Kyaukpypoo
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...	...	...	...	20	4	19	7	...	...	320	0	320	0	...	...	50	11	50	11	...	...	22	10	22	10	...	...	...	...	...	...	Pegu Division.
...	...	...	...	17	13	15	9	...	...	535	11	535	11	...	...	...	...	...	...	...	...	32	7	35	11	...	...	...	...	...	...	Rangoon Town
...	...	...	...	12	7	...	...	20	12	139	11	139	11	139	11	25	5	25	5	32	4	16	9	16	9	18	10	...	...	...	...	Tharrawaddy
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Prome
...	...	...	...	...	...	...	...	...	...	183	8	183	8	183	8	29	9	29	9	32	4	29	9	29	9	29	9	29	9	29	9	Irrawaddy Division.
...	...	...	...	11	9	11	9	11	11	237	0	265	7	169	11	26	0	28	9	31	0	19	8	21	4	25	4	25	4	25	4	Henzada
...	...	...	...	18	6	18	7	22	7	123	0	...	...	246	0	39	6	...	...	39	6	35	7	...	...	35	7	35	7	35	7	Bassein
...	...	...	...	15	13	...	...	14	6	245	0	245	0	245	0	25	5	25	5	25	6	18	15	18	15	18	15	18	15	18	15	Thonegwa
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Thayetnyo
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...	...	...	...	...	...	...	...	...	...	399	3	399	3	399	3	24	2	24	2	24	2	16	1	16	1	16	1	16	1	16	1	Moulmein Town & Amherst
...	...	...	...	...	...	...	...	...	...	428	0	428	0	423	0	24	5	25	5	36	8	14	7	14	7	29	3	29	3	29	3	Tavoy
...	...	...	...	12	9	...	...	12	9	24	0	...	...	24	0	29	6	...	...	27	1	18	12	...	...	18	12	18	12	18	12	Mergui
...	...	...	...	...	...	...	...	...	...	250	0	250	0	250	0	32	3	29	8	32	3	18	14	18	14	18	14	18	14	18	14	Toungoo
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Shwaygyin
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...	...	...	...	16	12	17	12	17	4	130	0	130	0	130	0	10	14	10	11	10	11	10	6	10	3	10	3	10	3	10	3	Secunderabad
...	...	...	...	19	15	20	4	20	4	116	14	116	14	116	14																	

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																				
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), <i>Holcus Sorghum</i> .			Bairush Millet (Cumboo, Bajra), <i>Panicularia Spina</i> .					
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.			
Agalore	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
lar																					
mkur																					
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moga	8 15	9 6	8 9	10 1	10 4	9 2	14 5	14 1	10 10	17 14	18 0	13 13	...	...	...	...	...	...	...	...	
dur	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
taldroog	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
rg	16 8	16 8	16 4	23 0	22 8	21 0	6 0	6 0	6 0	9 0	9 0	9 0	24 0	25 0	20 0	20 0	20 0	20 0	20 0	19 0	
pore	15 12	16 0	15 12	23 8	23 8	22 8	8 0	9 0	9 0	9 8	11 0	10 8	24 0	25 8	23 8	8 18	4 18	4 20	4 20	4 20	
hengurh	18 6	19 6	17 0	26 13	26 14	20 0	12 8	12 8	13 8	13 12	13 12	15 0	26 13	26 14	20 0	0 23	0 23	0 17	0 17	0 17	
rowlee	19 7	20 5	17 6	26 11	27 14	21 11	8 10	8 10	8 0	10 10	10 10	11 11	24 12	25 0	21 13	23 8	8 21	8 16	8 16	8 16	
ur	19 8	20 14	17 8	29 12	30 9	22 8	8 0	7 13	6 8	9 13	11 0	11 0	27 8	28 4	23 8	8 21	8 25	8 19	8 19	8 19	
ortpore (City)	15 0	15 0	15 8	21 12	22 0	21 8	5 0	5 0	5 0	8 0	8 0	8 0	16 0	21 0	18 0	0 14	0 17	0 16	0 16	0 16	
ere	19 2	18 6	16 5	25 4	25 3	20 4	...	...	...	13 0	13 0	10 8	23 4	24 12	21 7	18 0	18 2	17 0	17 0	17 0	
li Cantonment	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
spura	16 6	16 6	17 3	27 6	27 6	29 14	...	...	...	9 0	9 0	8 0	20 0	20 0	25 0	20 0	20 0	22 0	22 0	22 0	
hee	14 0	14 0	17 0	25 0	26 0	28 0	7 0	7 0	7 0	8 0	8 0	8 8	18 0	18 0	18 0	18 0	18 0	21 0	21 0	21 0	
dra	12 0	12 4	15 2	18 12	19 8	22 12	6 10	6 14	6 8	8 10	8 4	8 0	...	...	...	14 8	15 2	18 0	18 0	18 0	
y Tracts of Meywar	13 4	13 10	17 4	21 12	22 8	26 8	7 4	7 4	7 0	9 4	9 0	9 0	...	...	...	16 0	16 12	21 0	21 0	21 0	
war (Oodeypore)	20 0	19 8	19 0	26 0	26 0	26 0	...	...	...	15 0	15 8	19 0	...	...	...	...	...	...	...	...	
swara (Meywar Agency)	13 4	12 14	14 13	16 12	16 6	19 8	10 8	10 2	10 15	...	...	...	...	...	...	...	...	...	...	...	
tabgarh ( " )	20 0	19 6	21 4	...	...	...	10 0	10 0	10 0	17 8	17 8	17 8	...	...	...	...	...	...	...	...	
war (Jodhpore)	15 2	14 8	15 2	...	...	...	10 0	10 0	10 15	11 4	11 4	13 15	...	...	...	...	...	...	...	...	
aneer	15 5	15 0	15 10	20 0	21 4	21 4	6 4	6 4	6 4	7 8	7 8	7 8	20 0	18 12	21 4	17 13	17 8	18 1	18 1	18 1	
ndee	11 11	11 3	12 0	...	...	...	3 8	3 8	3 2	6 4	6 8	6 8	...	...	...	19 12	19 14	17 0	17 0	17 0	
ab	21 4	20 8	17 0	30 0	30 0	25 0	10 0	10 0	9 0	10 8	11 0	9 8	...	...	26 0	...	...	...	...	...	
k	20 0	20 0	17 4	25 0	25 0	22 0	10 0	10 0	8 12	13 0	13 0	11 0	26 0	26 0	21 0	15 0	15 0	16 0	16 0	16 0	
lawar	19 0	19 9	14 2	26 0	28 5	20 5	7 0	7 9	7 0	9 12	9 11	10 0	26 0	28 10	21 5	...	...	18 10	18 10	18 10	
hpoora	19 13	20 10	15 4	23 10	23 10	15 1	...	...	...	8 14	8 14	8 14	23 7	24 2	16 4	18 6	18 6	13 0	13 0	13 0	
lpur	17 2	18 2	17 12	30 0	22 12	21 2	13 15	13 4	10 8	17 0	16 2	14 0	19 0	20 3	19 12	16 4	21 0	18 0	18 0	18 0	
ore	17 9	18 8	16 10	25 12	26 4	21 8	10 2	10 2	10 2	11 4	11 4	12 6	23 8	24 10	21 3	22 5	22 0	19 0	19 0	19 0	
lior	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
na																					
belkhand (Sutna)																					

MENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

INDIA FOR THE 1st HALF OF JUNE 1863 —concluded.

N SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawes, Cheena, Coraino Murhwa, Nuplee), <i>Panicum Miliaceum</i> , &c.									Gram.						Firewood.						Salt.									DISTRICTS.						
Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Wholesale.				Retail.					
Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.				Past fortnight.			Corresponding fortnight of 1882.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		S. Ch.	S. Ch.				
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...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Hassan				
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4 13	25 15	19 13	26 12	28 6	21 14	110 0	110 0	110 0	9 13	10 2	10 8	9 10	10 2	9 8	Coorg	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
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...	...	...	20 6	20 6	23 2	160 0	160 0	170 0	R a. p.	R a. p.	R a. p.	...	...	...	Erinpura	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
...	...	...	18 0	18 0	21 8	160 0	160 0	160 0	2 13 9	2 13 9	3 1 2	13 0	13 0	12 0	Sirohee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
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...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Gwalior	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Goona	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Baghelkhand (Sutna)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			

\* Eight pies per bundle.

D. BARBOUR,  
Secretary to the Government of India.



GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1882-83.

Areas leased for Irrigation up to the end of March 1883.

Circle.	District.	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilized.	Approximate area of land under irrigation during month.	Approximate area of land under irrigation last year at same time.	DETAILS OF AREAS LEASED.										RAINFALL, 1882-83.		RAINFALL, 1881-82.		REMARKS.
								Five years. All crops.	Five years. Khurreef.	ANNUAL LEASERS.					During end of month.	Up to end of month.						
										Khurreef.	Rubbee.	Sugar-cane.	Bhadol.	Hot weather.			TOTAL.	GRAND TOTAL.				
			C. ft.	C. ft.	C. ft.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Inches.	Inches.	Inches.				
Orissa.	Cuttack.	Kendrapara . . . . .	1,269	261.12	65.61	247	874	...	63,698	...	48	71	...	...	...	53,907	...	...	There were errors in the areas returned by the Executive Engineer, Arrah Division, for the two crops (khurreef and sugar-cane) which have now been corrected.			
		Gobri . . . . .	372.82	160.74	64.00	...	...	...	...	...	...	...	...	...	...	...	...	...				
		Pattanamondree . . . . .	1,042	24.00	24.00	...	...	...	12,068	...	2	...	...	...	...	...	...	...				
		High Level, Section I . . . . .	1,675	224.30	...	16	...	...	14,213	...	28	8	...	1	...	...	...	...				
		Taldunda, 1st Reach . . . . .	1,300	146.00	15.00	262	150	...	11,008	...	23	...	...	...	...	...	...	...				
Balasore.	Ditto.	Ditto, 2nd do. . . . .	650	15.00	23.00	15	...	...	31,466	...	...	240	...	...	...	31,466	...	...	There were errors in the areas returned by the Executive Engineer, Arrah Division, for the two crops (khurreef and sugar-cane) which have now been corrected.			
		Matchong, Section II . . . . .	650	23.00	...	24	...	...	...	...	...	...	...	...	...	...	...	...				
		Ditto, Section III . . . . .	727.16	...	...	96	32	...	1,380	...	...	...	...	...	...	...	...	...				
		Total . . . . .	727.16	176.07	...	660	1,072	...	123,923	...	101	319	...	1	...	...	...	...				
		Total of the corresponding period of last year.	...	...	...	...	...	...	123,623	...	89	268	...	...	...	...	...	...		...		
South-Western.	Midnapore & Howrah.	Midnapore . . . . .	1,411	62	...	...	...	...	87,232	...	...	...	...	...	...	87,232	...	...	There were errors in the areas returned by the Executive Engineer, Arrah Division, for the two crops (khurreef and sugar-cane) which have now been corrected.			
		Howrah . . . . .	522	15	...	...	...	...	12,657	...	...	...	...	...	...	12,657	...	...				
		Total . . . . .	...	...	...	...	...	...	100,089	...	...	...	...	...	...	100,089	...	...				
		Total of the corresponding period of last year.	...	...	...	...	...	...	103,562	...	...	...	...	...	...	103,562	...	...				
		Western Main . . . . .	4,342	1,162	344	1,578	970	...	...	...	1,356	1,217	11	...	...	...	...	...				
Sone.	Shahabad & Patna & Gaya.	Buxar . . . . .	1,226	303	249	5,853	3,578	...	...	...	6,548	3,207	45	...	...	...	...	There were errors in the areas returned by the Executive Engineer, Arrah Division, for the two crops (khurreef and sugar-cane) which have now been corrected.				
		Arrah . . . . .	1,660	660	546	26,629	20,771	...	...	...	6,324	2,564	35	...	...	...	...		...			
		Eastern Main . . . . .	...	...	...	...	166	...	...	...	6	85	...	...	...	...	...		...			
		Patna . . . . .	1,468	196	159	20,360	23,157	...	...	...	1,245	834	...	1,343	...	...	...		...			
		Gya . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	...		
Grand Total.	Grand Total.	Total . . . . .	...	...	...	63,810	48,442	...	...	...	13,479	6,157	91	1,343	...	148,533	...	...	There were errors in the areas returned by the Executive Engineer, Arrah Division, for the two crops (khurreef and sugar-cane) which have now been corrected.			
		Total of the corresponding period of last year.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...		
		Grand Total . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...		
		Grand total of the corresponding period of last year.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...		
		Grand Total . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...		

The 19th June 1883.

G. F. E. S. NEILL, Major, M.S.C.,  
Under-Secy. to the Govt. of Bengal,  
P. W. Department.



IRRIGATION OPERATIONS OF FASL KHARIF IN THE NORTH-WESTERN PROVINCES, 1893, UP TO 31st MAY 1893.

CANAL DIVISION.	WATER DISTRIBUTED DURING MAY 1893.				Total area of irrigation during current fall.	Total area for the corresponding period of last year.	LAND IRRIGATED (APPROXIMATE).							RAIN-FALL. Total from 1st April, to end of May, 1893.	AVERAGE for the same period.	REMARKS.			
	DRAIN IN CANAL AT REGULATING GAUGE IN FEET.		GROSS CONSUMPTION, CUBIC FEET PER SECOND.				ZILA.	Sugarcane.	Indigo.	Rice.	Cotton.	Other food-grains.	Podder crops.				Miscellaneous.	Total.	
	Full supply.	Actual average throughout.	Allocated charge.	Actual average throughout.															
UPPER GANGES.	Northern	10-00	9-67	950	381	24,622	30,605	Saharanpur	15,046	1,546	446	40	12	112	983	18,185	1-40	1-30	Executive Engineer, Northern Division, Ganges Canal, reports that demand was slack until in May, nearly all sugar has however been secured that a smaller area is reported under sugar this year owing to low prices in market; that rain on 25th, 26th and 27th May had made sugar independent of canal water for 10 days; and that rice cultivation is progressing.
	Anupshahr	7-00	6-47	1,100	993	36,925	48,031	Muzaffarnagar	38,853	3,748	946	49	16	234	2,001	45,847	2-0	1-53	
	Meerut	8-10	7-85	925	1,366	43,423	51,368	Meerut	61,028	15,127	418	645	88	284	1,743	79,333	4-2	1-13	
	Bulandshahr	7-20	7-66	925	1,037	46,896	46,240	Bulandshahr	5,322	48,085	4	536	259	9	600	54,815	2-30	1-67	
	Aligarh	5-50	5-33	1,300	1,188	53,665	61,186	Aligarh	572	39,008	51	628	11	168	...	379	40,179	1-40	
LOWER GANGES.	Narora	9-00	7-76	975	444	10,614	11,649	Muttra	1,071	6,343	...	60	1	3	303	8,356	1-10	1-53	Executive Engineer, Anupshahr Branch, Ganges Canal, reports that the decrease in sugarcane is due to low price of sugar, and the decrease in indigo is attributable to decrease and scarcity of seed.
	Mainpuri	7-00	5-95	600	514	20,231	28,335	Agra	1,044	2,333	1	2	214	3	247	3,689	1-40	1-37	
	Cawnpore	8-20	5-19	825	591	40,384	44,111	Etah	1,252	20,519	20	31	161	76	875	30,522	1-20	1-44	
	Etawah	5-80	4-04	975	1,243	46,282	55,191	Mainpuri	2,521	26,854	5	...	383	127	65	15,408	1-55	1-53	
	Bhognipur	7-00	6-13	950	875	20,492	19,868	Fatehgarh	2,152	12,681	...	...	181	18	606	40,872	1-30	1-38	
TOTAL, UPPER AND LOWER GANGES CANALS.	...	...	9,525	8,652	343,534	396,584	Cawnpore	4,697	35,772	528	...	437	...	...	875	42,309	...	1-60	Executive Engineer, Aligarh Division, Ganges Canal, reports that the area in sugarcane has diminished in the lower parts of the division by 25 per cent. and in the upper by 10 per cent.; that the large harvest has caused all agricultural operations to be backward; hence, although there was in unusually large supply of water in the distributaries, the rice crop has only 25 per cent. of the year up to date; that owing to the late rainfall, varying from 6 to 29 inches all over the division in the last week of May, accompanied by hail and storms, the irrigation demand was slackened and in many places cotton fields were ploughed without the aid of canal water; and that the cotton crop has not yet practically taken root. The word "bhangra" has attacked the sugarcane and some fields have been ploughed.
Eastern Jumna Canal.	Agra Canal	4-74	4-44	1,300	1,176	47,520	50,342	Gurgaon	995	3,136	10	996	32	...	25	40	9	58	Executive Engineer, Bulandshahr Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.
	Rohilkhand	8-50	7-2	1,300	819	16,672	25,856	Dehra Dun	768	...	724	...	...	...	168	5,338	3	83	
	Bijnor	...	...	...	178	6,251	11,287	Bijnor	571	...	...	...	...	...	284	1,776	1-60	2-91	
	Dun	...	...	...	100	571	718	Tarai	1,176	...	...	...	...	...	...	671	1-60	1-27	
	Jhansi	...	...	...	...	1,776	2,030	Pilibhit	750	...	...	...	...	...	...	1,176	1-10	1-86	
Hamirpur	...	...	...	...	13	54	Bareilly	4,325	...	...	...	...	...	...	750	1-50	1-09	Executive Engineer, Aligarh Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.	
TOTAL	...	...	...	...	416,391	486,867	Jhansi	11	...	...	1	...	...	...	13	90	30	57	Executive Engineer, Bulandshahr Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.
					...	...	Hamirpur	11	...	...	...	...	...	...	39	64	...	...	Executive Engineer, Aligarh Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.
					...	...	TOTAL FOR THE SAME PERIOD LAST YEAR.	146,995	250,405	3,157	2,989	1,962	867	10,016	416,391	...	...	...	Executive Engineer, Aligarh Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.
					...	...	Increase	185,692	271,298	6,011	9,181	3,025	1,812	9,848	486,867	...	...	...	Executive Engineer, Aligarh Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.
					...	...	Decrease	...	...	...	...	...	...	...	168	...	...	...	Executive Engineer, Aligarh Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.
					...	...		38,697	20,893	2,854	6,192	1,063	945	...	...	70,476	...	...	Executive Engineer, Aligarh Division, Ganges Canal, reports that the demand during May was great and with difficulty met owing to the growth of sugar and jungle in the distributaries; that on the 27th and 28th rain fell over the division, but was unequally distributed; that cotton sowing began about the 20th and with this rain is now in full swing, and that the falling off of sugarcane is due to low price of sugar.

weather became cloudy with some rain and consequently the demand slackened; that the falling off of irrigation during the month, as compared with the irrigation in the same month of the previous year, which is due to the low supply in April, has not yet been made good, and that there is little doubt but that there will be a considerable falling off of the total area as compared with last year.

Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports that the decrease of 5,600 acres, as compared with last year's irrigation, is chiefly indigo. The price of the indigo seed is said to be more than double what it was last year, and the harvesting of the rabi was late by zilladar last year.

Executive Engineer, Etawah Division, Lower Ganges Canal, reports that there was a heavy demand throughout the month on all distributaries except the tail series where indigo cultivation is yet scarcely established.

Executive Engineer, Bhognipur Division, Lower Ganges Canal, reports that sugarcane is 4,400 acres short of last year, some will be made up but not all; that the deficiency is equally distributed and seems due to recent low prices of sugar and gur, &c., and that the water-supply was ample and the demand steady.

Executive Engineer, Agra Canal, reports that the season is very late, and that demand was very slack up to 20th May, from which date supply began to fail.

Executive Engineer, Rohilkhand Canals, reports that there was great demand for water, and that this is the first month in which water has been taken freely for sugarcane, which crop appears very backward this year; and although last month's area is nearly doubled, the total area watered is not much more than half of what was reported last year.

AGRAHABAD,  
The 21st June 1893.

W. P. V. HORST,  
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh,  
P. W. D., Irrigation Branch.

NATURE OF TRAFFIC.		AGRA CANAL.						REMARKS.
PRINCIPAL ITEMS OF TRAFFIC.								
Up.		Down.		Total up and down.				
Mds.	No.	Mds.	No.	Mds.	No.			
rains—								
Wheat . . . . .	...	2,000	...	2,000	...			
Gram . . . . .	...	450	...	450	...			
Rice . . . . .	...	...	...	...	...			
Paddy or dhán . . . . .	...	...	...	...	...			
Bejhar or mixed grain . . . . .	...	100	...	100	...			
Al—								
Urd . . . . .	...	...	...	...	...			
Múng . . . . .	...	...	...	...	...			
Arhar . . . . .	...	...	...	...	...			
Masúri . . . . .	...	...	...	...	...			
ugar . . . . .	...	...	...	...	...			
ajra . . . . .	...	...	...	...	...			
faize or Indian-corn . . . . .	...	...	...	...	...			
Barley . . . . .	...	700	...	700	...			
TOTAL	...	3,250	...	3,250	...			
otton								
oil-seeds . . . . .	...	150	...	150	...			
alt . . . . .	...	...	...	...	...			
etals . . . . .	...	...	...	...	...			
building materials . . . . .	27,725	...	...	27,725	...			
Miscellaneous goods . . . . .	...	4,460	...	4,460	...			
Firewood . . . . .	...	...	...	...	...			
bamboos . . . . .	...	...	...	...	...			
Timber—								
Poles and unsquared timber . . . . .	...	...	...	...	...			
Karis and squared timber . . . . .	...	...	...	...	...			
Logs . . . . .	...	...	...	...	...			
Miscellaneous timber . . . . .	...	...	...	...	...			
Live-stock . . . . .	...	...	...	...	...			
GRAND TOTAL	27,725	7,860	...	35,585	...			
TOTAL DURING CORRESPONDING PERIOD OF LAST YEAR	12,390	2,900	...	15,290	...			
INCREASE	15,335	4,960	...	20,295	...			
DECREASE	...	...	...	...	...			

Particulars.	AGRA CANAL.		1882. Nil.
	1883.	1882.	
Tonnage, including weight of timber and bamboos . . . . .	1,307	563	
Ton mileage . . . . .	180,325	63,896	
Value of goods . . . . .	89,106	20,880	
Number of passengers . . . . .	Nil.	Nil.	

Fair traffic up after the closure, but things were very slack by the end of the month; rates offered for boating stone up would hardly cover haulage expenses.

Fair traffic up after the closure, but things were very slack by the end of the month: rates offered for boating stone up would hardly cover haulage expenses.

W. P. V. HORST,  
*Offg. Asst. Secy. to Govt., N.-W. P. and Oudh,*  
*P. W. D., Irrigation Branch.*

AGRAHABAD,  
*The 21st May 1883.*



GOVERNMENT OF INDIA  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XIV of 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 15TH APRIL 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 15TH APRIL 1883.		TOTAL RECEIPTS FROM 1ST TO 15TH APRIL 1882.		TOTAL RECEIPTS FROM 1ST TO 15TH APRIL 1883.		Total Increase in 1883-84.	To Decr in 1883.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	
16th June 1883	Eastern Bengal . . .	172	75,242	437	207	97,363	470	1,59,380	433	2,12,816	514	53,436	.
9th ditto . . .	Oudh and Rohilkhand . . .	547	1,10,826	203	517	1,62,096	296	2,40,506	205	2,76,067	252	35,561	.
16th ditto . . .	Sind, Punjab & Delhi . . .	676	2,09,455	310	725	2,49,980	345	4,88,400	337	5,23,701	361	35,301	.
9th ditto . . .	Madras . . . . .	858	1,28,127	149	861	1,25,298	146	2,91,513	159	2,69,790	157	...	21
9th ditto . . .	South Indian . . . . .	655	70,864	108	655	72,392	111	1,51,111	108	1,44,844	111	...	6
16th ditto . . .	Great Indian Peninsula . . .	1,447	10,38,525	718	1,458	10,62,573	688	21,25,646	685	19,99,096	686	...	1,26
9th ditto . . .	Bombay, Baroda and Central India . . .	461	2,76,081	599	461	2,98,651	648	5,67,741	575	5,74,641	623	6,900	.
	<b>TOTAL</b> . . .	4,816	19,09,120	396	4,914	20,08,353	409	40,24,327	390	40,00,955	407	...	23
	<i>State.</i>												
16th June 1883	East Indian . . . . .	1,507	8,76,066	581	1,507	10,39,126	690	19,20,380	595	20,42,862	678	1,22,482	..
9th ditto . . .	Calcutta and South-Eastern . . . . .	28	2,842	101	43	5,255	122	5,988	99	11,089	129	5,101	..
16th ditto . . .	Nalhati . . . . .	27	1,307	48	27	1,531	57	2,883	50	3,339	62	456	..
2nd ditto . . .	Northern Bengal . . . . .	233	35,784	154	230	39,874	173	80,620	163	87,984	191	7,364	..
16th ditto . . .	Tirhoot . . . . .	65	12,903	152	157	16,670	106	23,461	156	35,303	112	6,842	.
12th May 1883	Patna-Gya . . . . .	57	12,146	213	57	14,426	253	28,110	230	29,086	255	946	.
9th June 1883	Muttra-Hathras . . . . .	29	2,972	102	29	2,490	86	5,773	93	5,699	98	...	.
16th ditto . . .	Cawnpore-Furrakhabad . . .	87	6,064	70	87	6,026	69	13,812	74	10,969	63	...	2
16th ditto . . .	Dildarnagar-Ghaziपुर . . .	12	943	79	12	1,143	95	2,105	82	2,408	100	303	..
16th ditto . . .	Rajputana-Malwa . . . . .	1,117	2,41,686	216	1,116	2,70,069	242	5,15,724	216	5,28,928	237	13,204	..
16th ditto . . .	Wardha Coal . . . . .	45	13,144	292	45	19,879	442	27,912	289	35,917	399	8,035	..
16th ditto . . .	Nagpur & Chhattisgarh . . .	98	19,197	196	149	47,857	321	40,615	193	95,248	320	54,603	..
16th ditto . . .	Rangoon and Irrawaddy Valley . . .	161	48,982	304	161	37,769	235	1,03,959	301	77,955	242	...	26
16th ditto . . .	Sindia . . . . .	75	6,154	82	75	7,738	103	11,813	92	14,564	97	...	.
9th ditto . . .	Punjab Northern . . . . .	368	68,926	187	422	63,461	150	1,62,877	206	1,40,927	167	...	21
16th ditto . . .	Indus Valley and Kandahar . . .	660	78,191	118	660	1,32,378	201	1,66,617	118	2,68,256	203	1,01,609	.
16th ditto . . .	Muttra-Achnera . . . . .	23	1,337	58	23	2,485	108	2,497	50	4,901	107	2,404	.
9th ditto . . .	Kaunia-Dhurla . . . . .	32	2,269	71	32	1,960	61	4,671	68	4,141	65	...	.
16th ditto . . .	Rewari-Ferozepore . . . . .	...	...	...	89	1,727	19	...	...	3,983	22	3,983	.
	<b>TOTAL</b> . . .	3,137	5,54,850	177	3,414	6,72,741	197	12,07,560	180	13,60,727	199	1,53,167	..
	<i>Native States.</i>												
16th June 1883	Bhavnagar-Gondal . . . . .	194	29,992	155	193	29,341	152	61,517	148	59,474	154	...	2
9th ditto . . .	Nizam's . . . . .	121	19,483	161	121	14,700	121	35,483	136	28,436	118	...	7
2nd ditto . . .	Mysore . . . . .	86	5,708	66	86	4,376	51	11,774	64	11,137	65	...	.
16th ditto . . .	Jodhpore . . . . .	...	...	...	19	628	33	...	...	1,550	41	1,550	.
	<b>TOTAL</b> . . .	401	55,183	138	419	49,045	117	1,08,774	127	1,00,597	120	...	8
	<b>GRAND TOTAL</b> . . .	9,861	33,95,219	344	10,254	37,69,265	367	72,61,041	344	75,05,141	366	2,44,100	.
	<b>GROSS ESTIMATED EXPENSES</b> . . .	...	...	...	...	...	...	33,40,079	158	36,02,468	176	...	.
	<b>NET RECEIPTS</b> . . .	...	...	...	...	...	...	39,20,962	186	39,02,673	190	...	18

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Date returned	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 22ND APRIL 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 21ST APRIL 1883.		TOTAL RECEIPTS FROM 1ST TO 22ND APRIL 1882.		TOTAL RECEIPTS FROM 1ST TO 21ST APRIL 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.	R	R
June 1883	<i>Guaranteed.</i>		R	R		R	R	R	R	R	R	R	R
ditto	Eastern Bengal . . .	172	70,371	109	207	93,912	154	2,29,751	425	3,06,728	494	76,977	...
ditto	Oudh and Rohilkhand.	517	1,23,299	225	517	1,65,184	302	3,63,804	211	4,41,251	269	77,447	...
ditto	Sind, Punjab and Delhi	676	1,99,427	295	741	2,42,790	328	6,87,827	324	7,66,491	350	78,664	...
ditto	Mudras . . . . .	858	1,34,439	157	861	1,26,350	147	4,25,982	158	3,96,140	153	...	29,842
ditto	South Indian . . . .	655	70,631	108	655	90,002	137	2,21,742	108	2,34,846	119	13,104	...
ditto	Great Indian Peninsula	1,447	9,96,754	689	1,458	10,50,062	720	31,22,400	606	30,49,157	697	...	73,243
ditto	Bombay, Baroda and Central India . . .	461	2,75,157	597	461	3,17,457	689	8,42,898	582	8,92,098	645	49,200	...
	TOTAL	1,816	18,70,078	388	1,930	20,85,757	123	58,91,404	389	60,86,711	412	1,92,307	...
June 1883	<i>State.</i>												
ditto	East Indian. . . . .	1,507	9,23,200	613	1,507	10,35,434	687	28,43,581	601	30,78,297	681	2,34,716	...
ditto	Calcutta and South-Eastern . . . . .	28	2,713	97	43	5,729	133	8,702	99	16,818	130	8,116	...
ditto	Nalhati . . . . .	27	1,319	49	27	1,896	70	4,202	50	5,235	65	1,033	...
ditto	Northern Bengal. . .	233	36,128	155	230	37,181	162	1,16,748	160	1,25,165	181	8,417	...
ditto	Tirhoot . . . . .	85	15,356	181	157	18,202	116	43,817	164	53,505	114	9,688	...
July 1883	Patna-Gya . . . . .	67	10,884	191	57	12,252	215	39,024	218	41,338	242	2,314	...
June 1883	Muttra-Hathras . . .	29	3,117	107	29	3,114	108	8,889	97	8,843	102	...	46
ditto	Cawnpore-Furrakhabad	87	6,518	75	87	6,706	77	20,360	74	17,674	68	...	2,686
ditto	Dildarnagar-Ghaziपुर.	12	938	78	12	1,267	106	3,012	81	3,675	102	633	...
ditto	Rajputana-Malwa . .	1,117	2,36,956	212	1,116	2,70,341	212	7,52,680	214	7,99,269	239	46,589	...
ditto	Wardha Coal . . . .	45	12,640	281	45	18,536	112	40,552	287	54,483	403	13,931	...
ditto	Nagpur and Chhattisgarh . . . .	98	23,043	235	149	49,687	333	63,688	207	1,41,935	324	81,247	...
ditto	Rangoon and Irrawaddy Valley . . . .	161	42,310	263	161	37,696	234	1,46,269	289	1,15,651	239	...	30,618
ditto	Sindia . . . . .	75	6,655	89	75	6,702	89	21,468	91	21,266	95	...	202
ditto	Punjab Northern. . .	368	67,153	182	422	66,414	157	2,30,029	199	2,07,341	164	...	22,688
ditto	Indus Valley and Kandahar . . . .	660	78,364	119	660	1,44,409	219	2,45,011	118	4,12,665	208	1,67,654	...
ditto	Muttra-Achnera . . .	23	1,387	60	23	1,868	81	3,884	53	6,769	98	2,885	...
ditto	Kaunia-Dhurla . . .	32	1,993	62	32	1,893	59	6,667	66	6,033	63	...	624
ditto	Rewari-Ferozepore . .	...	...	...	89	1,632	18	...	...	5,615	21	5,615	...
	TOTAL	3,137	5,47,474	174	3,414	6,85,555	201	17,55,032	178	20,46,280	200	2,91,248	...
June 1883	<i>Native States.</i>												
ditto	Bhavnagar-Gondal . .	191	34,233	176	193	36,162	187	95,750	157	95,636	165	...	114
ditto	Nizam's . . . . .	121	18,056	149	121	14,114	119	53,539	141	42,851	118	...	10,688
ditto	Mysore . . . . .	86	4,977	58	86	4,977	58	16,751	62	16,114	62	...	687
ditto	Jodhpore . . . . .	...	...	...	19	698	36	...	...	2,248	99	2,248	...
	TOTAL	401	57,266	143	419	56,251	134	1,66,040	131	1,56,849	125	...	9,191
	GRAND TOTAL	9,861	33,98,018	345	10,270	38,62,997	376	1,06,59,057	344	1,13,68,137	369	7,09,080	...
	GROSS ESTIMATED EXPENSES	...	...	...	...	...	...	49,03,166	158	51,56,706	177	...	...
	NET RECEIPTS	...	...	...	...	...	...	57,55,891	186	59,11,431	192	1,55,540	...

R. A. SARGEAUNT, Major, R. E.,  
Offg. Under-Secretary.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 20TH APRIL 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 28TH APRIL 1883.		TOTAL RECEIPTS FROM 1ST TO 20TH APRIL 1882.		TOTAL RECEIPTS FROM 1ST TO 28TH APRIL 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
3th June 1883	<i>Guaranteed.</i> Eastern Bengal.	172	R 79,529	R 462	207	R 89,884	R 434	R 3,09,280	R 431	R 3,96,612	R 479	R 87,332	...
9th ditto	Oudh and Rohilkhand.	547	1,16,279	213	517	1,49,223	273	4,80,083	212	5,90,474	270	1,10,391	...
3th ditto	Sind, Punjab and Delhi	676	1,61,431	239	741	2,26,786	306	8,49,258	302	9,93,277	339	1,44,019	...
3th ditto	Madras . . . .	858	1,36,122	159	861	1,31,968	153	5,62,104	158	5,28,108	153	...	33,996
9th ditto	South Indian . . .	655	95,424	146	655	77,585	118	3,17,166	117	3,12,429	119	...	4,737
3th ditto	Great Indian Peninsula	1,447	10,03,186	693	1,458	10,51,026	721	41,25,586	688	41,00,183	703	...	25,403
9th ditto	Bombay, Baroda and Central India . . .	461	2,91,732	633	461	3,39,239	736	11,34,630	594	12,31,338	668	96,708	...
	TOTAL	4,816	18,83,703	391	4,930	20,65,711	419	77,78,107	390	81,52,421	414	3,74,314	...
3th June 1883	<i>State.</i> East Indian . . . .	1,507	9,31,552	620	1,507	10,69,823	710	37,78,133	605	14,48,125	688	3,69,992	...
9th ditto	Calcutta and South-Eastern . . . .	28	6,224	222	43	6,583	153	14,925	129	23,401	136	8,476	...
3th ditto	Nalhati . . . .	27	1,299	49	27	1,651	61	5,501	49	6,886	64	1,385	...
1st ditto	Northern Bengal . .	233	40,325	173	230	50,460	219	1,57,071	162	1,75,625	191	18,551	...
3th ditto	Tirhoot . . . .	85	13,757	162	157	17,050	109	57,574	161	70,555	112	12,981	...
2th May 1883	Patna-Gya . . . .	57	9,144	160	57	9,813	172	48,168	204	51,151	224	2,983	...
1st June 1883	Muttra-Hathras . .	29	2,989	103	29	2,864	99	11,878	99	11,707	101	...	171
3th ditto	Cawnpore-Furrakhabad	87	7,779	89	87	7,047	81	28,138	78	24,727	71	...	3,416
3th ditto	Dildarnagar-Ghaziपुर .	12	1,238	103	12	1,232	103	4,281	86	4,907	102	626	...
3th ditto	Rajputana-Malwa . .	1,117	2,26,526	203	1,116	2,91,073	261	9,79,206	211	10,90,312	244	1,11,136	...
3th ditto	Wardha Coal . . . .	45	14,774	325	45	29,781	662	55,327	297	84,264	468	28,937	...
3th ditto	Nagpur and Chhattisgarh . . . .	98	21,972	224	149	52,427	352	85,660	211	1,97,362	331	1,11,702	...
3th ditto	Rangoon and Irrawaddy Valley . . .	161	37,358	232	161	40,856	254	1,83,627	275	1,56,507	243	...	27,120
3th ditto	Sindia . . . .	75	6,873	92	75	6,019	80	28,341	91	27,284	91	...	1,057
3th ditto	Punjab Northern . .	368	56,358	153	422	60,002	141	2,86,387	188	2,67,343	158	...	19,044
3th ditto	Indus Valley and Kandahar . . . .	660	95,853	145	660	1,60,944	244	3,40,864	125	5,73,609	217	2,32,745	...
3th ditto	Muttra-Achnera . . .	23	1,190	52	23	1,461	64	5,074	53	8,230	89	3,156	...
3th ditto	Kaunia-Dhurla . . .	32	2,767	87	32	2,064	64	9,434	71	8,097	63	...	1,337
3th ditto	Rewari-Ferozepore . .	...	...	...	89	3,631	41	...	...	9,246	26	9,246	...
	TOTAL	3,137	5,46,426	174	3,414	7,44,958	218	23,01,459	177	27,91,238	204	4,89,779	...
3th June 1883	<i>Native States.</i> Bhavnagar-Gondal . .	194	31,987	165	193	31,018	161	1,27,737	159	1,26,654	164	...	1,083
9th ditto	Nizam's . . . .	121	17,910	148	121	16,609	137	71,479	143	59,459	123	...	12,020
2nd ditto	Mysore . . . .	86	5,279	61	86	4,608	54	22,030	62	20,722	60	...	1,308
3th ditto	Jodhpur . . . .	...	...	...	19	609	32	...	...	2,857	38	2,857	...
	TOTAL	401	55,206	137	419	52,844	126	2,21,246	133	2,09,692	125	...	11,354
	GRAND TOTAL	9,861	34,19,887	347	10,270	39,33,341	383	1,40,78,945	344	1,53,01,476	373	12,22,531	...
	GROSS ESTIMATED EXPENSES	...	...	...	...	...	...	64,76,315	158	73,14,708	179	...	...
	NET RECEIPTS	...	...	...	...	...	...	76,02,630	186	79,56,768	194	3,54,138	...

R. A. SARGEANT, Major, R.E.,

Offg. Under-Secretary.

SIMLA,

The 2nd July 1883.



## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Return Period.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 5TH MAY 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 5TH MAY 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 5TH MAY 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 5TH MAY 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
June 1883	<i>Guaranteed.</i> Eastern Bengal . . .	172	R 69,003	R 401	207	R 98,790	R 477	R 3,78,283	R 428	R 4,95,401	R 479	R 1,17,118	R ...
ditto	Oudh and Rohilkhand . . .	547	1,27,855	234	547	1,46,428	268	6,07,938	216	7,36,902	269	1,28,964	...
ditto	Sind, Punjab and Delhi . . .	676	1,67,781	248	741	2,22,992	301	10,17,039	293	12,16,269	331	1,99,230	...
ditto	Madras . . .	858	1,45,669	170	861	1,31,030	152	7,07,773	160	6,59,138	153	...	48,635
ditto	South Indian . . .	655	87,285	133	655	79,982	122	4,04,451	120	3,92,411	120	...	12,040
ditto	Great Indian Peninsula . . .	1,447	9,28,490	642	1,458	10,61,828	728	50,54,076	679	51,62,011	708	1,07,935	...
ditto	Bombay, Baroda and Central India . . .	461	2,85,206	619	461	3,17,131	688	14,19,836	598	15,48,469	672	1,28,633	...
	TOTAL . . .	4,816	18,11,289	376	4,930	20,58,181	417	95,89,396	387	1,02,10,601	415	6,21,205	...
June 1883	<i>State.</i> East Indian . . .	1,507	8,88,052	589	1,509	10,91,141	723	46,66,184	602	52,39,266	695	5,73,082	...
ditto	Calcutta and South- Eastern . . .	28	2,170	88	52	5,415	104	17,395	120	28,816	128	11,421	...
ditto	Nalhati . . .	27	1,619	60	27	1,720	64	7,120	51	8,606	64	1,486	...
ditto	Northern Bengal . . .	233	33,008	142	230	38,290	166	1,90,082	159	2,13,915	186	23,833	...
ditto	Tirhoot . . .	85	13,098	154	166	14,416	87	70,672	162	84,971	107	14,299	...
July 1883	Patna-Gya . . .	57	10,192	184	57	9,610	169	58,660	200	60,760	213	2,100	...
June 1883	Muttra-Hathras . . .	29	2,542	87	29	2,413	83	14,420	97	14,120	97	...	300
ditto	Cawnpore-Furrakhabad . . .	87	7,230	83	87	7,357	85	35,369	79	32,079	74	...	3,290
ditto	Dildarnagar-Ghaziपुर . . .	12	1,422	118	12	1,397	116	5,703	92	6,304	105	601	...
ditto	Rajputana-Malwa . . .	1,117	2,23,047	200	1,116	2,92,686	262	12,02,253	209	13,83,027	248	1,80,774	...
ditto	Wardha Conl . . .	45	12,446	277	45	12,126	269	67,773	293	96,390	428	28,617	...
ditto	Nagpore and Chhattis- garh . . .	98	17,087	174	149	47,449	318	1,02,747	204	2,44,811	329	1,42,064	...
ditto	Rangoon and Irrawal- dy Valley . . .	161	39,823	247	161	36,732	228	2,23,450	270	1,93,239	240	...	30,211
ditto	Sindia . . .	75	6,853	91	75	6,889	92	35,194	91	34,173	91	...	1,021
ditto	Punjab Northern . . .	404	53,494	132	422	58,877	139	3,39,881	176	3,26,220	155	...	13,661
ditto	Indus Valley and Kan- dahir . . .	660	60,994	92	660	1,17,471	178	4,01,858	118	6,91,080	209	2,89,222	...
ditto	Muttra-Achnera . . .	23	1,228	53	23	1,532	67	6,302	53	9,763	85	3,461	...
ditto	Kaunia-Dharia . . .	32	1,750	55	32	2,259	71	11,184	68	10,356	65	...	828
ditto	Rewari-Ferozepore . . .	...	...	...	89	7,990	90	...	...	17,236	39	17,236	...
	TOTAL . . .	3,173	4,88,603	154	3,432	6,61,629	194	27,90,063	172	34,55,866	202	6,65,803	...
June 1883	<i>Native States.</i> Bhavnagar-Gondal . . .	194	29,469	152	193	35,981	186	1,57,206	157	1,62,635	169	5,429	...
ditto	Nizam's . . .	121	17,058	141	121	15,691	130	88,537	142	75,150	124	...	13,387
ditto	Mysore . . .	86	5,290	61	86	4,431	52	27,320	62	25,089	58	...	2,281
ditto	Jodhpur . . .	...	...	...	19	1,070	53	...	...	3,867	41	3,867	...
	TOTAL . . .	401	51,817	129	419	57,113	136	2,73,063	132	2,66,741	127	...	6,322
	GRAND TOTAL . . .	9,897	32,39,761	327	10,290	38,71,064	376	1,73,18,706	341	1,91,72,474	373	18,53,768	...
	GROSS ESTIMATED EXPENSES . . .	...	...	...	...	...	...	79,66,605	157	92,02,788	179	...	...
	NET RECEIPTS . . .	...	...	...	...	...	...	93,52,101	184	99,69,686	194	6,17,585	...

R. A. SARGEANT, Major, R.E.,

Offg. Under-Secretary.



No. XVIII of 1883.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 13TH MAY 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 12TH MAY 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 13TH MAY 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 12TH MAY 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
3rd June 1883	Eastern Bengal . . .	172	63,840	371	207	86,123	416	4,42,123	419	5,81,524	468	1,39,401	...
6th ditto .	Oudh and Rohilkhand . . .	547	1,16,042	212	547	1,45,368	266	7,23,980	216	8,82,270	269	1,58,290	...
6th ditto .	Sind, Punjab and Delhi . . .	676	1,55,580	230	741	1,99,167	269	11,72,619	282	14,15,436	321	2,42,817	...
6th ditto .	Madras . . .	858	1,43,154	167	861	1,34,127	156	8,50,927	162	7,93,265	154	...	57,662
6th ditto .	South Indian . . .	655	74,496	114	655	72,238	110	4,78,947	119	4,64,649	118	...	14,298
3rd ditto .	Great Indian Peninsula . . .	1,447	9,13,191	631	1,458	10,74,226	737	59,67,267	671	62,36,237	713	2,68,970	...
6th ditto .	Bombay, Baroda and Central India . . .	461	3,35,851	729	461	3,07,630	667	17,55,687	620	18,56,099	671	1,00,412	...
	<b>TOTAL</b> . . .	4,816	18,02,154	374	4,930	20,18,879	409	1,13,91,550	385	1,22,29,480	414	8,37,930	...
	<i>State.</i>												
3rd June 1883	East Indian . . .	1,507	8,70,794	578	1,509	11,17,437	740	55,36,979	598	63,56,703	703	8,19,724	...
6th ditto .	Calcutta and South-Eastern . . .	28	1,973	70	56	5,651	101	19,368	113	34,467	122	15,099	...
6th ditto .	Nalhati . . .	27	1,426	53	27	1,717	64	8,546	52	10,323	64	1,777	...
2nd ditto .	Northern Bengal . . .	233	36,090	155	230	37,152	162	2,26,172	157	2,51,067	182	24,895	...
16th ditto .	Tirhoot . . .	85	15,256	179	166	16,321	98	85,928	164	1,01,292	105	15,364	...
19th May 1883	Patna-Gya . . .	57	9,189	161	57	9,052	159	67,819	194	69,812	204	1,963	...
16th June 1883	Muttra-Hathras . . .	29	2,337	81	29	2,899	100	16,757	91	17,019	98	262	...
6th ditto .	Cawnpore-Furrakhabad . . .	87	7,070	81	87	6,766	78	42,439	79	38,845	74	...	3,594
23rd ditto .	Dildarnagar-Ghazipur . . .	12	1,371	114	12	1,542	128	7,074	96	7,846	109	772	...
23rd ditto .	Rajputana-Malwa . . .	1,117	2,20,429	197	1,117	2,61,567	234	14,22,682	207	16,44,594	246	2,21,912	...
23rd ditto .	Wardha Coal . . .	45	13,879	308	45	12,890	286	81,652	295	1,09,280	405	27,628	...
23rd ditto .	Nagpur and Chhattisgarh . . .	98	19,550	199	149	44,176	296	1,22,297	203	2,88,987	323	1,66,690	...
16th ditto .	Rangoon and Irrawaddy Valley . . .	161	35,586	221	161	35,980	223	2,59,036	262	2,29,219	237	...	29,817
23rd ditto .	Sindia . . .	75	6,462	86	75	7,506	100	41,656	90	41,679	93	23	...
16th ditto .	Punjab Northern . . .	412	55,731	135	422	60,091	142	3,95,612	169	3,86,311	153	...	9,301
16th ditto .	Indus Valley and Kandahar . . .	660	82,963	126	660	1,23,652	187	4,84,821	120	8,14,732	206	3,29,911	...
23rd ditto .	Muttra-Achnera . . .	23	1,127	49	23	1,334	58	7,429	52	11,097	80	3,668	...
16th ditto .	Kaunia-Dharla . . .	32	1,509	47	32	2,291	72	12,693	64	12,647	66	...	46
23rd ditto .	Rowari-Ferozepore . . .	...	...	...	89	4,370	49	...	...	21,606	40	21,606	...
	<b>TOTAL</b> . . .	3,181	5,11,948	161	3,437	6,34,957	185	33,02,011	171	40,90,523	199	7,88,812	...
	<i>Native States.</i>												
16th June 1883	Bhavnagar-Gondal . . .	194	25,614	132	193	33,041	171	1,82,850	153	1,95,676	169	12,826	...
16th ditto .	Nizam's . . .	121	18,825	156	121	16,710	138	1,07,362	144	91,860	127	...	15,502
9th ditto .	Mysore . . .	86	3,947	46	86	4,529	53	31,267	59	29,618	57	...	1,644
23rd ditto .	Jodhpur . . .	...	...	...	19	910	48	...	...	4,777	42	4,777	...
	<b>TOTAL</b> . . .	401	48,416	121	419	55,190	132	3,21,479	130	3,21,931	128	452	...
	<b>GRAND TOTAL</b> . . .	9,905	32,33,312	326	10,295	38,26,463	372	2,05,52,019	339	2,29,98,937	373	24,46,918	...
	<b>GROSS ESTIMATED EXPENSES</b> . . .	...	...	...	...	...	...	94,53,929	156	1,10,39,490	179	...	...
	<b>NET RECEIPTS</b> . . .	...	...	...	...	...	...	1,10,98,090	183	1,19,59,447	194	8,61,357	...

SIMLA,

The 7th July 1883.

R. A. SARGEANT, Major, R.E.,

Offg. Under-Secretary.

F

No. XIX of 1883.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	mean length open.	RECEIPTS FOR WEEK ENDING 20TH MAY 1882.		mean length open.	RECEIPTS FOR WEEK ENDING 19TH MAY 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 20TH MAY 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 19TH MAY 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
d June 1883	Eastern Bengal . . .	172	62,809	365	207	89,574	433	5,04,932	411	6,71,098	463	1,66,166	...
h ditto	Oudh and Rohilkhand . .	547	1,21,775	223	547	1,32,977	243	8,45,755	216	10,15,247	265	1,69,492	...
h ditto	Sind, Punjab and Delhi . .	676	2,06,474	305	741	2,08,276	281	13,79,094	286	16,23,712	315	2,44,618	...
h ditto	Madras . . . . .	858	1,26,590	148	861	1,33,648	155	9,77,517	160	9,26,914	154	...	50,608
h ditto	South Indian . . . . .	655	67,633	103	655	79,465	121	5,46,580	117	5,44,114	118	...	2,466
d ditto	Great Indian Peninsula . .	1,447	9,29,488	644	1,458	10,30,685	707	68,96,755	667	72,66,922	712	3,70,167	...
h ditto	Bombay, Baroda and Central India . .	461	2,90,090	629	461	3,32,224	721	20,45,777	621	21,88,323	678	1,42,546	...
	TOTAL . . . . .	4,816	18,04,859	375	4,930	20,06,849	407	1,31,96,410	384	1,42,36,330	412	10,39,920	...
	<i>State.</i>												
d June 1883	East Indian . . . . .	1,507	8,74,758	580	1,509	10,93,796	725	64,11,737	596	74,50,499	706	10,38,762	...
h ditto	Calcutta and South-Eastern . . . .	28	2,223	79	56	5,217	93	21,591	118	39,684	118	18,093	...
h ditto	Nalhati . . . . .	27	1,276	47	27	1,637	61	9,822	51	11,960	63	2,138	...
d ditto	Northern Bengal . . . . .	233	31,340	134	230	35,562	155	2,57,512	155	2,86,629	178	29,117	...
h ditto	Tirhoot . . . . .	85	15,553	183	166	18,690	113	1,01,481	167	1,19,982	106	18,501	...
h May 1883	Patna-Gya . . . . .	57	9,487	166	57	8,608	151	77,336	190	78,420	197	1,084	...
h June 1883	Muttra-Hathras . . . . .	29	2,378	82	29	3,312	114	19,135	92	20,331	100	1,196	...
h ditto	Cawnpore-Furrakhabad . .	87	5,983	69	87	6,776	78	48,422	78	45,621	75	...	2,801
d ditto	Dildarnagar-Ghazipur . .	12	1,570	131	12	1,510	126	8,644	101	9,356	111	712	...
d ditto	Rajputana-Malwa . . . . .	1,117	2,21,790	199	1,117	3,09,056	277	16,44,472	206	19,53,650	250	3,09,178	...
d ditto	Wardha Coal . . . . .	45	13,052	290	45	11,846	263	94,704	295	1,21,126	384	26,422	...
i ditto	Nagpur and Chhattisgarh . . . .	98	18,039	184	149	50,052	336	1,40,336	200	3,39,039	325	1,98,703	...
i ditto	Rangoon and Irrawaddy Valley . .	161	28,558	177	161	30,643	190	2,87,594	250	2,59,862	231	...	27,732
i ditto	Sindia . . . . .	75	6,771	90	75	5,913	79	48,427	90	47,592	91	...	835
h ditto	Punjab Northern . . . . .	412	58,732	143	422	57,173	135	4,54,344	165	4,43,484	150	...	10,860
i ditto	Indus Valley and Kandahar . . . .	660	65,541	99	660	1,18,271	179	5,50,362	117	9,33,003	202	3,82,641	...
i ditto	Muttra-Achnera . . . . .	23	1,318	57	23	1,350	59	8,747	53	12,447	77	3,700	...
i ditto	Kaunia-Dhurla . . . . .	32	1,182	37	32	2,234	70	13,875	61	14,881	66	1,006	...
i ditto	Rewari Ferozepore . . . . .	...	...	...	89	8,440	95	...	...	30,046	48	30,046	...
	TOTAL . . . . .	3,181	4,84,793	152	3,437	6,76,290	197	37,86,804	168	47,67,113	199	9,80,809	...
	<i>Native States.</i>												
June 1883	Bhavnagar-Gondal . . . . .	194	25,639	132	193	34,022	176	2,08,489	150	2,29,698	170	21,209	...
ditto	Nizam's . . . . .	121	15,012	124	121	15,798	131	1,22,374	141	1,07,658	127	...	14,716
ditto	Mysore . . . . .	86	4,188	49	86	5,426	63	35,455	57	35,044	58	...	411
ditto	Jodhpur . . . . .	...	...	...	19	1,108	58	...	...	5,885	44	5,885	...
	TOTAL . . . . .	401	44,839	112	419	56,354	134	3,66,318	127	3,78,285	129	11,967	...
	GRAND TOTAL . . . . .	9,905	32,09,249	324	10,295	38,83,289	372	2,37,61,269	337	2,68,32,227	372	30,70,958	...
	GROSS ESTIMATED EXPENSES . . . .	...	...	...	...	...	...	1,09,30,184	155	1,28,79,469	179	...	...
	NET RECEIPTS . . . . .	...	...	...	...	...	...	1,28,31,085	182	1,39,52,758	193	11,21,673	...

No. XX of 1883.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 27TH MAY 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 20TH MAY 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 27TH MAY 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 20TH MAY 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total	Per mile open		Total	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
23rd June 1883	<i>Guaranteed.</i> Eastern Bengal . . .	172	R 68,820	R 400	207	R 87,767	R 424	R 5,73,752	R 410	R 7,58,565	R 458	R 1,85,113	R ...
16th ditto	Oudh and Rohilkhand	547	1,31,578	241	547	1,26,414	231	9,77,333	219	11,41,661	261	1,64,328	...
16th ditto	Sind, Punjab and Delhi	676	2,07,967	308	741	2,37,383	320	15,87,061	288	18,61,095	316	2,74,034	...
16th ditto	Madras . . .	858	1,23,023	143	861	1,33,275	155	11,00,540	158	10,60,169	154	...	40,351
16th ditto	South Indian . . .	655	81,731	125	655	85,911	131	6,28,311	118	6,30,025	120	1,714	...
23rd ditto	Great Indian Peninsula	1,447	9,80,702	679	1,458	10,35,248	710	78,77,457	669	83,02,171	712	4,24,714	...
16th ditto	Bombay, Baroda and Central India . . .	461	2,99,987	651	461	3,41,604	741	23,45,765	625	25,29,927	686	1,84,162	...
	TOTAL	4,816	18,93,808	393	4,930	20,47,602	415	1,50,90,219	385	1,62,83,933	423	11,93,714	...
23rd June 1883	<i>State.</i> East Indian . . .	1,507	9,36,505	621	1,509	11,06,405	733	73,48,242	599	85,56,904	709	12,68,662	...
16th ditto	Calcutta and South Eastern . . .	28	7,650	273	56	6,490	116	29,241	128	46,174	118	16,933	...
16th ditto	Nalhati . . .	27	1,502	56	27	1,584	59	11,324	52	13,544	63	2,220	...
2nd ditto	Northern Bengal . . .	233	39,984	172	230	45,316	197	2,97,495	157	3,31,945	180	34,150	...
16th ditto	Tirhoot . . .	85	12,447	146	166	20,733	125	1,13,928	165	1,40,715	109	26,787	...
19th May 1883	Patna-Gya . . .	57	8,495	149	...	(a) ...	...	(b) 77,336	190	(c) 78,420	197	1,084	...
16th June 1883	Muttra-Mathras . . .	29	2,127	73	29	2,579	89	21,262	90	22,910	99	1,648	...
16th ditto	Cawnpore-Furrakhabad	87	6,695	77	87	6,646	76	55,117	78	52,267	75	...	2,850
23rd ditto	Dildarnagar-Ghazipur .	12	1,167	97	12	1,402	117	9,811	100	10,758	112	947	...
23rd ditto	Rajputana-Malwa . . .	1,117	2,46,676	221	1,117	3,11,640	279	18,91,148	208	22,65,290	254	3,74,142	...
23rd ditto	Wardha Coal . . .	45	21,875	486	45	23,072	513	1,16,579	318	1,44,193	401	27,619	...
23rd ditto	Nagpur and Chhattisgarh	98	19,192	196	149	49,721	334	1,59,528	200	3,88,760	320	2,29,232	...
6th ditto	Rangoon and Irrawaddy Valley . . .	161	26,069	162	161	32,867	204	3,13,663	239	2,92,729	227	...	20,934
23rd ditto	Sindia . . .	75	5,814	78	75	5,635	75	54,241	89	53,227	89	...	1,014
6th ditto	Punjab Northern . . .	412	57,318	139	422	53,577	127	5,11,662	162	4,97,061	147	...	14,601
6th ditto	Indus Valley and Kandahar . . .	660	1,00,501	152	660	1,55,768	236	6,50,863	121	10,88,771	206	4,37,908	...
3rd ditto	Muttra-Achnera . . .	23	1,385	60	23	1,170	51	10,132	54	13,617	74	3,485	...
6th ditto	Kaunia-Dhurla . . .	32	1,185	37	32	1,960	61	15,060	58	16,841	66	1,781	...
3rd ditto	Rewari-Ferozepore . . .	...	...	...	89	11,130	125	...	...	41,176	58	41,176	...
	TOTAL	3,181	5,60,082	176	3,380	7,31,290	216	43,38,390	169	51,98,403	201	11,60,013	...
24th June 1883	<i>Native States.</i> Bhavnagar-Gondal . . .	194	27,772	143	193	30,746	159	2,36,261	150	2,60,444	169	24,183	...
3th ditto	Nizam's . . .	121	18,697	155	121	15,872	131	1,41,071	143	1,23,530	128	...	17,541
9th ditto	Mysore . . .	86	6,290	73	86	5,138	60	41,745	60	40,182	58	...	1,563
3rd ditto	Jodhpur . . .	...	...	...	19	760	40	...	...	6,645	44	6,645	...
	TOTAL	401	52,759	132	419	52,516	125	4,19,077	128	4,30,801	129	11,724	...
	GRAND TOTAL	9,905	34,43,154	348	10,238	39,37,813	385	2,71,95,928	339	3,07,70,041	374	35,74,113	...
	GROSS ESTIMATED EXPENDITURE	...	...	...	...	...	...	1,25,10,127	155	1,47,69,620	181	...	...
	NET RECEIPTS	...	...	...	...	...	...	1,46,85,801	184	1,60,00,421	193	13,14,620	...

(a) Return not received.

(b) Total receipt from 1st April to 20th May 1882.

(c) Total receipts from 1st April to 10th May 1883.

R. A. SARGEANT, Major, R. E.,  
Offg. Under-Secretary.

SIMLA,

The 7th July 1883.

No. XXI of 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Date Return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 3RD JUNE 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 2ND JUNE 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 3RD JUNE 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 2ND JUNE 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
			R	R		R	R	R	R	R	R		
1 June 1883	Guaranteed.												
	Eastern Bengal .	172	70,333	409	207	82,815	400	6,44,085	410	8,41,681	452	1,97,596	...
ditto	Oudh and Rohilkund .	547	1,11,033	203	547	1,23,117	225	10,88,366	218	12,64,778	257	1,76,412	...
ditto	Sind, Punjab and Delhi	676	1,98,345	293	741	2,72,085	367	17,85,406	289	21,33,180	322	3,47,774	...
ditto	Madras .	858	1,63,137	190	861	1,24,590	145	12,63,677	161	11,84,770	153	...	78,898
ditto	South Indian .	655	88,085	134	655	88,840	136	7,16,306	120	7,18,866	122	2,470	...
ditto	Great Indian Peninsula	1,458	8,40,859	583	1,458	8,90,610	611	87,27,316	660	91,92,781	701	4,65,465	...
ditto	Bombay Baroda and Central India .	461	2,75,694	598	461	3,09,699	672	26,21,459	622	28,39,626	684	2,18,167	...
	TOTAL	4,827	17,56,186	364	4,930	18,91,756	384	1,68,46,705	383	1,81,75,691	410	13,28,986	...
June 1883	State.												
	East Indian .	1,507	8,96,734	595	1,509	10,38,635	688	28,44,976	598	95,95,539	707	13,50,563	...
ditto	Calcutta and South-Eastern .	28	2,584	92	56	5,720	102	31,827	124	51,894	115	20,067	...
ditto	Nalhati .	27	1,730	64	27	1,478	55	13,055	53	15,022	62	1,967	...
ditto	Northern Bengal .	233	33,529	144	230	35,050	152	3,31,024	155	3,66,996	177	35,972	...
ditto	Tirhoot .	85	12,238	144	166	19,584	118	1,26,167	162	1,60,299	110	34,132	...
May 1883	Patna Gya .	57	8,719	153	...	(a)	...	(b) 77,336	190	(c) 7 8421	197	1,085	...
June 1883	Muttra-Hathras	29	2,412	83	29	2,357	81	23,674	89	25,267	97	1,593	...
ditto	Cawnpore Furrakhabad	87	6,195	71	87	6,826	78	61,312	77	59,093	75	...	2,219
ditto	Dildarnagar-Ghaziपुर .	12	1,150	96	12	1,089	91	10,961	100	11,847	110	886	...
ditto	Rajputana-Malwa .	1,117	2,24,067	201	1,117	2,76,340	247	21,15,215	207	25,41,630	253	4,26,415	...
ditto	Wardha Coal	45	11,941	265	45	11,243	250	1,28,520	312	1,55,441	384	26,921	...
ditto	Nagpur and Chhattisgarh	98	16,806	171	149	42,818	287	1,76,335	197	4,31,578	323	2,55,243	...
ditto	Rangoon and Irrawaddy Valley .	161	27,291	170	161	33,397	207	3,40,954	232	3,26,127	225	...	14,827
ditto	Sindia .	75	5,883	78	75	5,948	79	60,124	88	59,175	88	...	940
ditto	Punjab Northern	412	49,878	121	422	61,097	145	5,61,540	157	5,58,158	147	...	3,382
ditto	Indus Valley and Kandahar .	660	92,260	140	660	2,13,968	324	7,43,124	123	13,02,739	219	5,59,615	...
ditto	Muttra-Achnera .	32	1,269	55	23	1,210	53	11,402	54	14,827	72	3,425	...
ditto	Kannia-Dhurla .	32	1,331	42	32	1,476	46	16,390	56	18,317	64	1,927	...
ditto	Rewari-Ferozepore .	...	...	...	89	8,590	97	...	...	49,766	62	49,766	...
	TOTAL	3,181	4,99,283	157	3,380	7,28,191	215	48,28,960	167	62,26,597	205	13,97,637	...
June 1883	Native States.												
	Bhavnagar-Gondal .	194	22,660	117	193	27,297	141	2,58,921	146	2,87,741	166	28,820	...
ditto	Nizam's .	121	16,077	133	121	14,545	120	1,57,148	142	1,88,075	127	...	19,078
ditto	Mysore .	86	4,987	58	86	5,397	63	46,731	59	45,579	59	...	1,152
ditto	Jodhpur .	...	...	...	19	680	36	...	...	7,325	43	7,325	...
	TOTAL	401	43,724	109	419	47,919	114	4,62,800	126	4,78,720	127	15,920	...
	GRAND TOTAL	9,916	31,96,227	322	10,238	37,06,501	362	3,03,83,441	336	3,44,76,547	375	40,93,106	...
	Gross ESTIMATED EXPENSES	...	...	...	...	...	...	1,39,76,383	155	1,65,48,743	180	...	...
	NET RECEIPTS	...	...	...	...	...	...	1,64,07,058	181	1,79,27,804	195	15,20,746	...

(a) Return not received.  
(b) Total receipts from 1st April to 20th May 1882.  
(c) Total Receipts from 1st April to 19th May 1883.

R. A. SARGEAUNT, Major, R. E.,  
Offg. Under-Secretary.

SIMLA,  
10 7th July 1883.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 10TH JUNE 1882.		Total mean length open.	RECEIPTS FOR WEEK ENDING 9TH JUNE 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 10TH JUNE 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 9TH JUNE 1883.		Total Increase in 1883-84.	To Decr. 1884
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
23rd June 1883	<i>Guaranteed.</i> Eastern Bengal . . .	172	R 69,533	R 405	R 207	R 78,042	R 377	R 7,13,618	R 409	R 9,19,723	R 444	R 2,06,105	
16th ditto	Oudh and Rohilkhand.	547	1,05,998	194	547	1,30,706	239	11,94,365	215	13,95,484	255	2,01,119	
16th ditto	Sind, Punjab and Delhi	676	1,84,099	272	741	2,78,474	376	19,69,505	287	24,11,654	326	4,42,149	
16th ditto	Madras . . . . .	858	1,36,100	159	861	1,37,845	160	13,99,777	161	13,22,624	153	...	7½
16th ditto	South Indian . . .	655	79,128	121	655	77,965	119	7,95,524	120	7,96,831	121	1,307	
23rd ditto	Great Indian Peninsula	1,458	5,88,722	405	1,458	7,81,284	536	93,16,038	634	99,74,065	684	6,58,027	
16th ditto	Bombay, Baroda and Central India.	461	1,58,530	344	461	3,06,070	664	27,79,989	594	31,45,696	682	3,65,707	
	<b>TOTAL</b>	<b>4,827</b>	<b>13,22,110</b>	<b>274</b>	<b>4,930</b>	<b>17,90,386</b>	<b>363</b>	<b>1,81,68,816</b>	<b>372</b>	<b>1,99,66,077</b>	<b>405</b>	<b>17,97,261</b>	
23rd June 1883	<i>State.</i> East Indian . . . . .	1,507	9,27,777	616	1,509	11,04,049	732	91,72,753	600	1,06,99,588	708	15,26,835	
16th ditto	Calcutta and South Eastern.	33	2,530	77	56	6,000	107	34,357	120	57,895	118	23,538	
16th ditto	Nulhati . . . . .	27	1,301	48	27	1,567	57	14,356	52	16,589	61	2,233	
2nd ditto	Northern Bengal . .	233	34,365	147	...	(a)	...	(b) 3,31,024	155	(c) 3,66,996	177	35,972	
16th ditto	Tirhoot . . . . .	85	13,725	161	166	19,196	116	1,39,891	162	1,79,495	111	39,604	
19th May 1883	Patna-Gya . . . . .	57	7,895	139	...	(a)	...	(d) 77,336	190	(e) 78,420	197	1,084	
16th June 1883	Muttra-Hathras . . .	29	1,798	62	29	2,205	76	25,471	86	27,472	95	2,001	
16th ditto	Cawnpore-Furrakhabad	87	6,356	73	87	7,527	87	67,669	76	66,620	76	.....	1
23rd ditto	Dildarnagar-Ghaziपुर.	12	1,159	97	12	1,111	93	12,120	99	12,958	108	838	
23rd ditto	Rajputana Mulwa . .	1,117	1,94,357	174	1,117	2,64,670	237	23,09,572	204	28,06,301	251	4,96,729	
23rd ditto	Wardha Coal . . . .	45	12,606	280	45	13,566	301	1,41,126	309	1,69,007	375	27,881	
23rd ditto	Nagpur and Chhattisgarh	98	13,787	141	149	37,912	254	1,90,122	191	4,69,490	315	2,79,968	
16th ditto	Rangoon and Irrawaddy Valley.	161	22,320	139	161	25,863	161	3,63,274	222	3,51,990	218	.....	11
23rd ditto	Sindia . . . . .	75	5,410	72	75	5,997	80	65,534	86	65,165	87	.....	
16th ditto	Punjab Northern. . .	412	47,336	115	419	50,500	121	6,08,876	153	6,08,658	144	.....	
16th ditto	Indus Valley and Kandahar.	660	81,974	124	660	2,57,438	390	8,25,098	123	15,60,177	236	7,35,079	
23rd ditto	Muttra Achnera . . .	23	1,109	49	23	1,250	55	12,511	53	16,077	69	3,566	
16th ditto	Kaunia Dhurla . . . .	32	1,091	34	32	1,739	54	17,481	53	20,056	62	2,575	
23rd ditto	Rewari-Ferozepore . .	...	...	...	89	8,590	97	...	...	58,356	65	58,356	
	<b>TOTAL</b>	<b>3,186</b>	<b>4,49,119</b>	<b>141</b>	<b>3,147</b>	<b>7,05,131</b>	<b>224</b>	<b>52,35,818</b>	<b>163</b>	<b>69,31,722</b>	<b>221</b>	<b>16,95,904</b>	
16th June 1883	<i>Native States.</i> Bhavnagar Gondal . .	194	19,947	103	193	24,335	126	2,78,868	141	3,12,076	162	38,208	
16th ditto	Nizam's . . . . .	121	14,534	120	121	15,402	128	1,71,682	139	1,53,477	127	...	18
9th ditto	Mysore . . . . .	86	4,209	49	86	5,079	59	50,941	58	50,658	59	...	
23rd ditto	Jodhpur . . . . .	...	...	...	19	550	29	...	...	7,875	41	7,875	
	<b>TOTAL</b>	<b>401</b>	<b>38,690</b>	<b>96</b>	<b>419</b>	<b>45,366</b>	<b>108</b>	<b>5,01,491</b>	<b>123</b>	<b>5,24,086</b>	<b>125</b>	<b>22,595</b>	
	<b>GRAND TOTAL</b>	<b>9,921</b>	<b>27,37,696</b>	<b>276</b>	<b>10,005</b>	<b>36,41,932</b>	<b>364</b>	<b>3,30,78,878</b>	<b>330</b>	<b>3,81,21,473</b>	<b>382</b>	<b>50,42,695</b>	
	GROSS ESTIMATED EXPENSES.	...	...	...	...	...	...	1,52,16,284	151	1,82,98,308	183	...	
	NET RECEIPTS	...	...	...	...	...	...	1,78,62,594	179	1,98,23,165	199	19,60,571	

(a) Return not received.

(b) Total receipts from 1st April to 3rd June 1882.

(d) Total receipts from 1st April to 20th May 1882.

(c) Total receipts from 1st April to 2nd June 1883.

(e) Total receipts from 1st April to 19th May 1883.

R. A. SARGEANT, Major, R. E.,

Offy. Under-Secretary

SIMLA,  
The 7th July 1883.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup>. 29. }

SIMLA, SATURDAY, JULY 21, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 29.

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 18th July 1883.*

**No. 161.**—Mr. R. L. Mangles, v.c., is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 29th March 1883.

**No. 166.**—Mr. J. Simson, Barrister-at-Law, is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 15th July 1883.

##### EXAMINATIONS.

*The 18th July 1883.*

**No. 53.**—Mr. L. A. S. Porter, of the Bengal Civil Service, having obtained a Degree of Honour in Persian in the 1st Division, has been presented with the authorised donation of Rs. 1,000.

**No. 54.**—Mr. H. A. D. Phillips, of the Bengal Civil Service, having obtained a Degree of Honour in Bengali in the 1st Division, has been presented with the authorised donation of Rs. 2,000.

##### ECCLESIASTICAL.

*The 19th July 1883.*

**No. 157.**—The Reverend William Ellison, v.c., a Junior Chaplain on the Bengal (Lahore) Establishment, reported his arrival at Kurrachee on the 7th instant.

#### FORESTS.

*The 19th July 1883.*

**No. 599 F.**—Mr. E. Murray, Sub-Assistant Conservator of Forests in the Punjab, is appointed to officiate as an Assistant Conservator of Forests of the 3rd Grade, with effect from the 1st July 1883, until further orders.

A. MACKENZIE,  
*Secy. to the Govt. of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—POLITICAL.

*Simla, the 17th July, 1883.*

**No. 1804 G.**—With reference to Foreign Department Notification, No. 1496 G., dated the 28th May, 1883, the recognition of the appointment by the Government of India of Mr. August Thöle as Acting Consul for the German Empire, at Karachi, has been confirmed by Her Majesty's Government.

**No. 1807 G.**—The Governor-General in Council is pleased to recognise the appointment of Mr. I. R. Henderson as Vice-Consul for Sweden and Norway, at Moulmein, *vice* Mr. A. Vintzens.

##### GENERAL.

**No. 1810 G.**—Lieutenant C. J. B. H. Dressner, Bengal Staff Corps, Squadron Officer and Officiat-



ing Squadron Commander, 2nd Regiment, Central India Horse, is appointed to officiate as Cantonment Magistrate of Nowgong, with effect from the date of assuming charge, *vice* Captain J. B. Lynch, and during the absence on furlough of Major R. G. E. Dalrymple, or until further orders.

#### MILITARY.

*The 18th July, 1883.*

No. 1817 G.—The following promotions are made in the 2nd Regiment, Central India Horse, with effect from the 1st May, 1883:—

Ressaidar Burmadin, to be Ressaldar, *vice* Pertab Singh, invalided.

Jemadar Narain Singh, to be Ressaidar, *vice* Burmadin, promoted.

Duffadar Kan Singh, to be Jemadar, *vice* Narain Singh, promoted.

C. GRANT,

*Secretary to the Government of India.*

### DEPARTMENT OF FINANCE AND COMMERCE.

#### NOTIFICATIONS.

*Simla, the 20th July 1883.*

No. 2050.—The Governor General in Council has determined to borrow Two Hundred and Fifty Lakhs of Rupees, being the amount required for the public service.

The following Notification is therefore published:—

#### FOUR PER CENT. LOAN.

His Excellency the Right Hon'ble the Governor General in Council has resolved to borrow Two Hundred and Fifty Lakhs of Rupees for the public service in the following manner.

2. Promissory Notes will be issued for the said amount in Form A annexed to this Notification, being the form of the notes of *The Four Per Cent. Loan of 1865*, of which Loan the notes to be now issued will form a part. All the conditions which apply to notes of *The Four Per Cent. Loan of 1865* will apply to the notes to be now issued.

3. Tenders for the whole or any part of the said amount of Two Hundred and Fifty Lakhs of Rupees will be received by the Comptroller General from this date to noon of Tuesday, the 14th August 1883. Tenders must be in sums of 500 Rupees or multiples of 500 Rupees.

4. Each tender must be addressed, in the form annexed to this Notification, to the Comptroller General, Calcutta, and enclosed in a closed cover, superscribed "*Tender for the Four Per Cent. Loan, 1883.*" If the tenderer is not resident in India, he must name an agent resident in India to whom a letter of allotment may be issued if any part of the loan is allotted to such tenderer.

5. Each tender must be accompanied by a receipt from one of the Banks of Bengal, Madras, or Bombay, or one of their Branches, or from an Officer in charge of some public Treasury, or by a cheque drawn in favour of the Comptroller General on a Bank in Calcutta, Madras, or Bombay, or by\* Government Promissory Notes, standing in the name of or endorsed to the tenderer or the person making the deposit, for not less than one-hundredth, or, if the tender be for less than Five Lakhs of Rupees, then for not less than one-fiftieth part of the tender. If the allotment is not fully taken up, this deposit of one or two per centum will be forfeited; and if one or more Government Promissory Notes have been deposited, such note or notes will be appropriated by the Government and cancelled; otherwise, if the deposit is in cash, it will be either refunded to the tenderer after his tender has been completely paid up, or, on his application, taken in part payment, completing the amount due upon his tender. A cash deposit may, after acceptance of the tender in support of which it is made, be replaced by a Government Promissory note, as aforesaid.

6. The rate at which a tender is made must not contain a fraction of an anna: if a rate containing a fraction of an anna is inserted in any tender, such fraction will be struck out and the tender treated as if the rate did not contain such fraction of an anna.

7. The rate at which each tender is made must be specified in rupees or rupees and annas: a tender in which no rate is thus specified, but a subscription is offered in some other terms, as, for example, at the recorded minimum, or at some specified percentage in addition to the recorded minimum, or at the average of the accepted tenders, will be rejected as null and void.

8. The minimum rate at which tenders will be accepted will be recorded under the signature of the Comptroller General, and, before the tenders are opened, placed upon the table in a sealed envelope, but will not be declared unless some tender is rejected only because it is below the recorded minimum.

9. Tenders will be opened, publicly, by the Comptroller General at the Currency Office, No. 1, Dalhousie Square, Calcutta, at noon on Tuesday, the 14th August 1883; but the contents of the tenders will not be disclosed otherwise than as provided in clause 11.

10. Tenders at the recorded minimum rate, and at rates above the recorded minimum rate, will be accepted in the order of the rates tendered, beginning with the highest rate; the amount allotted at the lowest rate at which tenders are accepted, will be divided amongst those who have tendered at this rate, in proportion, as nearly as may be found convenient, to the amounts of their tenders: provided that no allotment will be issued if the amount distributable on any tender is less than Rs50.

11. To each tenderer (or to his agent) whose tender is accepted in whole or in part such number of allotment-certificates as may be necessary to make up the aggregate amount allotted to him, will be issued as soon as possible after the 14th August 1883; and an alphabetical list of the names of those to whom such allotment-certificates are issued will be posted, for general information, at the Head Offices of Banks of Bengal, Madras, and Bombay.

12. If the allotment made on any tender is less than Rs3,000, then the whole of the allotment-certificates will be made payable upon Tuesday, September 25th, 1883.

Otherwise the whole amount of each allotment will be divided into three instalments, as follows:—

*Instalment I*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, August 28th, 1883:

*Instalment II*—As near as convenient to 35 per cent., but not exceeding 35 per cent., payable upon Tuesday, September 25th, 1883:

*Instalment III*—The balance, payable upon Saturday, October 20th, 1883: and allotment-certificates will be issued for each instalment separately.

The words “as near as convenient” refer to the necessity for making each instalment an exact multiple of Rs500.

13. Any allotment-certificate will, on application to the Comptroller General, be exchanged for an equivalent amount of allotment-certificates of smaller denominations, provided that if any payment is recorded upon the cancelled certificate, it can be taken against, and recorded upon, only one of the certificates issued in exchange.

14. Payment of any allotment-certificate may be made to the account of the Government in the Head Office of one of the Banks of Bengal, Madras, or Bombay, or in any Branch of these Banks, or into any Public Treasury or Treasuries in India which may be named in the tender in respect of which it was issued. Receipts for such payments will be given by the Banks of Bengal, Madras, and Bombay, or their Branches, or by the Officers in charge of the Government Treasuries at which payment is made, by encasement upon the relative certificate.

15. (a) When any allotment-certificate is fully paid up, the holder will, on presenting it duly receipted at the place where it was paid, obtain from the Public Debt Office, Calcutta, Promissory Notes of such values as he may desire (each note being in even hundreds and not less than Rs500), bearing interest from November 1st, 1883, and he will also receive interest at four per cent. per annum from the dates on which he may have made payment till the last day of October 1883.

(b) Or he may, at his option, by paying interest at the said rate from 1st May 1883, to the dates on which he may have made payment, obtain Promissory Notes as above, bearing interest from 1st May 1883.

16. The holder of a paid-up allotment-certificate may also, on special application, obtain, on the same terms and conditions as are mentioned in section 15, clause (a), Promissory Notes with coupons attached, or stock certificates (Form B) with coupons attached, and payable to bearer, in accordance with the Loan Notification of this Department, dated 27th June 1881 (*i.e.*, *The Four Per Cent. Loan of 1881*, forming part of *The Four Per Cent. Loan of 1st May 1865*). In such cases the first coupon issued will be that which falls due on 1st May 1884.

#### FORM A OF PROMISSORY NOTE- (see Clause 2).

Fort William, the 1st of May 1865.

*Promissory Note*                      *Government Rupees*                      *at four per cent.*  
No.    of 1865.

The Governor General of India in Council does hereby acknowledge to have received from the sum of Government Rupees Five Hundred as a loan to the Secretary of State in Council for India, and does hereby promise, for and on behalf of the said Secretary of State in Council, to repay the said loan, by paying the said sum of Government Rupees Five Hundred to the said his Executors, or Administrators, or his or their Order, on demand, at the General Treasury, at Fort William, after the expiration of Three Months' Notice of Payment, to be given by the Governor General of India in Council, in the *Government Gazette*, and to pay the interest accruing on the said sum of Government Rupees Five Hundred from the 1st November 1883 (Eighty-three), at the rate of four per cent. per annum, by half-yearly payments, at the General Treasury of Fort William, to the said

, his Executors, or Administrators, or his or their Order, until the expiration of Three Months after such notice of payment as aforesaid, when the amount of interest due will be payable with the principal, and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge of this note) all further interest shall cease.

#### FORM B OF COUPONED CERTIFICATE.

India Four Per Cent. Rupee Loan, 1865.

*Redeemable at any time after three months' notice in the "Gazette of India."*

*Certificate*  
R 000    No.

This is to certify that the bearer of this certificate is entitled, under the Notification of the Government of India of the 27th June 1881, to Government Rupees India Four Per Cent. Rupee Loan, 1865, payable Three Months after Notice, which may be published in the *Gazette of India* at any time.

No.    R    .  
*Calcutta, 1st November 1881.*

The coupons attached to this Certificate, as well as the principal sum herein named, are payable to bearer at the Government Treasury at Calcutta only.

#### FORM C OF TENDER (see Clause 4).

I, A. B., hereby tender for Rupees (X) of *The Four Per Cent. Loan, 1883*, advertised in the Notification published in the *Gazette of India Extraordinary*, dated the 13th July 1883, and agree to pay for the same, subject to the conditions notified, at the rate of Rupees (Y) annas (Z) for every hundred rupees allotted to me.

I enclose a *deposit receipt*\* for Rupees (XX), and engage, if my offer be accepted, to pay to the account of the Government at the Bank of† (or at the† Branch of the Bank of† ; or into the Public Treasury at† Branch Bank or Treasury. , as the case may be) —

The first instalment, not exceeding 35 per cent., on or before Tuesday, 28th August 1883.

The second instalment, not exceeding 35 per cent., on or before Tuesday, 25th September 1883.

The balance, on or before Saturday, October 20th, 1883.



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SIMLA, SATURDAY, JULY 21, 1883.

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## PART IV.

### Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th July, 1883, and is hereby promulgated for general information:—

#### ACT NO. X OF 1883.

*An Act to confirm and give effect to an award made by His Excellency the Viceroy and Governor General regarding certain matters in dispute between Sardār Bīkrāma Singh and the Kapūrthhala State.*

WHEREAS Sardār Bīkrāma Singh, in recognition of his services, received from the British Government a grant of land in Oudh forming part of the Akūra Estate; and that land was, with his consent, settled in the name of the Rājā of Kapūrthhala;

and whereas the Rājā of Kapūrthhala took possession of that land, and Sardār Bīkrāma Singh was unable to recover possession thereof by process of law;

and whereas His Highness Rājā Kurruck Singh of Kapūrthhala and Sardār Bīkrāma Singh agreed that all claims preferred by Sardār Bīkrāma Singh to and on account of the said land should be referred to Sir Henry Davies, the then Chief Commissioner of Oudh, for decision as arbitrator, and those claims were referred to Sir Henry Davies accordingly;

and whereas Sir Henry Davies, on the sixth day of January, 1871, delivered the following award, hereinafter called the first award (namely):—

“My award is that Rājā Kurruck Singh of Kapūrthhala, his heirs, executors or assigns, shall pay, within six months of the present date, in trust to the Chief Commissioner and to the Financial Commissioner of Oudh for the time being, and to the Commissioner of the Wazirabad Division for the time

being, jointly, on behalf of Sardār Bīkrāma Singh and the heirs male of his body (if any), the sum of five lakhs of rupees, to be invested, as early as practicable, by the above-mentioned trustees in the purchase of land within the Province of Oudh. Such land, when purchased, shall be immediately delivered into the possession of Sardār Bīkrāma Singh, and shall be held by him and by the heirs male of his body, if any, in proprietary right. But in the event of Sardār Bīkrāma Singh dying without heirs male of his body, the proprietary right in all such land shall revert unconditionally to the Rājā for the time being of Kapūrthhala.

“If the Rājā of Kapūrthhala, his heirs, executors or assigns, fail to pay to the trustees the sum of five lakhs of rupees within six months from the present date, possession of the fifty-five hadbast circles detailed in the list hereto appended shall be given to Sardār Bīkrāma Singh; and all these hadbast circles shall be held by him as mortgagee until the whole sum of five lakhs of rupees shall have been paid to the trustees.

“Furthermore, the Rājā of Kapūrthhala, his heirs, executors or assigns, shall pay to Sardār Bīkrāma Singh, within one month from the present date, the sum of fifty thousand rupees in full liquidation of all claims to the income profits of past years. On the expiry of one month, such sum, if still unpaid, will bear interest at the rate of 12 per cent. per annum.

#### *Addendum to award.*

“To obviate doubts, I declare that, firstly, the words ‘heirs male’ mean only the sons of a woman belonging to the ahil-ghibādirī of Sardār Bīkrāma Singh; secondly, Sardār Bīkrāma Singh shall, prior to the birth of an heir male of his body, have no power to mortgage or sell his interest in the estate purchased for him by the trustees, without offering it in the first instance to the Rājā of Kapūrthhala for the time being.

“This addendum shall be read as part of my award;”

and whereas doubts arose as to the meaning of that award, and, with the consent of the parties concerned, the matters in dispute were submitted to His Excellency the Viceroy and Governor General of India for decision;

and whereas, in accordance with this submission, His Excellency the Viceroy and Governor General considered those matters, and on the third day of March, 1881, made the following award, hereinafter called the second award (namely):—

“My award is that the estates already purchased and to be purchased shall (the aid of the legislature being invoked if necessary) be so settled that they shall be the property of Bīkrāma Singh, subject to the following conditions and restrictions:—

“First. No alienations of, or right (other than a right of reversion) shall be made or be permitted to such a



Or, if the amount allotted to me be less than Rs. 3,000, then the whole amount on or before Tuesday, 25th September 1883.

‡ Here insert C. D.'s address, which must be in India. This paragraph should only be inserted if A. B. does not reside in India, or if, residing in India, he wishes the allotment communicated to an agent.

Any allotment made to me may be communicated to C. D. at ‡

NOTE (1).—A separate tender must be made at each rate tendered. The rate tendered should be the whole amount per centum, not the premium or discount; thus, "One hundred and two," or "One hundred," or "Ninety-nine"; not "Two per cent. premium," or "Par," or "One per cent. discount."

By order of the Governor General of India in Council,

D. M. BARBOUR,  
*Secretary to the Government of India.*

### NOTIFICATION BY THE COMPTROLLER GENERAL.

The Comptroller General requests the attention of tenderers to the following arrangements:—

#### *Filling up Tenders.*

(1) They are requested to use only the printed forms of tender, which will be available at his Office and at the Currency Office, on application to the Durwan on duty, - at all the Provincial Account Offices, and at the Banks of Bengal, Madras, and Bombay: and will also be supplied to the principal Treasuries.

(2) If the deposit is in the form of Promissory Notes or of Currency Notes, their number should be quoted in detail in the tender.

#### *Presentation of Tenders.*

(3) For all tenders presented to him in his Office upon the last fixed day, or the two days preceding it, he will give the bearer a receipt bearing a number, and initialled by himself or an assistant specially deputed for the purpose.

#### *Return of deposit in case of non-acceptance.*

(4) The reverse of this receipt is a form in which, in the event of the tender not being accepted, the tenderer may give to the Comptroller General a receipt for the deposit accompanying it. This form should, on the third day after the opening of the tenders, be filled up, signed with the same signature as the tender, and be presented at the Office of the Comptroller General. The deposit will then be returned to the bearer, in exchange for the receipt.

(5) Deposit upon tenders presented personally, as described in No. 3 above, will be returned only in this way, and will not be sent by post, or otherwise. Deposits upon other unsuccessful tenders will be returned by post, or by the hands of a clerk.

#### *Accepted Tenders.*

(6) It will be observed that instead of the hitherto-used form of allotment letter, the Comptroller General will issue allotment certificates to successful tenderers. These certificates will be for the following amounts Rs. 500, Rs. 1,000, Rs. 2,000, Rs. 5,000, Rs. 10,000, Rs. 20,000, Rs. 50,000, Rs. 1,00,000, making up the full value accepted; and will be, substantially, of the following form:—

*This is to certify that, in accordance with the terms of Notification No. 2050, dated 13th July 1883 (Gazette of India Extraordinary, dated 13th July 1883), the above-named tenderer has engaged to take up Rs. 2,000 of the 4 per cent. loan of 1883, at the rate above mentioned, on or before September 25th, 1883, and that on the said payment being completed, he is entitled, on endorsing and delivering up this certificate, to receive a promissory note or notes or stock certificate of the Government of India for Rs. 2,000, bearing interest from November 1st, 1883.*

CALCUTTA,  
13th July 1883.

J. WESTLAND,  
*Comptroller General.*

**No. 2167.**—Mr. J. F. Finlay, M.A., B.C.S., assumed charge of his appointment as officiating Deputy Accountant General, North-Western Provinces and Oudh, before noon on the 12th July 1883.

**No. 2196.**—Privilege leave for three months having been granted to Mr. T. H. Biggs, Assistant Comptroller General attached to the Office of the Comptroller of Indian Treasuries, Mr. Biggs

availed himself of the leave on the 26th June 1883 after noon.

Babu Prankissen Ghose is appointed to officiate as Chief Superintendent in the Financial Department and is attached to the Office of the Comptroller of Indian Treasuries during the absence of Mr. Biggs, or until further orders. Babu Prankissen Ghose received charge of the duties of his appointment after noon on the 26th June 1883.

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 20th July, 1883.*

## APPOINTMENTS.

## No. 409.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State probationers for the Indian Staff Corps, are placed at the disposal of the Governments of Madras and Bombay, in view to their appointment to the Staff Corps of those Presidencies respectively, with effect from the date of their arrival in India :—

*Madras.*

Lieutenant J. Thornhill, Derbyshire Regiment.  
Lieutenant A. Y. Ansell, Welsh Regiment.

*Bombay.*

Lieutenant A. T. F. Edwards, Royal Irish Regiment.

**No. 410.**—The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Hugh O'Donnell, South Wales Borderers, Wing Officer, 44th Native Infantry,—25th May, 1880.

## No. 411.—ORDNANCE DEPARTMENT—

Major-General N. G. Campbell, R.A., Inspector General of Ordnance, having been promoted to the rank of Lieutenant-General, the tenure of his appointment is extended to the 31st December, 1883, subject to the approval of the Secretary of State for India.

## No. 412.—PUNJAB FRONTIER FORCE—

*2nd Punjab Cavalry.*

Lieutenant W. W. Norman, Border Regiment, a candidate for the Bengal Staff Corps, to officiate as Squadron Officer, on probation, with effect from the 29th June, 1883.

*2nd Punjab Infantry.*

Lieutenant H. A. Browning, East Lancashire Regiment, a candidate for the Bengal Staff Corps, to officiate as Wing Officer, on probation, with effect from the 21st June, 1883.

## No. 413.—HYDERABAD CONTINGENT—

*No. 2 Field Battery.*

Lieutenant W. A. Urquhart, Subaltern, No. 1 Field Battery, to officiate as Commandant, *vice* Lieutenant A. H. P. Turner, and during the absence on furlough of Captain C. M. Smith, or until further orders,—26th February, 1883.

*No. 3 Field Battery.*

Lieutenant A. H. P. Turner, Subaltern and Officiating Commandant, No. 2 Field Battery, to be Commandant, *vice* Major E. F. Cambier, who has vacated on promotion,—23rd January, 1883.

Lieutenant E. U. Marrett, Officiating Subaltern, to be Subaltern, *vice* Lieutenant A. H. P. Turner, promoted,—23rd January, 1883.

## FURLOUGH AND LEAVE.

**No. 414.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major W. B. Birch, Bengal S. C., 2nd Assistant Superintendent, Officiating Deputy Superintendent, Port Blair and the Nicobars, (p. a.) for one year and 296 days, under rule IX of the regulations of 1868.

Surgeon D. P. Macdonald, M.D., (p. a.) for one year and 182 days, under rule IX of the regulations of 1868.

**No. 415.**—Lieutenant S. C. F. Peile, Bengal S. C., Sub-Assistant Commissary General, 2nd class, is granted leave in India (p. a.) for 90 days, with effect from the 14th May, 1883, under rule X of the regulations of 1875, the first 60 days being on full pay.

**No. 416.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Major J. E. Campbell, Bengal S. C., (m. c.) for three months.

Major E. H. Steel, Bengal S. C., (p. a.) for ten days.

## JUDICIAL.

## No. 417.—INDIAN ARTICLES OF WAR—

His Excellency the Governor General of India in Council is pleased to extend the provisions of article 166, Indian Articles of War (Act V of 1869), to the outposts of Thul-Chotiali, Sharigh and Sibi.

## PROMOTIONS.

## No. 418 —NATIVE ARMY—

*1st Bengal Cavalry.*

Ressaidar Gholam Mustapha Khan to be Woordie-Major, *vice* Ubdool Ghuffoor Khan, resigned the Woordie-Majorship,—24th November, 1882.

*10th Native Infantry.*

Jemadar Nowrutton Singh to be Subadar, *vice* Lulleet Singh, invalided; Color-Havildar Runchurn Tewary to be Jemadar, *vice* Nowrutton Singh, promoted,—11th May, 1883.

*11th Native Infantry.*

Jemadar Lalbahadoor Doobay to be Subadar, *vice* Noor Mahomed, invalided; Havildar Pitumber Sing to be Jemadar (Supernumerary),—1st May, 1883.

*20th Native Infantry.*

Jemadar Jehan Khan to be Subadar, *vice* Jye Sing, invalided; Havildar Shere Sing to be Jemadar, *vice* Jehan Khan, promoted,—23rd May, 1883.

G. CHESNEY,

*Secretary to the Government of India.*



## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 14th July 1883.*

**No. 171.**—Messrs. A. S. Wyman and W. E. S. McGregor, Traffic Department, Rajputana and Malwa State Railway, are promoted from the Candidate Class to Class IV of the State Railway Revenue Establishment, with effect from 1st July 1883.

*The 16th July 1883.*

**No. 172.**—With reference to paragraph 2 of Notification No. 136, dated 19th May 1883, it has been brought to the notice of the Governor General in Council that the name of Mr. A. M. Rendel, Consulting Engineer to the India Office, who worked out in England the details of the design adopted for the Bridge over the Indus at Attock, has inadvertently been omitted.

With reference to paragraph 10 of the same Notification, the following is a complete list of the Engineers employed on the survey and construction of the Punjab Northern State Railway from the commencement :—

*Chief Engineers.*

Mr. A. Grant, C.I.E.  
„ H. P. Lemesurier.

Mr. H. Leonard.  
„ H. Lee Smith.

*Superintending Engineers and Superintendents of Works.*

Colonel J. Bonus, R.E.  
Mr. J. Collet.  
„ W. J. Galwey.  
„ H. T. Geoghegan.  
„ G. J. H. Glimm. *Since deceased.*

Mr. H. Lambert.  
„ R. T. Mallet.  
„ W. N. Thersole.  
„ F. L. O'Callaghan, C.I.E.  
„ M. Rayne *Since deceased*

*Executive Engineers.*

Mr. F. M. Avern.  
Major A. R. Bayley, S.C.  
Mr. H. Bell.  
Major W. S. S. Bisset, R.E.  
Mr. C. A. Bull.  
„ J. M. Champion.  
Major S. C. Clarke, R.E.  
Mr. H. N. C. Clôte.  
„ J. H. Cochrane.  
„ J. Conder.  
„ F. L. Dibblee.  
„ M. S. Dooley.  
„ T. J. Dumayne.  
Major H. R. Faber, R.E.  
Mr. J. L. Gallott.  
„ J. Gordon. *Since deceased.*  
Major T. Gracey, R.E.  
Mr. H. C. Graham.  
„ W. F. F. Handcock.  
„ W. Harvey.  
„ W. C. Hennessy.  
„ D. F. Hogarth.  
„ W. C. Hosking.  
„ W. Hunt.  
„ H. Johnson.

Lieut.-Col. K. A. Jopp, R.E.  
Mr. W. Kelsey.  
„ T. Knight.  
„ P. T. S. Large.  
„ H. C. D. La Touche.  
Major J. A. Little, S.C.  
Mr. M. C. Mackinnon.  
„ H. B. Molesworth.  
„ H. L. Monk.  
Captain J. M. Morgan, R.E.  
Major H. J. Nuthall, S.C.  
Mr. T. T. Ryan.  
Major T. B. B. Savi, R.E.  
Lieut. B. Scott, R.E.  
Major D. A. Scott, R.E.  
Mr. C. J. Shaw.  
„ F. Stokes.  
„ H. F. Storey.  
„ T. L. Tanner.  
„ G. E. Thomas.  
„ F. R. Upcott.  
„ J. P. Vansittart.  
„ F. B. Walker.  
Captain W. H. White, R.E.

*Assistant Engineers.*

Mr. E. W. Arundell.	Lieutenant R. H. Jennings, R.E.
„ W. Ashdown.	Baboo Labdha Rama Sahni.
„ E. Behrmann.	Major E. M. Larminie, R.E.
„ A. Bewley.	Mr. J. Lloyd.
„ C. H. C. Bickerton.	„ H. Luckstedt.
„ F. E. Braham.	Lieutenant R. C. Maxwell, R.E.
„ A. Brereton.	Mr. H. J. Oddie.
„ J. Burton. <i>Since deceased.</i>	„ C. P. O'Rafferty.
„ M. J. Chabrel.	„ B. Parkes.
„ A. T. Chiodetti.	„ J. W. Parry.
Lieutenant-Colonel M. G. Clerk, Genl. List.	„ L. G. Prickett.
Mr. T. Concannon.	„ F. Reilly.
„ T. E. Curry.	Hony. Lieut. J. Roberts. <i>Since deceased.</i>
„ R. T. Denne.	Mr. R. W. Roberts.
Baboo Dharm Singh Soin.	„ J. Robertson. <i>Since deceased.</i>
Mr. F. Wolley-Dod.	„ G. P. Rose.
„ R. W. Egerton.	Baboo Russick Lal Roy.
„ E. C. Elliot.	Mr. H. G. S. Savory.
„ J. Ellis.	„ T. W. Scott.
Lieutenant H. Finnis, R.E.	„ W. W. Shanks.
Mr. W. Foster. <i>Since deceased.</i>	„ J. Shedlock.
„ S. Geoghegan.	Baboo Sheo Dyal.
„ A. S. Gerrard.	„ Sheopershad.
Lieutenant J. Hare, R.E.	„ Siva Dutta Pande.
Mr. H. S. Harington.	Mr. E. H. Tuck.
Lieutenant J. H. C. Harrison, R.E.	„ C. Twidale.
Mr. A. J. Haslam.	„ J. Willecks.
„ J. P. Hogan.	„ C. E. S. Youghusband. <i>Since deceased.</i>
„ G. Humfress.	

*The 18th July 1883.*

**No. 173.**—Major R. P. Tickell, R.E., Executive Engineer, 1st Grade, North-Western Provinces and Oudh, is appointed to officiate as Superintending Engineer during the absence on privilege leave of Major C. W. I. Harrison, R.E., or until further orders.

W. S. TREVOR, Colonel, R.E.,  
*Secy. to the Govt. of India.*

## GOVERNMENT OF INDIA.

## HOME DEPARTMENT.

**RULES FOR THE FILLING UP OF VACANCIES IN THE CLERICAL ESTABLISHMENTS OF THE SECRETARIAT OFFICES OF THE GOVERNMENT OF INDIA, AND THE DEPARTMENTS DIRECTLY ATTACHED TO THEM, BY COMPETITIVE EXAMINATION.**

No. <sup>26</sup>  
954-964.

*Extract from the Proceedings of the Government of India, in the Home Department (Public),—  
under date Simla, the 19th July 1883.*

## Read again—

Home Department Resolution Nos. 31—1161-66, dated the 21st July 1880, on the subject of raising the standard of ability among clerks attached to the Secretariats connected with the Government of India.

## Read—

Home Department Resolution Nos. 31—1298-1308, dated the 31st August 1882.

Home Department Resolution No. 1847, dated the 24th November 1882.

Home Department Resolution Nos. 10—381-390, dated the 12th March 1883.

## OBSERVATIONS.

The Governor General in Council has reconsidered the rules laid down in the Home Department Resolution, Nos. 31—1298-1308, dated the 31st August 1882, for the admission of clerks into the Secretariat Offices attached to the Government of India by a system of competitive examinations, and is pleased to direct the issue and publication of the following revised—

## RESOLUTION.

The Governor General in Council has for some time past had under consideration the question of the best mode of filling up vacancies in the clerical establishments of the Secretariat Offices of the Government of India, and securing a reasonably high standard of qualification among the assistants employed.

2. The recognised difficulty in all Government Offices is to obtain men fit for the superior duties, such as those of drafting, précis-writing, preparing statistical returns, and the like. The pay provided for the superior appointments is in itself sufficient to give adequate remuneration for the proper performance of duties of this class; but the complaint is general that the standard of work done is at present often very inferior. It has been too much the rule to promote men from the lower grades as a matter of course; and as no test of qualification is applied either on admission to those lower grades, or on advancement beyond them, promotion has come to depend at least as much on seniority and the absence of misconduct as upon any merit or positive fitness for superior duty.

3. The Governor General in Council has decided that the first step towards reform must be to draw a marked line of distinction between the superior and inferior classes of appointments, and that for this purpose the Secretariat Clerical Service shall for the future be separated into an Upper and a Lower Division,—the former comprising all appointments the pay of which is Rs. 200 and upwards, the latter all appointments (other than those of mere copyists) the pay of which is below that sum. No clerk will be entitled to promotion from the Lower to the Upper Division as a matter of course, or otherwise than in accordance with the rules laid down in this Resolution.

4. As regards the mode of recruiting both Upper and Lower Divisions, the Governor General in Council has come to the conclusion that the only satisfactory principle to follow is that of free and open competition,\* modified as regards the Upper Division by conditions favourable to persons at the present time actually

\* Except in the case of the appointments of Registrars of Offices, Superintendents of Branches, or Head Assistants, for filling up which an absolute power of selection must remain with the Head of the Office concerned.

serving in the Lower Division. The plan of filling up vacancies in the Government Offices by competitive examination has worked satisfactorily in the Home Civil Service, and in the few instances where it has been tried in this country. It does away at once with many abuses and difficulties, and seems peculiarly adapted to the circumstances of Indian Offices, the responsible heads of which have necessarily no intimate acquaintance with the personal qualifications of candidates for admission, and are driven to rely upon the partial recommendations of subordinates or the certificates of irresponsible outsiders.

5. It has therefore been determined for the future to hold in Calcutta, and such other places as may be hereafter appointed for the purpose, an examination on the 15th January of each year (or on the day following if the 15th be a holiday) for the purpose of selecting candidates for appointments in the Secretariat Offices of the Government of India. The arrangements for the examinations will be made by the Board of Examiners, Fort William, who will be assisted by paid examiners, and act in communication with the Secretary to the Government of India in the Home Department.

6. The nature of the examination will be as follows:—

*A.—For all candidates.*

(1) Dictation and Handwriting.

This will be a preliminary test, which all candidates, whether for the Upper or Lower Division, must satisfy. No marks will be assigned; but a high standard of proficiency will be insisted upon. The papers of candidates will be examined as soon as possible after this examination, and the examiners will require any candidate who fails to pass this test to withdraw from the further examination.

*B.—For candidates for appointments in the Upper Division.*

	Marks.
* (1) Arithmetic, Algebra, and the Geometry of the Straight Line and Circle ...	500
Two papers will be set of a character to test intelligence and application of knowledge rather than memory and acquaintance with book-work.	
(2) History (English and Indian) and Geography ...	500
Two papers will be set in these subjects.	
(3) English Composition ...	500
(4) Précis-writing and letter-drafting ...	500

No candidate will be credited with marks in any subject unless he obtains at least one-sixth of the full number of marks for that subject. Subject to this proviso, successful candidates will be placed in the order of their aggregate of marks.

*C.—For candidates for appointment in the Lower Division.*

	Marks.
* (1) Arithmetic; Algebra up to Quadratic Equations (inclusive); Euclid, Books I—IV (Book work and riders).	500
Two papers will be set.	
(2) History (English and Indian) and Geography ...	500
Two papers will be set.	
(3) English Composition ...	500
(4) Docketing and letter-drafting ...	500

In subjects (1), (2), and (3) any candidate obtaining less than one-fourth of the full marks will be disqualified. In subject (4) no candidate will be credited with marks unless he obtains at least one-sixth of the total number; but

\* Candidates will not be eligible for the Lower Division of the Financial Department, for the Office of the Accountant General, Public Works Department, or for the Office of the Director General of Railways, unless they obtain at least one-third of the full number of marks in this subject.

The Financial Department further reserves the right of requiring that in any year 500 extra marks shall be assigned by the examiners for special proficiency in mathematics, or that an extra paper shall be set in that subject carrying that number of marks. These marks will not be counted in the aggregate of marks regulating the placing of successful candidates, but the Financial Department will be guided in its selection of candidates by the number of such extra marks obtained, and may select a candidate not on the list of successful candidates on the ground of his special proficiency in mathematics as ascertained by the award of such extra marks. Notice of the intention of the Financial Department to avail itself of this provision will be given before each annual examination.

failure will not disqualify a candidate. Subject to these conditions, successful candidates will be placed in the order of their aggregate of marks.

7. Every candidate for an appointment in the Lower Division must send a written application for permission to appear at the examination to the

[FORM.]

To the Secretary to the Board of Examiners,

Fort William.

SIR,

I request permission to present myself at the ensuing examination of candidates for appointments in the Lower Division of Government Clerkships. If successful, I should elect to serve in the office of the . . . . . A treasury receipt for the fee of Rs. 10 is forwarded herewith.

I am, &c.

Secretary to the Board of Examiners between the 1st and 15th days of December (inclusive). The application should be in the form given on the margin, and be accompanied by a treasury receipt for the sum of Rs. 10, which the candidate is required to pay into the treasury nearest his place of residence, by way of examination fee. With the application must also be forwarded—

(1) Evidence that the candidate is not less than 18 and not more than 24 years of age.

(2) A certificate that the candidate is of good moral character from the head of the institution in which he has last been educated, or (when a year or more has elapsed since his education terminated) from some respectable householder, to whom he is well known in private life, and who is himself personally known to the head of some Government Office,—this last fact being certified by the countersignature of the officer in question.

8. Every candidate for an appointment in the Upper Division must

[FORM.]

To the Secretary to the Board of Examiners,

Fort William.

SIR,

I request permission to present myself at the ensuing examination of candidates for appointments in the Upper Division of Government Clerkships. If successful, I should elect to serve in the office of the . . . . . A treasury receipt for the fee of Rs. 20 is forwarded herewith.

I am, &c.

in the same way send a written application for permission to appear at the examination to the Secretary to the Board of Examiners between the dates above specified. The application should be in the form given on the margin, and be accompanied by a treasury receipt for the sum of Rs. 20 by way of examination fee. Candidates must forward with the applica-

tion the evidence of age and the certificate of moral character prescribed in paragraph 7 above.

9. The number of candidates to be selected by the Examiners for each Division will be notified in the *Gazette of India* by the Home Department on or before the 30th November. This number will be determined, in communication with the heads of the offices concerned, with reference to the number of vacancies existing or estimated as likely to occur within the course of the following year (and which it is not intended to fill under the provisions of paragraphs 12 or 13 below), *plus* a margin of 10 per cent. for casualties. In each year after the first the number of appointments to be notified will be reduced by the number of selected candidates remaining on the list from former years who may not yet have received appointments.

10. Persons who have at any time held a permanent appointment in any of the offices affected by the Resolution, but who may have lost such appointment owing to its abolition or on reduction of establishment, may present themselves for examination under these rules without payment of fee, provided they are under 40 years of age.

11. Clerks in the Lower Division of an office who are under 40 years of age, may, with the permission of the head of the office, present themselves for examination for appointments in the Upper Division without payment of fee.

12. Except as provided in paragraph 13 below, there will, after the 1st April 1887, be no promotion from the Lower to the Upper Division. But (to meet the case of clerks who are at the date of the issue of this Resolution serving in the Lower Division) up to the 1st April 1887 every alternate vacancy in the Upper Division of an office may be filled by the head of the office, by the promotion of clerks who were serving in the Lower Division of that office on the 1st January 1883, in accordance with the results of a departmental examination or otherwise as the head of the office may think fit.

13. After the 1st April 1887, every third vacancy occurring in the Upper Division of an office may be filled up by the head of the office, if he thinks fit, in accordance with the results of a departmental examination of clerks already in the Lower Division of that office.

14. As soon as practicable after the open competitive examinations, the Board of Examiners will report the result to the Home Department, which will circulate a list of selected candidates to the heads of the offices concerned. Candidates will be given their choice of Departments as far as possible, and the Home Department will intimate such choice, if made, to the head of each office, who will offer the vacant appointments at his disposal to the candidates electing his office in the order in which they stand on the list, and thereafter to the other candidates in the same order, through the Home Department. It will be open to the head of an office to select in preference to other successful candidates for the Upper Division any candidate on the list of selected candidates who already belongs to the Lower Division of that office. Priority of selection as between the heads of different offices will be regulated by such orders as the Governor General in Council may from time to time make in this behalf. In the case of the Foreign Office, the Secretary will be at liberty to select any candidate on the list. No candidate not already in Government service should, however, be actually employed in any office unless he produces a certificate from a Government Medical officer of or above the rank of Assistant Surgeon that he is in good health and of a sound constitution. It will be open to a selected candidate to decline any particular appointment offered him, and his name will not on that account be removed from the list; but the name of no outside candidate will be retained on the list for either division after he has attained the age of 25 years, or for more than two years after the date of his being entered as a selected candidate.

15. All selected candidates receiving appointments will be on probation for twelve months; and if at the close of that period their work has not been found to give satisfaction, they will receive their discharge, and will have no claim to gratuity or compensation on that account. This rule will not apply to clerks selected for the Upper Division who were previously permanent clerks in the Lower Division.

16. Candidates accepting appointments must understand that their future promotion in their office within the Division to which they belong will depend entirely upon their work and merits. No clerk will have any claim as of right to rise beyond the grade upon which he may have been brought in, though in ordinary course clerks who satisfy the head of their Office will receive promotion to vacancies in the Division as they occur, new entrants being, as a rule, though not as a matter of course, brought in on the lower grades.

17. Transfers from the Upper Division of one Government Office to that of another, or from the Lower Division of one Office to that of another, may be arranged by the heads of the offices concerned; but no transfer by arrangement from the Lower Division of one Office to the Upper Division of another can be allowed in future.

18. These orders will apply to the Secretariat Offices of the Government of India, and the Offices of—

- The Sanitary Commissioner with the Government of India.
- The Surgeon-General with the Government of India.
- The Inspector General of Forests.
- The Accountant General, Public Works Department.
- The Director General of Railways.
- The Surveyor General of India.
- The Superintendent of the Geological Survey.
- The Meteorological Reporter to the Government of India.
- The Accountant General, Military Department.
- The Commissary General.
- The Inspector General of Ordnance.
- The Surgeon-General, Her Majesty's Forces.
- The Director General of Telegraphs.

19. On the occurrence of any vacancy hereafter in any office to which this Resolution applies, when no candidate qualified under these rules is available to fill such vacancy, temporary arrangements may be made by the Head of the Office to carry on the work until the results of the next examination are known.

ORDER.—Ordered, that a copy of the above Resolution be forwarded for information and guidance to all the Departments of the Government of India and to the Heads of Offices\* under the Home Department, and that the Resolution be published in the Supplement to the *Gazette of India*.

\* Surgeon-General with the Government of India.  
Sanitary Commissioner with the Government of India.  
Secretary to the Board of Examiners.  
Registrar of the Calcutta University.

#### FEES TO BE CHARGED AND FORMS TO BE USED BY NOTARIES PUBLIC APPOINTED UNDER THE NEGOTIABLE INSTRUMENTS ACT, XXVI OF 1881.

No. <sup>17</sup>/<sub>10351039</sub>, dated Simla, the 19th July 1883.

From—A. MACKENZIE, Esq., Secretary to the Government of India,  
To—All Local Governments and Administrations.

I am directed to forward, for adoption, the accompanying table of fees, which have been approved by the Governor General in Council, to be charged by persons appointed to perform the functions of Notaries Public under the Negotiable Instruments Act, XXVI of 1881. I am to add that Government servants who are appointed Notaries Public should not be allowed to appropriate such fees as they may receive in that capacity, but should credit them to Government. I am also to forward a set of eleven forms for use by Notaries Public appointed under the Negotiable Instruments Act.

2. The Act only requires Notaries Public to register the declarations of acceptors or payers for honour (sections 109 and 113); but the Governor General in Council considers it desirable that the Notaries Public appointed under the Act should, following the practice existing in the Presidency Towns, also register notings and protests made by them. No particular form of register is necessary for these purposes. It will be sufficient if each Notary Public be instructed to keep a substantial blank book in which to enter copies of all the letters he may write presenting bills for acceptance or payment; of all bills noted or protested, or accepted or paid for honour, together with all endorsements thereon (including that made by himself, to the effect that the bill has been noted or protested for non-payment or non-acceptance); of all protests made by himself and of all declarations made by acceptors or payers for honour. It will further be necessary that the Notary should, after examination of each entry in the book, affix his signature thereto.

3. Lastly, I am to point out that Notaries Public appointed under the Act ought to have a seal. A plain circular seal with the name of the Notary and the circumscription "Notary Public" is all that appears to be required.

4. This circular and annexures will be published in the *Gazette of India*.

*Table of fees to be charged by persons appointed by the Governor General in Council under Section 3 of the Negotiable Instruments Act, 1881, to perform the functions of a Notary Public under that Act.*

#### TABLE.

##### 1. For noting an instrument—

	Rs.
If the amount of the instrument does not exceed Rs. 200	1
If it exceeds Rs. 200, but does not exceed Rs. 1,000	2
If it exceeds Rs. 1,000, but does not exceed Rs. 5,000	3
If it exceeds Rs. 5,000, but does not exceed Rs. 20,000	5
If it exceeds Rs. 20,000, but does not exceed Rs. 30,000	6
If it exceeds Rs. 30,000, but does not exceed Rs. 50,000	7
If it exceeds Rs. 50,000	8



2. For protesting an instrument—	Rs.
If the amount of the instrument does not exceed Rs. 200	... 5
If it exceeds Rs. 200, but does not exceed Rs. 1,000	... 6
If it exceeds Rs. 1,000, but does not exceed Rs. 5,000	... 7
If it exceeds Rs. 5,000, but does not exceed Rs. 20,000	... 10
If it exceeds Rs. 20,000, but does not exceed Rs. 30,000	... 11
If it exceeds Rs. 30,000, but does not exceed Rs. 40,000	... 12
If it exceeds Rs. 40,000, but does not exceed Rs. 50,000	... 13
If it exceeds Rs. 50,000, but does not exceed Rs. 60,000	... 14
If it exceeds Rs. 60,000, but does not exceed Rs. 70,000	... 15
If it exceeds Rs. 70,000, but does not exceed Rs. 80,000	... 16
If it exceeds Rs. 80,000, but does not exceed Rs. 90,000	... 17
If it exceeds Rs. 90,000, but does not exceed Rs. 1,00,000	... 18
If it exceeds Rs. 1,00,000	... 22
3. For recording an acceptance or payment for honour	... 2-8
4. Duplicate protests, half the charge for the original.	

I.

FORM OF NOTING.

(SEE SECTION 99.)

(To be made upon the instrument, or upon a paper attached thereto, or partly upon each.)

Date of dishonour

Reason, if any, assigned for dishonour (or, if the instrument has not been expressly dishonoured, reason why holder treats it as dishonoured).

(Signed) A. B.,

Notary Public.

Notary's Charges.

II.

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE.

(SEE SECTION 101.)

Know all men that I, A. B., a Notary Public appointed under section 3 of the Negotiable Instruments Act, 1881, of \_\_\_\_\_, in the <sup>Presidency</sup>Province of \_\_\_\_\_, in British India, at the request of C. D., of \_\_\_\_\_, did on the \_\_\_\_\_ day of \_\_\_\_\_ 188\_\_\_\_, at \_\_\_\_\_, demand acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") from E. F., to which demand he made answer (*state terms of the answer, if any*) (or "to which demand he gave no answer"); wherefore I now, in the presence of M. N. and O. P., witnesses, do protest the said bill of exchange.

(Signed) A. B.,

Notary Public.

M. N. }  
O. P. } Witnesses.

NOTE. When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, of the person for whom, and the manner in which, such acceptance was offered and effected.

III.

FORM OF PROTEST OF BILL OF EXCHANGE FOR NON-ACCEPTANCE WHEN THE DRAWEE CANNOT BE FOUND.

(SEE SECTION 101.)

Know all men that I, A. B., a Notary Public appointed under section 3 of the Negotiable Instruments Act, 1881, of \_\_\_\_\_, in the <sup>Presidency</sup>Province of \_\_\_\_\_, in British India, at the request of C. D., of \_\_\_\_\_, did on the \_\_\_\_\_ day of \_\_\_\_\_, 188\_\_\_\_, make reasonable search at \_\_\_\_\_ for E. F., in order to demand from him acceptance of the bill of exchange hereto annexed (or "a literal transcript whereof and of everything

written or printed thereupon is hereto annexed"), but was unable to find him there; wherefore I now, in the presence of *M. N.* and *O. P.*, witnesses, do protest the said bill of exchange.

(Signed) *A. B.*,

Notary Public.

*M. N.* }  
*O. P.* } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, of the person for whom, and the manner in which, such acceptance was offered and effected.

#### IV.

#### FORM OF PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT.

(SEE SECTION 101.)

Know all men that I, *A. B.*, a Notary Public appointed under section 3 of the Negotiable Instruments Act, 1881, of \_\_\_\_\_, in the <sup>Presidency of</sup> \_\_\_\_\_, in British India, at the request of *C. D.*, of \_\_\_\_\_, did on the \_\_\_\_\_ day of \_\_\_\_\_, 188\_\_\_\_, at \_\_\_\_\_, demand payment of the promissory note (or "bill of exchange," as the case may be) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") from *E. F.*, to which demand he made answer (*state the terms of his answer, if any*) (or "to which demand he gave no answer"); wherefore I now, in the presence of *M. N.* and *O. P.*, witnesses, do protest the said promissory note (or "bill of exchange," as the case may be).

(Signed) *A. B.*,

Notary Public.

*M. N.* }  
*O. P.* } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom, of the person for whom, and the manner in which, such payment was offered and effected.

#### V.

#### PROTEST OF PROMISSORY NOTE OR BILL OF EXCHANGE FOR NON-PAYMENT, WHEN THE MAKER, DRAWEE OR ACCEPTOR (AS THE CASE MAY BE) CANNOT BE FOUND.

(SEE SECTION 101.)

Know all men that I, *A. B.*, a Notary Public appointed under section 3 of the Negotiable Instruments Act, 1881, of \_\_\_\_\_, in the <sup>Presidency of</sup> \_\_\_\_\_, in British India, at the request of *C. D.*, of \_\_\_\_\_, did on the \_\_\_\_\_ day of \_\_\_\_\_, 188\_\_\_\_, make reasonable search at \_\_\_\_\_ for *E. F.*, in order to demand from him payment of the promissory note (or "bill of exchange," as the case may be) hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), but was unable to find him there; wherefore I now, in the presence of *M. N.* and *O. P.*, witnesses, do protest the said promissory note (or "bill of exchange," as the case may be).

(Signed) *A. B.*,

Notary Public.

*M. N.* }  
*O. P.* } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is paid for honour, the protest should further state the name of the person by whom, of the person for whom, and the manner in which, such payment was offered and effected.

## VI.

## FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY.

(SEE SECTION 101.)

Know all men that I, *A. B.*, a Notary Public appointed under section 3 of the Negotiable Instruments Act, 1881, of \_\_\_\_\_, in the <sup>Presidency of</sup> <sub>Province</sub> \_\_\_\_\_, in British India, at the request of *C. D.*, of \_\_\_\_\_, did on the \_\_\_\_\_ day of \_\_\_\_\_ 188\_\_\_\_, at \_\_\_\_\_, demand better security for the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed") from *E. F.*, in consequence of his having become insolvent (or "his credit having been publicly impeached," as the case may be), to which demand he made answer (*state the terms of his answer, if any*) (or "to which demand he gave no answer"); wherefore I now, in the presence of *M. N.* and *O. P.*, witnesses, do protest the said bill of exchange.

(Signed) *A. B.*,

Notary Public.

*M. N.* }  
*O. P.* } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, of the person for whom, and the manner in which, such acceptance was offered and effected.

## VII.

FORM OF PROTEST OF BILL OF EXCHANGE FOR BETTER SECURITY  
WHEN THE ACCEPTOR CANNOT BE FOUND.

(SEE SECTION 101.)

Know all men that I, *A. B.*, a Notary Public appointed under section 3 of the Negotiable Instruments Act, 1881, of \_\_\_\_\_, in the <sup>Presidency of</sup> <sub>Province</sub> \_\_\_\_\_, in British India, at the request of *C. D.*, of \_\_\_\_\_, did on the \_\_\_\_\_ day of \_\_\_\_\_, 188\_\_\_\_, make reasonable search at \_\_\_\_\_ for *E. F.*, in order to demand better security for the bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon is hereto annexed"), in consequence of his having become insolvent (or "his credit having been publicly impeached," as the case may be), but was unable to find him there; wherefore I now, in the presence of *M. N.* and *O. P.*, witnesses, do protest the said bill of exchange.

(Signed) *A. B.*,

Notary Public.

*M. N.* }  
*O. P.* } Witnesses.

NOTE.—When, after a bill is protested and before the protest is drawn up, it is accepted for honour, the protest should further state the name of the person by whom, of the person for whom, and the manner in which, such acceptance was offered and effected.

## VIII.

## FORM OF NOTICE OF PROTEST TO DRAWER TO BE GIVEN BY A NOTARY PUBLIC.

(SEE SECTION 102.)

Take notice that a bill of exchange for Rs. \_\_\_\_\_ drawn by you under date the \_\_\_\_\_  
on \_\_\_\_\_ and payable at \_\_\_\_\_ has been dishonoured by  
non-acceptance (or non-payment, as the case may be) and protested, and that you are held  
responsible therefor.

(Signed) *A. B.*,

Notary Public.

## IX.

FORM OF NOTICE OF PROTEST TO INDORSER, TO BE GIVEN BY A  
NOTARY PUBLIC.

(SEE SECTION 102.)

Take notice that a bill of exchange for Rs. \_\_\_\_\_ drawn by \_\_\_\_\_ under date  
the \_\_\_\_\_ on \_\_\_\_\_ and payable at \_\_\_\_\_, and bearing  
your endorsement, has been dishonoured by non-acceptance (or non-payment, as the case may  
be) and protested, and that you are held responsible therefor.

(Signed) A. B.,

Notary Public.

## X.

## FORM OF DECLARATION TO BE MADE BY AN ACCEPTOR FOR HONOUR.

(SEE SECTION 109.)

Know all men that I, A. B., of \_\_\_\_\_, in the Province of \_\_\_\_\_, in British  
India, do hereby, on the \_\_\_\_\_ day of \_\_\_\_\_, 188\_\_\_\_, in the presence of C. D., Notary  
Public appointed under section 3 of the Indian Negotiable Instruments Act, 1881, of \_\_\_\_\_,  
in the <sup>Presidency</sup> <sub>Province</sub> of \_\_\_\_\_, in British India, declare that I accept under protest the protested  
bill of exchange hereto annexed (or "a literal transcript whereof and of everything written or  
printed thereupon is hereto annexed") for the honour of (*here insert the name of the drawer or  
indorser for whose honour the bill is accepted*) (or "for honour").

(Signed) A. B.

In the presence of C. D.,

Notary Public.

## XI.

## FORM OF DECLARATION TO BE MADE BY A PAYER FOR HONOUR.

(SEE SECTION 113.)

Know all men that I, A. B., of \_\_\_\_\_, in the Province of \_\_\_\_\_, in British India, do  
hereby, on the \_\_\_\_\_ day of \_\_\_\_\_, 188\_\_\_\_, in the presence of C. D., a Notary Public  
appointed under section 3 of the Indian Negotiable Instruments Act, 1881, of \_\_\_\_\_, in the  
<sup>Presidency</sup> <sub>Province</sub> of \_\_\_\_\_, in British India, declare that I will pay the protested bill of exchange  
hereto annexed (or "a literal transcript whereof and of everything written or printed thereupon  
is hereto annexed") for the honour of (*here insert the name of the party for whose honour the  
payment is to be made*).

(Signed) A. B.

In the presence of C. D.,

Notary Public.

A. MACKENZIE,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 18th  
July, 1883.

## PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

## BIKRÁMA SINGH'S ESTATES BILL.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to confirm and give effect to an award made by His Excellency the Viceroy and Governor General regarding certain matters in dispute between Sardár BIKRÁMA SINGH and the Kapúrthala State be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill as amended be passed.

The Motion was put and agreed to.

## BURMA LOCAL SELF-GOVERNMENT BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to amend the law relating to Local Self-government in British Burma. He said:—

“The Government of India has for some time had under consideration the question of amending the law relating to municipalities in British Burma, so as to bring it more completely into harmony with those principles of local self-government which have been recently laid down by the Government of India, and generally adopted in other provinces. The Bill which I am now asking for leave to introduce has been prepared for the purpose of making such amendments in the existing Municipal Act for British Burma (Act VII of 1874) as are needed for the purpose of giving effect to this object. We have found it convenient to repeal this Act, and opportunity has been taken to introduce various improvements in matters of minor detail, such as arrangement, drafting and so forth, which the experience of the last eight or nine years has suggested.

“I do not propose to trouble the Council with any detailed account of the Bill, the provisions of which are fully explained in the Statement of Objects and Reasons. It will be sufficient to refer very shortly to one or two of the more important alterations which it will make in the law.

“In the first place, the Local Government is empowered by the Bill to include, within the limits of a municipality, not merely a town, but also any tract of country adjoining a town. This provision is not suited to the circumstances of the larger seaport towns, but it will enable a small town to be made the nucleus of some kind of organization for the neighbouring rural district. Where the provision is applied, it will be necessary to supplement the municipal fund from rural sources, and also to give such additional powers to the municipal authorities as will be requisite to enable them to deal with rural questions. Provisions having these objects in view have accordingly been introduced into the Bill.

“Then, as to the constitution of the municipal authority. Under the existing law, the municipal committee may be either elected or appointed. As a matter of fact, I believe the members of municipal committees are at present appointed in every place except Rangoon and Maulmain, where the elective system has been recently introduced. Under the Bill, at least three-fourths of the municipal board, as the authority is to be hereafter called, must be elected, except in places where the Chief Commissioner is of opinion that no suitable system of election can be devised. The chairman of a municipal board will be elected, except in places which the Local Government excludes by notification from the operation of this rule.

“The Bill does not reproduce the provision of the existing law which requires a municipality to maintain out of its funds an establishment of police. Police charges will now be borne by the Government, and a considerable amount of money will thus be set free for the purposes of general improvement.

“Under the existing Act, the Chief Commissioner has absolute power to cancel, suspend or limit any of the acts, proceedings or rules of any municipal committee. For this power the Bill proposes to substitute a carefully modified system of control similar to that established by the Local Self-government Bills recently introduced for other provinces. Again, under the existing law, the Chief Commissioner has full discretionary power to determine by rule the limits within which the local authorities are to be empowered to execute public works. This discretion is limited by the Bill, which provides that the four largest municipalities may undertake, of their own authority, works for which the estimates do not exceed Rs. 20,000, and that other municipalities may in like manner undertake works for which the estimates do not exceed Rs. 10,000.”

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India*, and in the *British Burma Gazette* in English and in such other languages as the Local Government might think fit.

The Motion was put and agreed to.

#### EMIGRATION BILL.

The Hon'ble MR. ILBERT also moved that the Hon'ble Sir S. C. Bayley be added to the Select Committee on the Bill to amend the law relating to the Emigration of Natives of India.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 25th July, 1883.

D. FITZPATRICK,

SIMLA ;  
The 20th July, 1883.

}

Secretary to the Government of India,

Legislative Department.

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR  
THE WEEK ENDING THE 17th JULY 1883.

**GENERAL REMARKS.**—Heavy rain fell during the past week along the Western Ghats from Travancore as far north as Baroda and Surat. At Baroda the river overflowed its banks stopping communication and damaging property. A break is much wanted in Surat and neighbourhood. In Sind prospects are improving with the rise of the river. Seasonable weather prevails over the Carnatic, but in parts of Mysore and of the Southern Mahratta Country more rain is needed. General, and in most places sufficient, rain has fallen throughout the Berars, the Central India States, and Rajputana. The tanks in Marwar continue empty and water is scarce, but the recent rain has much improved prospects. The rainfall has been generally less in Assam and Burma, and slightly increased in Bengal compared with the previous week. More rain is however required in some districts of Bengal for the rice crop. In the Central Provinces there has been heavy rain at Jubbulpore, and the weather continues generally favourable to agricultural operations. Rain fell during the week throughout the North-Western Provinces and Punjab, but in most districts it has been slight and insufficient. The latest weather telegrams report rain from most stations, except in the north of the Punjab.

There is hardly any change to record in agricultural operations. Harvesting is going on in Madras and Mysore, transplanting of rice on the western coast and throughout Bengal, Assam, and Burma. In parts of Bengal and Assam it is retarded for want of sufficient rain. Early rice and jute are being gathered in some districts of the former province. Ploughing and sowing for the *kharif* are approaching completion in Bombay, the Berars, and Central Provinces, and are in general progress in Northern India, although delayed in parts by insufficient rain.

Young locusts are appearing in the Deccan districts and form an increasing source of danger to the young crops. Some destruction has been caused in Baroda by floods. In Orissa the damage apprehended from excessive rain has proved slight and partial.

The public health is generally good, but the mortality from cholera is still severe in two districts of the Bombay Presidency.

Prices show a further rise in the North-Western Provinces.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(July 18th)</b>		
Bellary ...	·99 (average of six stations).	Standing crops good; harvest paddy, yield average.
Kurnool ...	1·91 (average of eight stations).	Small-pox in one and cattle-disease in five taluks.
Ganjam ...	2·83 (average of fifteen stations).	Standing crops red gram, gingelly, and sugarcane thriving; cholera slight in Chicacole.
Kistna ...	1·0 (average of thirteen stations).	Agricultural operations progressing; fever, guinea-worm, small-pox, and cattle-disease slight.
Chingleput (Madras) ...	1·26 (average of eleven stations).	Standing crops good where water available; harvest <i>khar</i> , paddy, &c., yield half; cholera in parts of one taluk; small-pox and cattle-disease slight in parts of one taluk.
Coimbatore ...	1·10 (average of ten stations).	Standing crops good, except <i>cholam</i> , in parts of three taluks; harvest <i>cholam</i> and <i>cumboo</i> in parts, yield average; cholera in parts of two taluks, 8 deaths.
Tanjore ...	·29 (average of six stations).	Standing crops generally good, except in one taluk; but not flourishing for want of sufficient rain; cholera in two taluks, 35 deaths; cattle-disease slight in one taluk.
Madura ...	·41 (average of two stations).	Standing crops fair, except in two taluks; harvest dry crops and paddy in parts.
Malabar ...	11·50 (average of fourteen stations).	First crops progressing in all taluks; small-pox slight in nine taluks; fever and cattle-disease in parts, latter slight.
Travancore ...	5·447	Paddy in good condition; fever prevails. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(July 18th)</b>		
Kurrachee ...	2·95; average of twelve other stations, 2·02.	Small-pox disappeared from Kurrachee, now prevalent in nine villages in the districts, 39 fresh cases, 2 deaths, 24 remaining sick; river at Kotri on 16th, 16 feet 10 inches, against 17 feet on same date last year; fever in five talukas; <i>kharif</i> sowings progressing and rice transplanting commenced; wheat, red rice, and <i>bajri</i> in Kurrachee 26, 32 and 38, in Dadur 32 and 48, in Tatta 26, 28 and 36, and in Sujawal 26, 34 and 40 lbs. per rupee, respectively.
Hyderabad ...	Average of nine talukas, 1·10.	River rising daily; want of water felt in taluka Badin; small-pox in seven talukas; wheat 25, <i>bajri</i> 39, <i>juari</i> 50, red rice 28, and white rice 22 lbs. per rupee.
Ahmedabad ...	2·30	Total rainfall 14·19; sowing progressing; wheat 26 and <i>bajri</i> 30 lbs. per rupee.
Baroda ...	10·23	Total rainfall 31·60; river flooded its banks on 10th, communication between camp and city and railway station stopped for some hours, some damage to property; health good; <i>bajri</i> 27 and rice 24 lbs. per rupee.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Surat ...	11.18	Total rainfall 36.52, break wanted; sowing recommenced in some talukas; cattle-disease in Olphad; fever in Surat, Balsar, and Pardi; <i>juari</i> 35½ and <i>magli</i> 43½ lbs. per rupee.
Nasik ...	Heavy rain throughout the district.	Cholera still prevails in almost all talukas; transplanting of rice, <i>magli</i> , and <i>wari</i> in Dangli villages in progress and in others sowing of <i>tusar</i> pulse crops nearly completed; old locusts still to be seen in a few places, young locusts in Nipbad, Sinnar, and Yeola; wheat 25, <i>bajri</i> 28, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	Heavy rain daily, except on 17th; total of week 24.17.	Total rainfall up to date 51.97, being 16.42 above average; abnormal temperature from 4° cool to 2° warm, vapour in air normal; abnormal wind northerly till 15th, afterwards wind normal.
Poona ...	Maximum 5.56; minimum .32 at Indapur.	Cholera cases 705, fatal 284; <i>bajri</i> 37 and <i>juari</i> 45 lbs. per rupee, in Poona <i>bajri</i> 32 and <i>juari</i> 39 lbs. per rupee.
Ahmednagar ...	3.66 in Rahuri; 2.99 in Sangamner; 1.85 in Kopergaon; 1.46 in Jamkhed; slight in other talukas.	Sowing of <i>kharij</i> in progress everywhere; cholera 1,286 attacks, 623 deaths; cattle-disease in Karjat; <i>juari</i> —maximum 66 lbs. per rupee in Jamkhed, minimum 42 in Kopergaon; <i>bajri</i> —maximum 54 lbs. in Jamkhed, minimum 33 in Kopergaon.
Sholapur ...	40	Total rainfall 13.30; <i>kharij</i> sowings nearly completed; <i>juari</i> 62 and <i>bajri</i> 51 lbs. per rupee; cholera cases 305, deaths 100.
Dharwar ...	Slight rain in eastern talukas, heavy in western talukas; maximum at Hangal, 6.43; in Kalghatgi and Kod above 5.0 and in Dharwar above 3.0.	Sowing retarded in eastern talukas for want of rain; break desired in the western talukas; rice, sugarcane, and other standing crops promising; rice fields in Hangal and Kalghatgi being weeded; <i>juari</i> being sown in some places; fever prevails in Hangal and Mundargi; maximum prices— <i>juari</i> 74 lbs. in Kod and rice 40 lbs. per rupee in Hangal; scarcity of drinking-water in villages of Nargund petta as before.
Kanara ...	In Karwar, 23.43; in Kumpta, 22.87; in Sirsi, 19.63; in Hal-lial, 8.70.	Transplanting and weeding continue; rice plants and garden crops healthy; small-pox in Karwar, Bhatkal, and Sirsi, 1 death; slight fever continues in some places; common rice in Karwar 12½ seers per rupee, in district average 13½ seers per rupee.
Rajkot ...	8.30	Total rainfall 21.0; weather close and hot, except when rain is actually falling; general health fair; sowing operations continue; cholera in Morvi; <i>bajri</i> 29 and <i>juari</i> 25 lbs. per rupee.
<i>General Remarks.</i> —Rain throughout the Presidency and Sind, heavy in Guzerat, but wanted in parts of the Southern Mahratta Country; sowing and transplantation of rice still in general progress; locusts in Nasik, Khandesh, Tanna, Ratnagiri, and Satara; cholera in Nasik, Poona, Ahmednagar, Sholapur, Khandesh, Tanna, and Kaladgi; small-pox in a few places; fever and cattle-disease in a few districts.		
<b>Bengal—(July 18th)</b>		
Chittagong ...	2.12	Weather hot, with occasional rain; transplanting of <i>aus</i> rice almost over; sowing of <i>amun</i> rice continues; prospects fair; prices steady; cholera and cattle-disease still reported.
Dacca ...	6.87	<i>Sail</i> paddy being sown, <i>aus</i> paddy being harvested; in Nawabgunge <i>aus</i> and jute damaged, crops in Tongli also damaged; sugarcane and <i>amun</i> promising.
24-Pergunnahs (Calcutta) ...	2.14	Prospects of crops good; transplanting of <i>amun</i> paddy going on; public health good.
Moorshedabad ...	.54	More rain much wanted for transplanting operations; prospects of <i>bhadoi</i> crop favourable; public health generally good.
Rajshahye ...	.95, a good fall of rain	Weather cloudy; crops doing fairly, but require more rain.
Burdwan ...	1.82	Rainfall insufficient for transplanting, especially in Cutwa; prospects of <i>amun</i> crops unfavourable; public health fair.
Rungpore ...	3.52	Prospects of crops favourable; transplanting of <i>amun</i> going on; cholera still prevalent in some parts of the district.
Bhagalpur ...	1.98	Prospects good; <i>bhadoi</i> crops promising; <i>murva</i> and <i>aghani</i> paddy being transplanted in north; public health good.
Purneah ...	1.17	Rain now falling was wanted; prospect of crops good; public health good.
Patna ...	1.39	Ploughing and sowing going on; prospects of crops good.
Durbhunga ...	.51	More rain badly wanted; transplanting checked; prices rising slightly; health good.
Hazaribagh ...	.28	Weather warm and cloudy; prospects of crops continue good; a few cases of cholera reported; general health good.
Cuttack ...	2.41	Weather warm, alternate clouds and sunshine; <i>beali</i> rice being weeded; <i>sarad</i> being reploughed; prices of rice stationary; public health good; crops on low lands in some parts of Jawajpore and Kendrapara sub-divisions suffered slightly from recent floods.
<i>General Remarks.</i> —General rain fell during the week, but in many districts the fall was slight; in several places transplanting of <i>amun</i> rice is retarded for want of sufficient rain; early crops are still generally reported to be good, but are in want of rain in some places; the floods in Orissa have caused but little and partial; damage to crops on low lands; <i>aus</i> rice and jute are being gathered in some districts; general health is good though cholera still lingers in certain places, and fever is reported from a few districts.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>		
Benares (July 17th)	·9; Chandausi, ·5	<i>Kharif</i> sowings in progress; no sickness of men or cattle; prices steady.
Allahabad ( „ 18th)	Rain almost nothing till 17th, when ·4 fell at Sadr.	Sky now overcast, giving hopes of more rain which is much wanted for the crops; <i>kharif</i> sowings delayed for want of rain; cholera diminished; prices risen.
Gorakhpur ( „ 16th)	No rain	Weather muggy; <i>kharif</i> sowings in progress; no epidemic; prices steady.
Jhansi ( „ „ )	1·6; Mau, 2·8; Moth, 1·5; Garotha, 9·2.	Sowing of seed in progress; cotton and <i>juari</i> germinating; prices stationary; health good.
Agra ( „ 17th)	·9 to 3·5 in six parganas.	More rain needed in some parts of the district where very little has fallen; <i>kharif</i> sowings continue; fever in two and small-pox in one pargana; sporadic cholera in four parganas; prices rising slightly.
Barilly ( „ „ )	Rain fairly general, but unequally distributed.	Sowings continue; rice in places backward; prices almost stationary; health satisfactory.
Meerut ( „ „ )	Mawana, 1·6; Ghaziabad, ·6; Bagpat, ·4; Hapur, ·8.	Good rain fell this morning (17th); agricultural operations delayed for want of rain; cotton generally sown, but only half the ordinary autumn crop; health good; prices unchanged.
Kumaun ( „ „ )	Rain insufficient	Local crops doing pretty well, but on the point of being injured by drought in a few places; general health good; cattle-disease continues; prices stationary.
Lucknow ( „ „ )	·1; Malabad, ·6; Mohanlalganj, <i>nil</i> .	More rain urgently required; prices steady; health of men and cattle good.
Partabgarh ( „ „ )	Sadr, ·2; Khandwa, ·2; Patti, ·3.	Rain to-day (17th); crops coming on fairly, but more rain wanted; general health good; prices have risen slightly.
Sitapur ( „ „ )	·8; Biswan, ·1; Misrikh, ·2.	Rain more urgently required in two tahsils; crops reported to be drying up; no sickness; prices rising.
Fyzabad ( „ „ )	Sadr, ·4; Bikapur, 1·9; Akbarpur, 1·8; Tanda, ·2.	Sowing of <i>kharif</i> crops completed; fever and small-pox in parts of district; cattle-disease at Akbarpur.
Rae Bareilly ( „ 16th)	·2; and ·04	Weather cloudy and sultry; <i>kharif</i> sowings arrested for want of rain; prices rising.
Cawnpore ( „ 17th)	·7 average in five parganas.	Fever and cholera diminished; <i>kharif</i> ploughing and sowing in progress; prices almost stationary.
Farukhabad ( „ „ )	Slight showers only have fallen west of the Ganges since the close of the week reported on; good rain has fallen at head-quarters, and appears to have been pretty general.	Cultivators anxious about insufficiency of rain; slight rise in prices.
<p><i>General Remarks.</i>—Rain fell in all reporting districts, except Gorakhpur, but the fall was generally slight, and in many districts more is wanted; agricultural operations have been delayed in places owing to scarcity of rain, on the other hand in Moradabad 12 inches, and in Jhansi 9 inches, of rain have fallen; cholera is mentioned only in the Allahabad, Cawnpore, and Agra reports, it has decreased in the two former districts; prices rose in many districts during the week.</p>		
<b>Punjab—(July 17th)</b>		
Delhi ...	1·1	Health fair; prices fluctuating.
Hissar ...	.....	No report received.
Umballa ...	·8	Health fair; prices stationary.
Jullundur ...	·2	Health good; prices rising.
Amritsar ...	1·0	Health good; prices stationary.
Sialkot ...	3·0	Health good; prices stationary.
Ferozepore ...	2·8 at Sadr, less elsewhere.	Health good; prices stationary.
Lahore ...	·8	Health good; slight rise in prices.
Rawalpindi ...	4·3	Health good; fall in prices.
Mooltan ...	·3	Health good; prices fluctuating.
Dera Ismail Khan ...	·8	Health good; prices steady.
Peshawar ...	1·0	A few cases of small-pox; prices almost stationary.
<p><i>General Remarks.</i>—Rain throughout the province, but more needed; health good, except in the Delhi, Umballa, and Peshawar districts; <i>kharif</i> sowings in progress.</p>		
<b>Central Provinces—(July 17th)</b>		
Nagpur ...	2·3	Weather oppressive and showery; cotton sowings completed; <i>juari</i> sowings in progress; a break would be beneficial; cholera slight; prices steady.
Jubbulpore ...	10·39	Weather cloudy and wet, but seasonable and beneficial to crops; common and other sowings continue; small-pox lingering; wheat 22 and rice 14 seers per rupee.
Saugor ...	1·39	<i>Kharif</i> sowings general; cotton being weeded; other crops favourable; prices steady; health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—</b> <i>contd.</i>		
Seoni (July 17th)	5.77	Break in rain much wanted; <i>kharif</i> sowings progressing; 8 deaths from cholera; prices steady.
Hoshangabad ...	1.61	Weather cloudy and rainy; sowings continue; cotton being weeded; 2 deaths from small-pox; wheat 14, rice 9, and <i>juari</i> 21 seers per rupee.
Khandwa ...	4.88	Weather cloudy and rainy; sowing almost completed; field destroyed by locusts being resown; 40 deaths from cholera; wheat 16, <i>juari</i> 18½, and rice 14½ seers per rupee.
Raipur ...	1.13	Weather hot and oppressive; prospects good; prices steady.
Sambalpur ...	3.21	Weather seasonable; prospects good; prices steady.
<b>British Burma—</b> (July 19th)		
Akyab ...	2.82	<i>General Remarks.</i> —Weather cloudy and rainy; sowings continue; prospect of crops very favourable; prices steady.
Rangoon ...	3.12	Total rainfall up to date 74.54; 9 deaths from cholera in town and 17 in district, otherwise public health good; 167 buffaloes and 13 cows died in four townships; health of plough cattle good, except in five townships; about 206,000 acres ploughed; sowing commenced in some places; ploughing wages from 15 to 40 baskets per man per season.
Bassein ...	4.08	Total rainfall up to date 33.00; public health good; price of paddy from Rs. 101 to Rs. 103 per 100 baskets; prices falling again.
Promo ...	1.60	Total rainfall up to date 38.96; 1 death from cholera in town, otherwise public health good; 53 deaths of cattle in two townships; ploughing progressing.
Amherst (Moulmein) ...	9.04	Total rainfall up to date 22.81; public health good; health of plough cattle good, except at Mahathamman where 21 deaths are reported; estimated area ploughed 24,000 acres; more rain is required in the Shwaylay township; average ploughing wages Rs. 2.8 per acre.
Toungoo ...	2.02	Total rainfall up to date 70.62; public health in Moulmein and district good; 398 deaths of cattle in two townships; about 80 per cent. fields ploughed; health of plough cattle good; sowing progressing, about 15 per cent. fields sown; nurseries healthy in Moulmein town; ploughing and sowing progressing, about 150 acres ploughed during the week; health of cattle good; about 50 acres of crops destroyed by crabs; transplanting commenced; transplanting wages 8 annas per day.
<b>Assam—(July 18th)</b>		
Gauhati ...	.81	Total rainfall up to date 28.72; public health good; 1 death of cattle in Myoma township; ploughing progressing rapidly; health of plough cattle good.
Sylhet ...	3.38	<i>General Remarks.</i> —Public health keeps good; slight cattle-disease in most districts, but nowhere severe, and not on the increase; ploughing and sowing progressing; price of paddy fairly steady.
Cachar ...	3.92	Weather hot; public health fairly good; reaping of <i>ahu dhan</i> in progress; rain wanted for transplanting <i>sali dhan</i> .
Dibrugarh ...	4.76	Crop prospects favourable; small-pox unabated.
<b>Mysore and Coorg—</b> (July 18th)		
Bangalore ...	.66	Weather cloudy, with rain; transplanting <i>uas</i> crops progressing and that of <i>sali</i> commenced; rice 16 seers per rupee; public health fair; small-pox still reported from Halikandi.
Mysore ...	.25	Weather cloudy; transplanting of <i>sali</i> crops progressing; public health good; cattle-disease reported.
Mercara ...	15.21	More rain wanted in some taluks; sowing operations in progress; standing crops in good condition; prospects favourable; public health good.
<b>Berar &amp; Hyderabad—</b> (July 18th)		
Amraoti ...	1.84	Standing crops in good condition; prospects favourable; public health good.
Akola ...	9.79	Weather stormy; transplanting of rice commenced; serious inconvenience felt on coffee estates from want of labour; health good; prices of food-grains have fallen considerably owing to abundance of supply in Mysore market.
Hyderabad (July 13th)	1 average during week.	<i>General Remarks.</i> —Good rain in Shimoga and Kaulwi districts, light rain in other districts; standing crops in good condition; prospects favourable; no material change in prices.
Hyderabad ( „ 19th )	2.15	<i>Juari</i> sowings in progress; wheat 15 and <i>juari</i> 26 seers per rupee. <i>Kharif</i> sowings completed.
<b>Hyderabad (July 19th)</b>		
Total rainfall from 1st January 9.29; <i>kharif</i> sowings completed, and ground being prepared for <i>abi</i> crops; cholera continues in one taluk, but in a very mild form; prices—wheat 14, coarse rice 10½, white <i>juari</i> 24, yellow <i>juari</i> 27, and <i>tur</i> 23 seers per current sicca rupee.		
Total rainfall from 1st January 11.44; <i>kharif</i> prospects good; <i>abi</i> sowings commenced; weather cloudy, with high winds; cholera in one taluka; prices—wheat 15, coarse rice 11, white <i>juari</i> 22, yellow <i>juari</i> 28½, and <i>tur</i> 25 seers per current sicca rupee.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States— (July 18th)</b>		
Indore ...	1.35	Weather normal; season favourable; health good.
Morar (Gwalior) ...	1.5	Health good; weather sultry and cloudy.
Sutna ...	4.42	Rain not yet general; health good.
Rutlam ...		During week ending 6th 13 cases, 5 deaths at Surkhera Sitaman; public health otherwise good.
Sehore ...	6.40	Weather cloudy; crops and public health good.
Neemuch ...	2.53	Weather seasonable; public health good; crops in progress.
Goona ...	1.7	Weather cloudy; <i>kharif</i> sowings continue; health fair; wheat 23 seers 8 chittacks per rupee.
Bhopal ...	.....	No report received.
Agar ...	3.8	Seventy-six cases of cholera, 41 fatal; in city of Agar from 5th instant, 1 fatal case.
Nowgong ...	5.13	Weather seasonable; <i>kharif</i> prospects good; public health fair; prices steady.
<b>Rajputana—</b>		
Abu (July 18th)	7.77	During week heavy rain, high wind.
Sirohi ( „ 15th)	1.83	Tanks and wells full; health and crop prospects good.
Marwar ( „ 13th)	1.04	Rain general though unequal throughout Marwar, more copious in districts, but slight in Jodhpur, consequently no water brought into empty tanks; tanks all empty; water obtained from wells with great difficulty; health good; crop prospects much improved since the recent rains; prices stationary.
Meywar ( „ 15th)	3.54	Tanks and wells good; health and crop prospects very good; weather seasonable.
Harowti ( „ 14th)	Deoli, 3.21; Tonk, .41	Crops thriving; health good.
Jhallawar ...	.....	No report received.
Ajmere (July 17th)	5.20	Weather seasonable; tanks filling up; health fairly good.
Jeypore ( „ „ )	4.06	Sowings active; cholera in capital and districts abating; prices sta- tionary.
Bhurlpore ...	.....	No report received.
Ulwur (July 17th)	Average 1.64	Sowings continue; cholera continues in four tahsils; prices steady.
<b>Nepal—(July 13th)</b>		
Katmandu ...	5.81; constant rain	Agricultural prospects good; transplanting of rice finished.

T. W. HOLDERNESS,  
Offg. Secy. to the Govt. of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 21, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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E. J. DEAN,

*Publisher, Gazette of India.*

### BANK OF BENGAL.

#### NOTICE.

*Calcutta, the 19th July 1883.*

The Directors have appointed Mr. A. M. Lindsay to act as Agent at Bombay, during Mr. Slater's absence on three months' leave.

R. HARDIE,

*Secretary & Treasurer.*

### SURVEY OF INDIA.

#### NOTIFICATION.

*Simla, the 10th July 1883.*

No. 367.—In continuation of Notification No. 344, dated 30th March last, Mr. W. W. McNair, Surveyor, 4th Grade, Survey of India, is permitted to spend a further period of one month of his furlough in India.

G. C. DEPRÉE, *Colonel,*

*Offg. Surveyor General of India.*

### SURVEY OF INDIA—REVENUE BRANCH.

#### NOTIFICATION.

*Calcutta, the 16th July 1883.*

No. 6 R.—Mr. H. Dowman, Surveyor, 4th Grade, is allowed privilege leave for two months, under the provisions of Chapter X, Section 136, of the Civil Leave Code.

J. SCONCE, *Lieut.-Col.,*

*Deputy Surveyor General,  
in charge Revenue Surveys.*

# AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

## NOTIFICATION.

*Indore Residency, the 13th July 1883.*

**No. 1799.**—Captain E. D. F. Bignell, Adjutant, Malwa Bheel Corps, is granted privilege leave for three months, from the 15th July 1883, or such subsequent date as he may avail himself of it.

By Order,

A. M. MUIR,  
2nd Asst. Agent, Govr. Genl.,  
for Central India.

# AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D. Establishment.

## NOTIFICATION.

*Indore, the 11th July 1883.*

**No. 6.**—Mr. T. Knight, Executive Engineer, 2nd Grade, is appointed Officiating Executive Engineer, Gwalior Division.

By Order,

H. F. WHITE, M.I.C.E.,  
Offg. Secy. to Agent, Govr. Genl.,  
for Central India, P. W. D.

# AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

## NOTIFICATION.

*Mount Abu, the 12th July 1883.*

**No. 2333 G.**—Lieutenant R. H. Jennings, R.E., on boundary duty in Jhallawar, availed

himself, on the 1st July 1883, of the three months' privilege leave granted him in this Office Notification No. 1348 G., dated 5th May 1883.

By Order,

E. A. FRASER,  
1st Asst. Agent to the Govr. Genl.

# DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 13th July 1883.*

**No. 32.**—Mr. P. P. Rogers, Assistant Engineer, 2nd Grade, passed the Lower Standard Examination in the Hindustani language on the 2nd January 1883.

*The 14th July 1883.*

**No. 33.**—With reference to Public Works Department Notification No. 170, dated 12th July 1883, Mr. C. E. Cardew, of the Locomotive Department, in Class III of the Revenue Scale, is posted to the Rajputana-Malwa State Railway.

H. F. HANCOCK, Col., R.E.,  
Offg. Director General of Railways.

*Report of a Deserter from the Royal Regiment of Artillery, dated at Colaba, Bombay, this 16th day of July 1883.*

Number, Rank, and Name,— No. 32171, Gunner William Walker.	At what Place Enlisted,— Waterford, Ireland.
Age,—22 years 5 months.	Parish and County in which Born,—Trinity without Co., Waterford.
Size,—5 feet 8 inches.	
Colour of— Complexion, fresh; Hair, fair; Eyes, grey.	Marks,—Scar of right temple and left temple.
Date of Desertion,—10th July 1883.	Trade,—Labourer.
Place of Desertion,—Colaba, Bombay.	Coat or Jacket,—
Date of Enlistment,—30th August 1881.	Waistcoat,—
	Breeches or Trowsers,—
	REMARKS.—

B. V. ARBUCKLE, Major, R.A.,  
Comdg. 9-1st Scottish Divn., R.A.

# Statement of the Affairs of the Bank of Bengal for the week ending 17th July 1883.

LIABILITIES.			ASSETS.		
	R	a. p.		R	a. p.
Capital paid-up . . . . .	2,00,00,000	0 0	Government Securities . . . . .	63,01,961	0 0
Reserve Fund . . . . .	35,10,866	4 4	Other authorized Investments . . . . .	55,15,295	0 0
	R	a. p.	Loans on Government and other authorized Securities . . . . .	1,30,13,814	0 5
Public Deposits at Head Office . . . . .	1,05,65,396	0 5	Accounts of Credit on Government and other authorized Securities . . . . .	55,22,760	8 0
Public Deposits at Branches . . . . .	2,05,06,001	15 4	Bills discounted and purchased . . . . .	1,67,18,577	1 3
Other Deposits at Head Office and Branches . . . . .	2,19,68,897	8 6	Balances with other Banks . . . . .	4,94,206	2 4
Bank Post Bills, &c. . . . .	5,28,403	3 7	Bullion . . . . .	6,041	1 2
Sundries . . . . .	10,28,347	0 9	Dead Stock . . . . .	12,02,565	13 1
			Stamps . . . . .	7,760	13 0
			Sundries . . . . .	7,70,712	15 6
				4,95,56,694	6 9
				R	a. p.
			Cash and Currency Notes at Head Office . . . . .	97,15,598	4 10
			Cash and Currency Notes at Branches . . . . .	1,88,35,019	5 4
				2,85,51,217	10 2
RUPEES . . . . .	7,81,07,912	0 11	RUPEES . . . . .	7,81,07,912	0 11

BANK OF BENGALE,  
Calcutta, 19th July 1883.

J. GORDON,  
Chief Acctt. & Depy. Secretary.

By order of the Directors,  
R. HARDIE,  
Secy. & Treasurer.





*Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.*

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1883.	R	R	R	R	R	R
July 9	...	...	...	2,37,352	25,48,910	12,62,089
" 10	2,78,942	...	...	5,16,294	25,48,910	12,62,089
" 11	...	...	...	5,16,294	25,48,910	12,62,089
" 12	...	...	...	5,16,294	25,48,910	12,62,089
" 13	...	...	2,51,973	2,70,333	28,08,978	15,19,487
" 14	...	...	1,885	2,77,011	28,08,978	15,21,188

CALCUTTA MINT,  
The 16th July 1883.

J. F. TENNANT, Major-Genl., R.E.,  
Mint Master.

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

#### Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.			
Regr. No.	No. of Notes.	Value.	Name of Claimant.
9	D 18—63403	100	Captain John Keane, Calcutta.
	D 20—11366	100	

ALLAHABAD,  
The 18th July 1883.

W. COWLEY,

Asst. Acctt. General,  
In charge of Paper Currency Office.

#### Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.			
Regr. No.	No. of Note.	Value.	Name of Claimant.
W43	M74—08191	50	Merwanji Fardunji, Postwalla, Bombay.

BOMBAY,  
The 17th July 1883.

C. J. RIVETT-CARNAC,

Asst. Acctt. Genl., Paper Currency Department,  
for Commissioner of Issue.

#### Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.			
Regr. No.	No. of Note.	Value.	Name of Claimant.
93	P 47—27977	1,000	Fool Chand Makhun Lall.
94	P 9—77200	50	Lt. C. D. Leary, R. E.
95	L 8—08756	100	Moulla Emam Ali.
96	O 54—12446	10	Dhance Tewaree.
98	P 9—88934	50	Babu Womesh Chunder Ghatak.
99	P 42—89569	100	Mr. J. Keane.
	P 43—90157	100	
	" —41737	100	
	" —95392	100	
	P 44—51892	100	
	" —32016	100	
	" —41155	100	
	" —44458	100	
	" —42878	100	
	" —34880	100	
	" —34881	100	

J. TAYLOR,

Asst. Comptlr. Genl., in charge, Paper Currency.

CALCUTTA,  
The 20th July 1883.

#### Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.			
Regr. No.	No. of Note.	Value.	Name of Claimant.
7	E 19—33987	50	Mela Mul, Gunda Mul, Kanuk Mundee, Hoshiarpore.

LAHORE.

The 14th July 1883.

G. C. WALKER,  
for Depy. Commr. of Paper Currency.

### POST OFFICE.

#### NOTIFICATIONS.

Simla, the 14th July 1883.

No. 4300.—Appointments in the Post Office Department made by the Director General of the Post Office of India:—

#### POSTAL CIRCLE, BOMBAY.

Mr. M. F. Ingle is appointed to be a Mail Officer of the 2nd Class, and to officiate as Mail Officer of the 1st Class.

Mr. G. A. T. Bennett is appointed to be a Mail Officer of the 3rd Class.

Mr. L. P. Walsh is appointed to officiate as a Mail Officer of the 2nd Class.

Mr. E. Jardine is appointed to officiate as a Mail Officer of the 3rd Class.

E. R. DOUGLAS,

Depy. Dir. Genl. of the Post Office of India.

#### Unclaimed Letters held in the Calcutta General Post Office on 17th July 1883

Birdsall, Miss Lillie.	Stone, Mrs. G. J.	Trotter, Hon'ble J. F.
D'Oyly, Mrs.		

#### Letters marked "Care of Post Office."

Agist, John.	Donovan, John.	Maycock, A. H.
A. Q. R.	Dyett, B. H. R.	McClure, A.
B. B.	" Felia "	Moore, William.
Barrett, A. C.	Francis, G.	O'Donel, —
Binnie, George.	Fraser, William Stirling.	Perrins, C. H.
Blackman, Russell.	Field, Miss Fanny.	Pethard, John.
Bradshaw, D. E.	Grove, H. F.	Pimlott, James Thomas.
Buckle, Henry.	Hallewell, J. A.	Pine, Arol.
Burlington, Charles.	Haly, J. J.	Rains, —
Burns, John.	Hay, Arthur.	Rostam, J. B.
C. P.	Harris, Lord.	Ross, J.
Camar, Madame A.	Heller, Miss.	Salvator, Madame
Cammell, Minard A.	Henry, James.	Amelic.
" Chaperone."	Hiley, Charles.	Sanford, E. C. Ayshford.
Charters, H. J.	Horridge, Charles.	Schulze, William.
Chase, J.	Hunter, H. C. D.	Simpson, A. B. A.
Connolly, Mrs.	Hutchinson, Miss Florence.	Shaw, Lt. D. G. L.
Cotton, F.	Jones, H.	Specht, Otto.
Crowther, John.	Jones, John.	Tucker, Mrs.
Dalyell, Mrs. R. F.	Kavanagh, P.	Vaughan, Percy.
David, Jacob.	L. S.	White, Mrs. S.
D'Cruz, Mrs. Bella.	Lewis, Mrs. R. B.	Windemar, Mrs.
DeLa Corneuve, F. E. W.	Matteo, Raffaele.	Winlock, Lord.
Dick, Arthur.		

#### Registered Letters.

Angelo, Col. R. F.	Browne, David.	Weben, Madame Martha.
Blum, T. A.	Nardini, Sig. Raffaele.	

#### Calcutta, the 21st July 1883.

#### SEA AND FOREIGN MAILS.

Foreign Mails for	Date.	Per Steamer
	1883.	
Persian Gulf.	27th July	From Bombay.
Madras, Ceylon, and Intermediate Ports.	28th "	Str. Scindia.
Madras and Ceylon	28th "	P. and O. Str. Parramatta.
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies.	24th "	From Bombay.
Foreign Mails via Bombay	21st "	From Bombay.
Foreign Mails via Bombay	28th "	From Bombay.
Do. Book Post and Pattern Packets.	27th "	From Bombay.
Rangoon and Moupin and Straits	25th "	Str. Husara.
Chittagong, Akyab, Kyauk Phyoo, and Rangoon	25th "	Str. Calcutta.

\* Also for South Africa via England can be forwarded.

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Parts III, IV, V, and VI, containing the Acts and Bills of the Legislative Councils of India and Bengal . . . .	5	0	0 „
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Postage . . . .	0	1	0
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Postage . . . .	0	1	0

#### For Calcutta.

The same rates as those for the mofussil, with the exception of the charge for postage.

E. N. BAKER,





# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, JULY 21, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

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### PROMISSORY NOTES.

#### Lost

On 28th June 1883, the Government Promissory Note, No. 163257, of the 4 per cent. of 1865, for Rs500, originally standing in the name of Kanye Lal Sein, and lastly blank endorsed by Prosad Das Boral, on 2nd June 1883, in favour of the undersigned proprietor, by whom it was never endorsed to any other person. Payment of the above Note and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favour of the proprietor.

BUNKU LAL DHUR,  
8, Roopchand Roy's Street.  
Calcutta.

#### Lost or Destroyed.

The lower half of the Government Promissory Note No. 094817, of the 4 per cent. of 1865, for Rs3,500, originally standing in the name of the Officer in charge of the Treasury, Indore, and last endorsed to Resident, Gwalior, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.





SUPPLEMENT TO  
**The Gazette of India.**

No 29.} CALCUTTA, SATURDAY, JULY 21, 1883.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
[ TELEGRAPH. ]

ABSTRACT OF FOREIGN TRAFFIC FOR THE MONTH OF APRIL 1883.

CLASS OF MESSAGES.	ROUTE.																TOTAL.			
	WEST.								EAST.											
	VIA TEHRAN.		VIA TURKEY.		PERSIAN GULF.		VIA SUZ.		VIA AMUR.		VIA MADRAS.		VIA RANGOON.		NATIVE BURMA.		VIA PAUMBEN.		No.	Indian Value.
	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.		
INDIAN.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.
Sent	3,403	34,915 13	67	193 0	48	184 11	4,233	6,925 9	30	158 12	667	8,864 2	152	606 5	462	606 0	1,763	6,112 0	10,935	55,565 4
Received	2,383	12,085 11	96	397 10	52	200 2	4,335	16,124 9	42	112 11	660	1,917 7	177	486 2	...	...	1,067	3,118 14	9,412	31,083 2
TOTAL	5,786	47,001 8	163	590 10	100	384 13	8,568	23,350 2	72	271 7	1,327	10,780 9	329	1,092 7	462	606 0	3,130	6,260 14	20,237	90,248 6
TRANSIT.																				
From East to West—																				
Recd. { Via Madras .	268	1,809 0	3	12 0	8	23 10	4,119	16,523 2	...	...	...	...	...	...	...	...	...	...	4,398	18,367 12
" " Rangoon .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" " Laingha .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" " Paumben .	38	108 2	...	...	...	...	456	1,238 4	...	...	...	...	...	...	...	...	...	...	491	1,346 6
From West to East—																				
Sent. { Via Madras .	920	4,026 11	84	251 10	2	1 2	3,098	11,038 14	6	27 12	...	...	...	...	...	...	...	...	4,100	16,846 1
" " Rangoon .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" " Laingha .	2	3 10	...	...	...	...	2	8 2	...	...	...	...	...	...	...	...	...	...	4	11 13
" " Paumben .	87	321 11	5	15 5	...	...	242	799 9	1	1 15	...	...	...	...	...	...	...	...	335	1,136 8
From West to East—																				
Recd. { Via Bombay .	2	7 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	7 8
Sent. { Via Bombay .	...	...	1	6 12	2	7 2	...	...	...	...	...	...	...	...	...	...	...	...	3	13 14
From East to East—																				
Via Paumben .	...	...	...	...	...	...	...	...	...	...	91	333 8	1	1 8	...	...	...	...	92	336 0
" " Madras .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	67	258 1	67	258 1
TOTAL	1,317	6,876 10	93	285 11	12	31 14	7,907	36,607 15	7	29 11	91	333 8	1	1 8	...	...	67	258 1	9,405	38,324 14
GRAND TOTAL																			29,732	1,28,573 4

ABSTRACT OF FOREIGN TRAFFIC WITH INDIA BY THE INDO-EUROPEAN AND RED SEA ROUTES FOR THE MONTH OF APRIL 1883.

ROUTE.		NUMBER OF MESSAGES BY EACH ROUTE (EXCLUSIVE OF TRANSIT).			PERCENTAGE OF NUMBER.		
		To India.	From India.	TOTAL.	To India.	From India.	TOTAL.
INDO-EUROPEAN	Via Teheran . . . . .	2,383	3,403	5,786	34.71	43.90	39.58
	" Turkey . . . . .	96	67	163	1.40	0.87	1.12
	Persian Gulf via Karachi . . . . .	52	48	100	0.76	0.62	0.68
RED SEA	Via Suez . . . . .	4,335	4,233	8,568	63.13	54.61	58.62
TOTAL		6,866	7,751	14,617	100.00	100.00	100.00

DEPARTMENT OF FINANCE AND COMMERCE.

PLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF JUNE 1883, PUBLISHED IN PAGES 1312 AND 1313 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 14th JULY 1883.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Districts.	Wheat.		Barley.		Rice.		Great Millet (Cholum, Jowar), <i>Holcus Sorghum.</i>		Bairush Millet (Cumbho, Bajra), <i>Penicillaria Spicata.</i>		Lesser Millets, Ragi, &c. (Kavaru, Vengai, Sawar, Channa, Coraloo, Murhwa, Nuglee, &c.), <i>Panicum Majusculum, Eleusine Coracava,</i> &c.		Gram.		Firewood.		Salt.																																																																																																																																																																																																																																																																																																																																																																	
	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	Past fortnight.	Present fortnight.	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\* Sea Salt, † Earth Salt.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXIII OF 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 17TH JUNE 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 16TH JUNE 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 17TH JUNE 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 16TH JUNE 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
rd June 1883	<i>Guaranteed.</i> Eastern Bengal . . .	172	R 72,879	R 424	207	R 82,003	R 396	R 7,86,497	R 410	R 10,01,726	R 410	R 2,15,229	...
th ditto	Oudh and Rohilkhand . . .	547	95,472	175	547	1,15,293	211	12,89,836	211	15,19,748	253	2,29,912	...
rd ditto	Sind, Punjab & Delhi . . .	676	2,19,338	324	748	3,05,349	408	21,88,843	290	27,68,997	333	5,20,154	...
th ditto	Madras . . .	858	1,43,798	168	861	1,28,113	149	15,43,575	162	11,50,767	153	...	92,808
th ditto	South Indian . . .	655	89,681	137	655	76,218	116	8,85,206	121	8,73,049	121	...	12,157
rd ditto	Great Indian Peninsula . . .	1,458	4,48,553	308	1,458	6,86,243	471	97,64,591	665	1,06,60,308	665	8,95,717	...
th ditto	Bombay, Baroda and Central India . . .	461	2,25,581	489	461	2,63,657	572	30,05,570	585	31,09,353	672	4,03,783	...
	<b>TOTAL</b> . . .	4,827	12,95,302	268	4,937	16,56,906	336	1,94,64,118	363	2,16,23,948	399	21,59,830	...
rd June 1883	<i>State.</i> East Indian . . .	1,507	8,78,760	583	1,509	11,04,475	732	1,00,51,512	598	1,18,13,336	712	17,64,824	...
th ditto	Calcutta and South-Eastern . . .	33	2,313	70	56	5,780	103	36,670	113	65,618	117	28,948	...
rd ditto	Nalhati . . .	27	1,305	48	27	1,724	64	15,661	52	18,497	62	2,836	...
th ditto	Northern Bengal . . .	233	36,300	156	230	36,000	157	4,01,689	155	4,38,102	173	36,413	...
rd ditto	Tirhoot . . .	85	11,111	131	166	17,783	107	1,51,002	160	1,97,278	110	46,276	...
th May 1883	Patna-Gya . . .	57	9,282	163	...	(a) ...	...	(b) 77,336	190	(c) 78,120	197	1,084	...
rd June 1883	Muttra-Hathras . . .	29	1,737	60	29	2,478	85	27,208	84	29,708	93	2,500	...
rd ditto	Cawnpore-Furrahabad . . .	87	6,096	70	87	7,464	86	73,765	76	74,990	78	1,225	...
rd ditto	Dildarnagar-Ghaziपुर . . .	12	908	76	12	981	82	13,028	97	13,939	106	911	...
rd ditto	Rajputana-Malwa . . .	1,117	2,22,255	199	1,117	2,71,250	246	25,31,827	204	30,80,551	251	5,48,724	...
rd ditto	Wardha Coal . . .	45	7,671	170	45	10,546	234	1,48,797	297	1,80,595	365	31,798	...
rd ditto	Nagpur & Chhattisgarh . . .	98	6,023	61	149	24,041	161	1,96,145	180	4,94,844	302	2,98,699	...
rd ditto	Rangoon and Irrawaddy Valley . . .	161	23,662	147	161	20,981	130	3,86,936	216	3,72,144	210	...	14,792
rd ditto	Sindia . . .	75	6,005	80	75	6,228	83	71,539	85	71,400	87	...	139
rd ditto	Punjab Northern . . .	412	55,633	135	419	53,730	128	6,64,509	151	6,67,567	144	3,058	...
rd ditto	Indus Valley and Kandahar . . .	660	81,601	124	660	2,17,073	329	9,06,669	123	17,70,190	244	8,63,491	...
rd ditto	Muttra-Achnera . . .	23	1,187	51	23	1,210	52	13,698	53	17,362	69	3,664	...
th ditto	Kaunia-Dhurla . . .	32	1,224	38	32	1,773	55	18,705	53	21,829	62	3,124	...
rd ditto	Rewari-Ferozepore . . .	...	...	...	89	8,940	100	...	...	74,481	76	74,481	...
	<b>TOTAL</b> . . .	3,186	4,74,313	149	3,377	6,90,982	205	57,35,211	162	76,67,515	203	19,32,301	...
th June 1883	<i>Native States.</i> Bhavnagar-Gondal . . .	194	18,700	96	193	19,945	103	2,97,568	138	3,32,021	156	34,453	...
rd ditto	Nizam's . . .	121	14,326	118	121	15,409	127	1,86,008	138	1,68,886	127	...	17,122
th ditto	Mysore . . .	86	4,046	47	86	4,960	58	54,986	57	55,626	59	640	...
rd ditto	Jodhpore . . .	...	...	...	19	550	29	...	...	8,425	40	8,425	...
	<b>TOTAL</b> . . .	401	37,072	92	419	40,864	98	5,38,562	120	5,64,958	123	26,396	...
	<b>GRAND TOTAL</b> . . .	9,921	26,85,447	271	10,242	31,93,227	342	3,57,89,406	325	4,16,69,757	368	58,80,351	...
	<b>GROSS ESTIMATED EXPENSES</b> . . .	...	...	...	...	...	...	1,64,63,127	149	2,00,01,483	177	...	...
	<b>NET RECEIPTS</b> . . .	...	...	...	...	...	...	1,93,26,279	176	2,16,68,274	191	23,41,995	...

(a) Return not received.

(b) Total receipts from 1st April to 20th May 1882.

(c) Total receipts from 1st April to 10th May 1883.

R. A. SARGEANT, Major, R.E.,

Offg. Under-Secretary.

SIMLA,  
the 14th July 1883.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 24TH JUNE 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 23RD JUNE 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 24TH JUNE 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 23RD JUNE 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.	R	R
33rd June 1883	<i>Guaranteed.</i>		R	R		R	R	R	R	R	R	R	R
	Eastern Bengal . . .	172	83,381	185	207	82,768	400	8,69,878	416	10,84,494	437	2,14,616	...
23rd ditto	Oudh and Rohilkhand.	547	79,069	145	547	1,12,378	205	13,68,905	206	16,32,126	249	2,63,221	...
23rd ditto	Sind, Punjab and Delhi	676	1,81,789	269	748	3,14,892	421	23,70,632	289	30,18,970	340	6,48,338	...
23rd ditto	Madras . . .	858	1,43,500	167	861	1,18,571	138	16,87,074	162	15,69,338	152	...	1,17,796
23rd ditto	South Indian . . .	655	81,435	124	655	76,422	117	9,66,641	122	9,50,038	121	...	16,603
30th ditto	Great Indian Peninsula	1,458	5,35,053	367	1,458	5,35,628	367	1,02,99,613	585	1,11,88,162	639	8,88,519	...
23rd ditto	Bombay, Baroda and Central India . . .	461	2,01,318	437	461	2,37,824	516	32,06,888	573	36,47,177	659	4,40,289	...
	TOTAL	4,827	13,05,545	270	4,937	14,78,483	299	2,07,69,661	355	2,30,90,305	390	23,20,644	...
30th June 1883	<i>State.</i>												
	East Indian . . .	1,507	8,06,310	535	1,509	11,34,814	752	1,08,57,822	594	1,29,48,150	715	20,90,328	...
16th ditto	Calcutta and South-Eastern . . .	33	7,486	227	...	(a)	...	(b)36,670	113	(c)65,618	177	28,948	...
30th ditto	Nalhati . . .	27	1,166	54	27	1,551	57	17,127	52	20,048	62	2,921	...
16th ditto	Northern Bengal . . .	233	47,275	203	...	(a)	...	(b)4,01,689	155	(c)4,38,102	173	36,413	...
30th ditto	Tirhoot . . .	85	8,144	96	166	5,919	36	1,59,146	154	2,03,292	104	44,146	...
26th May 1883	Patna-Gya . . .	57	7,867	138	...	(a)	...	(d)85,832	185	(e)86,503	190	671	...
30th June 1883	Muttra-Mathras . . .	29	1,498	52	29	2,335	81	28,707	81	32,044	92	3,337	...
30th ditto	Cawnpore-Farrakhabad	87	5,616	65	87	7,665	88	79,411	75	82,656	79	3,245	...
30th ditto	Dildarnagar-Ghazipur . . .	12	820	68	12	910	76	13,818	95	14,874	103	1,026	...
30th ditto	Wardha Coal . . .	1,117	2,15,095	193	1,117	2,66,350	238	27,46,922	202	33,31,000	249	5,84,078	...
30th ditto	Nagpur and Chhattisgarh . . .	98	6,363	65	149	16,093	108	2,02,508	170	5,17,938	286	3,08,430	...
30th ditto	Rangoon and Irrawaddy Valley . . .	161	23,593	147	161	20,771	129	4,10,529	210	3,92,440	203	...	18,08
30th ditto	Sindia . . .	75	7,051	94	75	6,875	92	78,590	86	78,690	87	100	...
30th ditto	Punjab Northern . . .	412	55,556	135	419	56,153	135	7,20,065	150	7,24,020	143	3,955	...
30th ditto	Indus Valley and Kandabar . . .	660	1,12,325	170	660	2,15,717	327	10,18,724	127	20,06,714	253	9,87,990	...
30th ditto	Muttra-Achnera . . .	23	1,268	55	23	1,136	49	14,966	54	18,492	67	3,526	...
30th ditto	Kaunia-Dhurla . . .	32	1,133	35	32	1,673	52	19,838	51	23,561	61	3,723	...
30th ditto	Rewari-Ferozepore . . .	...	...	...	89	7,070	79	...	...	76,322	71	76,322	...
	TOTAL	3,186	5,11,598	161	3,091	6,20,181	201	61,92,681	161	82,95,968	202	21,03,287	...
23rd June 1883	<i>Native States.</i>												
	Bhavnagar-Gondal . . .	194	15,125	78	193	14,823	77	3,12,694	133	3,51,424	152	38,730	...
23rd ditto	Nizam's . . .	121	19,322	160	121	15,153	125	2,05,330	140	1,84,108	127	...	21,22
16th ditto	Mysore . . .	86	5,266	61	...	(a)	...	(b)54,986	57	(c)55,626	59	640	...
30th ditto	Jodhpore . . .	(f)3	(g)6	...	19	770	41	(h)6	...	9,267	41	9,261	...
	TOTAL	404	39,719	98	333	30,746	92	5,73,016	118	6,00,425	119	27,409	...
	GRAND TOTAL	9,924	26,63,172	268	9,870	32,61,224	331	3,83,93,180	320	4,49,34,848	364	65,41,668	...
	GROSS ESTIMATED EXPENSES	...	...	...	...	...	...	1,76,60,863	147	2,15,68,727	175	...	...
	NET RECEIPTS	...	...	...	...	...	...	2,07,32,317	173	2,33,66,121	189	26,33,804	...

(a) Return not received.

(b) Total receipts from 1st April to 17th June 1882.

(c) Total receipts from 1st April to 16th June 1883.

(d) Total receipts from 1st April to 27th May 1882.

(e) Total receipts from 1st April to 26th May 1883.

(f) 19 miles opened on 24th June 1882.

(g) The receipts for one day ending 24th June 1882.

R. A. SARGEANT, Major, R. E.,  
Offg. Under-Secretary.SIMLA,  
14th July 1883.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 21, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

### GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th July, 1883 :—

No. 18 OF 1883.

### THE BURMA LOCAL SELF-GOVERNMENT BILL, 1883.

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*Note.*—"B. B." in the margin means the draft Bill submitted by the Chief Commissioner with his letter No. 387, dated 16th November, 1883.

*A Bill to amend the law relating to Local Self-government in British Burma.*

WHEREAS it is expedient to amend the law relating to local self-government in British Burma; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Burma Local Self-government Act, 1883.  
 Short title.

(2) It extends to the territories under the administration of the Chief Commissioner of British Burma.  
 Local extent.

(3) And it shall come into force on the first day of November, 1883.  
 Commencement.

2. In this Act, unless there is something repugnant in the subject or context,—  
 Definitions.

"Municipality" means any local area constituted a municipality under Chapter II.

"Prescribed" means prescribed by rules made by the Local Government under this Act.

## CHAPTER II.

## CONSTITUTION OF MUNICIPALITIES.

3. The Local Government may, from time [B. B. ss. 6.] to time, by notification in the official Gazette, declare [Act VII 1874, ss. 3] its intention to constitute any town or group of towns, and any tract of country adjoining the same, a municipality under this Act.

Provided that a notification under this section shall not, without the previous sanction of the Governor General in Council, comprise any military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Secretary to the Local Government within six weeks from the publication of the notification, and the Local Government shall take his objection into consideration.  
 Notification constituting municipality. [B. B. ss. 6.] [Act VII 1874, ss. 3]

(2) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by like notification, constitute the local area a municipality.

5. The Local Government may, by notification in the official Gazette, constitute any local area comprised in a municipality established under the British Burma Municipal Act, 1874, a municipality under this Act.  
 Special power in respect of existing municipalities. [B. B. ss. 6.] [Act VII 1874, ss. 3]

6. The Local Government shall, within three months from the date on which this Act comes into force, constitute the local area  
 Obligation to bring existing municipalities under this Act.

*Burma Local Self-government Bill, 1883.**(Chapter III.—Organization of Municipal Boards.)*

comprised in every municipality established under the British Burma Municipal Act, 1874, a municipality under this Act, unless before the expiration of that period—

- (a) it has been included in some local area which has been constituted a municipality under this Act; or
- (b) the Local Government has declared, by a notification in the official Gazette, that it is unfit to be constituted a municipality under this Act.

## CHAPTER III.

## ORGANIZATION OF MUNICIPAL BOARDS.

*Constitution of Boards.*

[B. B. ss. 9, 10 & 15.] **7.** There shall be established for each municipality a municipal board having authority over that municipality, and consisting of—

- (a) so many inhabitants of the municipality as may, from time to time, be determined by the Local Government, elected in manner next hereinafter prescribed, to represent wards of the municipality or particular classes of the inhabitants; and
- (b) such person or persons (if any) not exceeding in number one-fourth of the board, as the Local Government may, from time to time, appoint in this behalf:

Provided that the Local Government may appoint all the members of the board of any municipality for which it considers that a suitable system of election cannot be devised.

[B. B. s. 9.] **8.** (1) The Local Government, shall for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

- (a) the division of the municipality into wards, or of the inhabitants into classes, or both;
- (b) the number of representatives proper for each ward or class;
- (c) the qualifications of electors and of candidates for election;
- (d) the registration of electors;
- (e) the nomination of candidates, the time of election and the mode of recording votes; and
- (f) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal board has come into existence as hereinafter provided, from time to time amend, after consulting the board, the rules made under this section, but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the board shall be elected in accordance with the rules made under this section and for the time being in force.

[B. B. s. 9.] **9.** (1) The term of office of a member of a municipal board shall, subject to the provisions of sections 10, 11 and 12, be two years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

**10.** A member of a municipal board may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

**11.** The Local Government may, from time to time, remove any member of a municipal board who ceases to reside within the limits of the municipality, or refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than six consecutive months to be present at the meetings of the board.

**12.** If any member of a municipal board is appointed to a salaried office under the board, he shall forthwith cease to be a member:

Provided that—

- (a) if the board allots a salary to its president or vice-president, he shall not for that reason cease to be a member; and
- (b) fees allowed under section 29 to members of a board shall not be deemed to be a salary within the meaning of this section.

**13.** (1) When the place of an elected member of a municipal board becomes vacant by the resignation or removal of the member under section 10 or section 11, or by reason of his appointment to a salaried office under section 12, or by his death, a new member shall be elected in manner prescribed to fill the place.

(2) When the place of an appointed member of a municipal board becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

**14.** Every municipal board shall be a body corporate by the name of the municipal board of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a board shall not purchase or transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

*Burma Local Self-government Bill, 1883.*  
(Chapter III.—Organization of Municipal Boards.)

**15.** A municipal board shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

**16.** When a municipal board comes into existence under section 15 for a municipality constituted under this Act, and that municipality comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

- (a) the said Act shall cease to apply to the local area;
- (b) the municipal committee (if any) constituted under that Act for the local area shall cease to exist;
- (c) all property vested in that committee shall vest in the municipal board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;
- (d) every contract entered into by the committee may be enforced by and against the board in like manner as it might have been enforced by and against the committee if this Act had not been passed;
- (e) a Government officer employed by the committee at the time the board comes into existence shall be deemed to be similarly employed by the board, and shall not be dismissed from that employment without the sanction of the Local Government.

*President and Vice-president.*

**17.** A municipal board shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of this section, the president shall, from time to time, be appointed by the Local Government.

**18.** A president or vice-president shall hold office for one year, and on the expiration of that period may be again elected or appointed.

**19. (1)** If a president elected by the board or a vice-president dies, ceases to be a member of the board, resigns his office or becomes incapable of acting, the board shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, resigns his office or becomes incapable of acting, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of

*Notification of elections, appointments and removals.*

**20.** All elections or appointments of presidents and vice-presidents, and all elections, appointments and removals of members of municipal boards, shall be notified in the local official Gazette.

*Joint Committees.*

**21. (1)** A municipal board may, from time to time, concur with any other municipal board, or with more than one such board, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the committee, and in delegating to any such committee any power which might be exercised by either or any of the boards, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

(2) If any difference of opinion arises between boards acting under this section, the decision thereon of the Commissioner of the division if the areas under the authority of the boards are in the same division, or of the Local Government if these areas are in different divisions, shall be final.

*Conduct of Business.*

**22. (1)** A municipal board shall meet for the transaction of business at least once in every month, on such day as may, from time to time, be fixed by the rules made under section 30.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-third of the members of the board, convene a meeting at any other time.

**23. (1)** A meeting of a municipal board shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**24. (1)** The quorum necessary for the transaction of business at a special meeting of a municipal board shall be one-half of the whole board:

Provided that, when the board consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal board shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 30:

Provided that, if at any meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

**25. (1)** At every meeting of a municipal board the president, if present, shall preside as chairman.

(2) If, when any meeting is held, the office of

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(Chapter III.—Organization of Municipal Boards.)

the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

3. B. s. 18 (h) 26. (1) Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal board shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

3. B. s. 18 (i) 27. Every resolution passed by a municipal board at a meeting shall be recorded and published. Resolutions to be recorded and published. recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may, from time to time, direct.

B. B. s. 18 (j) 28. The discussions and proceedings of a municipal board shall be conducted and recorded either in English or in Burmese, as the board at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings are conducted and recorded in English, the board shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

B. B. s. 47.] 29. A municipal board may, if it thinks fit, allow to each member thereof for attendance at meetings of the board, or at meetings of committees of the board, fees to such amount and subject to such conditions as the Local Government may, from time to time, approve:

Provided as follows—

(1) the fees paid under this section shall not exceed ten rupees for each attendance; and

B. B. ss. 28 (2) no fee shall be paid under this section to a member who is a servant of Government on active duty and in receipt of a salary exceeding Rs. 3,000 a year.

B. B. s. 18 (e) 30. (1) A municipal board may, from time to time, at a special meeting, make rules consistent with this Act and any rules made under this Act by the Local Government as to—

(a) the time and place of its meetings;

B. B. s. 29.] (b) the manner in which notice thereof is to be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings, and the adjournment of meetings;

(e) the appointment of committees of the board, and the division of duties among them and individual members of the board;

(f) the persons by whom receipts may be granted on behalf of the board for money paid under this Act; and

(g) any other similar matters.

(2) A rule made under this section shall not take effect until it has been confirmed by the Local

Government and published in such manner as the Local Government may, from time to time, direct. [B. B. s. 16, Act VII c 1874, s. 8.]

*Officers and Servants.*

31. (1) A municipal board shall, from time to time, at a special meeting, appoint one of its members, or some other person, to be its secretary, and may at a like meeting remove any person so appointed. [New.]

(2) If a secretary is a member of the board, he shall receive no remuneration in respect of his services. If he is not a member of the board, the board may, with the previous sanction of the Commissioner, assign to him any such pay, leave-allowance, gratuity or pension as it thinks fit. [B. B. ss. 29.]

32. (1) Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal board may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay, leave-allowances, gratuities or pensions as it thinks fit.

(2) In the case of an officer whose services are lent wholly or in part by the Government, the board may contribute to any leave-allowance, gratuity or pension to which he may become entitled in accordance with the rules for the time being in force.

*Contracts and Transfers of Property.*

33. (1) When a contract made by or on behalf of a municipal board exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president, and at least one other member of the board. [B. B. ss. 48, Act VI 1874, ss. 2 31.]

(2) A transfer of immoveable property belonging to the board must be made by an instrument in writing, executed by the president and vice-president and by at least two members of the board.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the board.

CHAPTER IV.

TAXATION AND FUNDS.

*Taxation.*

34. Subject to any general rules or special orders which the Governor in Council may, from time to time, make in this behalf, a municipal board may, for the general purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 35, any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

(a) a tax on houses, buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the houses, buildings and lands;

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- (b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;
- (c) a tax on houses situate as aforesaid according to the number of posts in each, at rates not exceeding the following, namely:—

	Rs. A.
For a house having not more than 2 posts ...	0 8 per annum.
For a house having not more than 3 posts ...	1 8 "
For a house having not more than 4 posts ...	2 8 "
For a house having not more than 5 posts ...	4 0 "
For a house having not more than 6 posts ...	7 0 "
For a house having not more than 7 posts ...	10 0 "
and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven:	

- (d) a tax on carriages, carts, boats, horses, ponies and elephants, or any of them, throughout the municipality or any part thereof:

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

- (1) only one of the taxes mentioned in clauses (a), (b) and (c) shall be imposed in respect of the same property, and
- (2) in assessing a house to the tax mentioned in clause (c), only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row, measured lengthwise, shall be counted.

[B. s. 20.]  
[Act VII of 1874, s. 11.]

**35. (1)** A municipal board may resolve, at a special meeting, to propose the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1), the board shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax, and objecting to the same, may, within a fortnight from the publication of the notice, submit his objection in writing to the board, and the board shall, at a special meeting, take his objection into consideration.

(4) If no objection is submitted within the said period of a fortnight, or if the objections received, having been considered as aforesaid, are deemed insufficient, the board may submit its proposals to the Local Government, with the objections (if any) which have been sent in under sub-section (3).

(5) The Local Government, on receiving proposals under sub-section (4), may sanction the same, or refuse to sanction them, or return them to the board for further consideration.

(6) When the Local Government sanctions under sub-section (5) any proposals which, under section 34, sub-section (2), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the board; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal board in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the board may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

**36. (1)** To provide for the lighting of the public streets, a municipal board may, under a resolution passed at a special meeting and sanctioned by the Local Government, impose, in addition to any taxes imposed under the foregoing sections, an annual lighting-rate on all houses, buildings and lands situate in the municipality or any part thereof not exceeding two per centum of their annual value.

(2) To provide for the supply of water, a municipal board may, under a resolution passed and sanctioned as aforesaid, impose, in addition to any taxes imposed as aforesaid, an annual rate on all houses and buildings situate in the municipality or any part thereof not exceeding two per cent. of their annual value.

(3) It shall be at the option of the board, when either of the rates mentioned in this section has been imposed, to levy in lieu thereof on any native house an annual rate not exceeding one pie for every three square feet of the ground covered by the house.

(4) Every tax leviable under this section in respect of any house, building or land shall be payable by the occupier of the same.

**37.** A municipal board, by a resolution passed at a special meeting and confirmed by the Local Government, or the Local Government, with the previous sanction of the Governor General in Council, may abolish or reduce any tax imposed under the foregoing sections.

**38.** The Local Government may, from time to time, make rules for the assessment and collection of taxes leviable under this Act:

Provided that, in the case of a tax imposed under section 35, every such rule shall be consistent with the proposals sanctioned in respect of the tax under that section.

**39.** All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal board having authority over that local area comes into existence under this Act, shall be deemed to have been imposed and assessed under this Act.

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(Chapter V.—Duties of Municipal Board.)

*Municipal Fund.*

B. ss. 39, 40. There shall be formed for each municipality a municipal fund, and there shall be credited thereto—

- (a) the proceeds of all taxes levied under this Act and all other money received by the board under this Act, except the proceeds of taxes levied under section 36;
- (b) the proceeds of the cesses and tax levied on lands and houses in the municipality under sections 4, 5 and 6 of the Burma District Cesses and Rural Police Act, 1880, except such portions of those proceeds as may, under section 9 of that Act, be appropriated by the Local Government for the maintenance of rural police or for the maintenance of a local postal service;
- (c) the surplus accruing in the municipality under section 18 of the Cattle-trespass Act, 1871;
- (d) the income yielded by any public ferries in the municipality, and, in the case of a ferry on a river forming the boundary of a municipality, such share (if any) of the income of the ferry as the Local Government may assign in this behalf;
- (e) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the visits to the municipality of seamen from ships lying in the port;
- (f) all rents and profits accruing from property belonging to or managed by the board;
- (g) all sums contributed to the fund by the Local Government or by private persons; and
- (h) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the municipal board came into existence.

41. The municipal fund shall, subject to the Application of municipal fund. provisions of this Act, be applicable at the discretion of the municipal board to all the purposes of this Act within the limits of the municipality, and, with the previous sanction of the Local Government, to like purposes beyond those limits when such application of the fund is for the benefit of the inhabitants of the municipality.

*Lighting and Water-supply Funds.*

B. s. 39.] 42. In every municipality in which a tax is VII of Lighting and water- levied under section 36 for s. 27.] supply funds constituted. the purposes of lighting or water-supply, there shall be established a separate fund to be called the lighting fund or water-supply fund, as the case may be, and there shall be credited to it the proceeds of that tax, all other sums received by the board in connection with the purposes for which the tax is levied, and, when there has been included within the limits of the muni-

cipality a municipality constituted under the British Burma Municipal Act, 1874, in which a like VII of 1874. tax has been levied, the balance (if any) standing to the credit of the separate account of that tax at the time when the municipal board comes into existence.

43. The lighting fund or water-supply fund shall, [B. B. s. 39.] Application of these subject to the provisions of funds. this Act, be applicable at the discretion of the municipal board to the lighting of, or supply of water to, the local area in which it is raised (as the case may be), and to no other purpose.

*Custody of, and Disbursements from, Funds.*

44. (1) The balances standing to the credit of [B. B. s. 43.] the funds established under Act VII of sections 40 and 42 shall, if 1874, s. 29.] there is a Government treasury or sub-treasury situate within the municipality, be kept in that treasury or sub-treasury. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury, and such funds as may be required for current expenditure shall be kept by the board in a strong box in such place and under such precautions as the board may, from time to time, direct.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the board.

CHAPTER V.

DUTIES OF MUNICIPAL BOARD.

*General Improvement, Conservancy and Education.*

45. The following matters shall, subject to the [B. B. ss. 5] Duties of municipal provisions of this Act and to 40, 44 & 45.] board generally. such exceptions or conditions [Act VII of 1874, s. 30.] as the Local Government may, from time to time, make or impose, be under the control and administration of the municipal board within the municipality, namely:—

- (a) the construction, repair and maintenance of roads, streets, river-channels, ferries and other means of communication, and of drains, tanks and water-courses;
- (b) the establishment, maintenance and administration of schools, hospitals, dispensaries, markets, wharves and resthouses, and the construction and repair of buildings connected with such institutions;
- (c) the improvement, extension and purification of the local supply of drinking-water for men and animals;
- (d) the planting and preservation of trees on public ground;
- (e) the cleansing, watering and lighting of the streets in towns;
- (f) the maintenance, repair and management [B. B. s. 38.] of any buildings or other immoveable property vested in the board under this Act or made over to the board by the Local Government for management; and
- (g) the construction, establishment, maintenance and carrying out of any other local works, institutions or measures likely to promote the health, safety, comfort or convenience of the public.



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(Chapter V.—Duties of Municipal Board.)

44. 40 46. A municipal board may, from time to time, undertake beyond the limits of the municipality the control and administration of any of the matters mentioned in section 45, if its undertaking that control and administration is for the benefit of the inhabitants of the municipality.

B. s. 46.] 47. A municipal board shall, so far as its funds available for educational purposes permit, make grants-in-aid of schools in accordance with such rules as the Local Government, with the sanction of the Governor General in Council, may, from time to time, prescribe.

*Prevention of Nuisances.*

B. s. 30 48. (1) A municipal board may, from time to time, at a special meeting, make rules—  
[B. s. 32.]  
[Act VII of 1874, s. 19, 20]  
[1.]

(a) declaring that such acts or omissions within the municipality as may in its opinion cause or tend to cause any common injury, danger or annoyance to the public, or to people in general who dwell or occupy property in the vicinity, or any injury, obstruction, danger or annoyance to persons who may have occasion to use any public right, shall be deemed, within the meaning of the Indian Penal Code and for the purposes of this Act, to be public nuisances; and

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(b) defining the cases, manner and times in and at which officers of the board may enter on private property for the detection and abatement of public nuisances.

(2) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

B. s. 33.] 49. (1) Subject to any orders which the Local Government may, from time to time, make in this behalf, a municipal board may order any person not to do, or not to omit to do, within the municipality, anything the doing of, or omission to do, which is a public nuisance.

(2) An order under this section shall be deemed to be, for the purposes of section 291 of the Indian Penal Code, an injunction by a public servant.

B. s. 31.] 50. (1) The Local Government may invest, within the limits of the municipality, a municipal board with the powers of a Magistrate of a district as described in section one hundred and thirty-three of the Code of Criminal Procedure, and with powers to make conditional orders of the nature referred to in that section, in respect of all or any of the acts or omissions which may have been declared to be public nuisances under clause (a) of section 48 of this Act.

of 1882.

(2) Sections one hundred and thirty-three to one hundred and forty-two (both inclusive) of the Code of Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of those powers.

(3) The Local Government may, whenever it thinks fit, withdraw the powers with which it has invested a board under this section.

51. A municipal board may, with the previous sanction of the Local Government, at a special meeting, delegate to one or more committees of its members, or to one or more of its members, any of the powers vested in the board by section 49, or with which the board may have been invested under section 50.

52. Every police-officer in a municipality shall be bound, subject to such instructions as may, from time to time, be issued by the Inspector-General of Police in this behalf, to assist in the prevention of any public nuisance defined to be such by any rule made under this Act.

*Additional Powers.*

Power to make rules 53. (1) A municipal board may, from time to time, at a special meeting, make rules—  
[B. B. s. 2 30, 31, 32 and 21 (f).]  
[Act VII of 1874, s. 16.]

(a) rendering licenses necessary for the proprietors or drivers of carriages, carts or boats plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) for regulating markets, wharves and slaughter-houses within the limits of the municipality, and rendering licenses necessary for the construction or establishment within those limits of new markets, wharves and slaughter-houses, or the keeping of lodging-houses within those limits for the accommodation of persons not being natives of British Burma, and for the holding or keeping open of markets, wharves and slaughter-houses constructed or established within those limits after the date on which this Act or the British Burma Municipal Act, 1871, came into force therein, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(c) for securing a proper registration of births, marriages and deaths occurring within the municipality; and

(d) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, a municipal board may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) A rule made under this section shall not come into force until it has been confirmed by the Local Government, and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

(4) Notwithstanding anything contained in the foregoing portion of this section, the municipal board of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under sub-section (1) with respect to the

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*Burma Local Self-government Bill, 1883.**(Chapter VI.—Control.)*

## CHAPTER VI.

## CONTROL.

Control by Commis- 54. (1) The Commissioner  
sioner and Magistrate. of the division or the  
Magistrate of the district may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the division or district respectively occupied by any municipal board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any book or document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(2) When the Magistrate of the district is a member of a board or joint committee, he shall not exercise, in respect of that board or committee, the powers conferred upon him by sub-section (1).

55. (1) The Commissioner of the division or the Magistrate of the district may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal board or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Magistrate makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

56. (1) In cases of emergency, the Magistrate of the district may provide for the execution of any work, or the doing of any act, which a municipal board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balances of the board's funds to pay the expense, or as much thereof as is, from time to time, possible, from the appropriate balance in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

57. (1) If at any time it appears to the Local Government that a municipal board has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Magistrate of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate by the board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balances of the board's funds to pay the expense, or so much thereof as is from time to time possible, from the balance of the appropriate fund in priority to any or all other charges against the same.

58. (1) If a municipal board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare that board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a board is so superseded, the following consequences shall ensue:—

- (a) All members of the board shall, as from the date of the order, vacate their offices as such members.
- (b) All powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that behalf.
- (c) All property vested in the board shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the board shall be re-constituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified from being members.

*Burma Local Self-government Bill, 1883.**(Chapter VII.—Supplementary.)*

59. (1) A municipal board shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, and a report of all works executed, or proceedings taken, by it under this Act during that period.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government, from time to time, prescribes.

60. (1) A municipal board shall submit, before such dates in each year and in such form as may be directed by the Local Government, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure.

(2) An abstract of the estimate and proposals shall, on being so submitted, be published in such manner as the Local Government, from time to time, directs.

61. (1) No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal board, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof has been approved by the board at a meeting.

(2) If the estimated cost of any such new work exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein, and Akyab, or

ten thousand rupees in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to the Local Government, and sanctioned by it in an order published in the official Gazette.

## CHAPTER VII.

## SUPPLEMENTARY.

62. If any member, officer or servant of a board is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the board, he shall be deemed to have committed an offence under section one hundred and sixty-eight of the Indian Penal Code :

Provided that no person shall, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the board.

63. In respect of every suit instituted against a municipal board, or against any officer or servant of the board in respect of an act

purporting to be done by him in his official capacity, the board, officer or servant shall have, as nearly as may be, all the privileges which the Secretary of State for India in Council or a public officer respectively has under Chapter XXVII of the Code of Civil Procedure.

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64. Every member of a municipal board shall be liable for the loss, waste or misapplication of any money or other property belonging to the board, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the board or by the Secretary of State for India in Council.

[B. B. s. 56  
[Act VII. c  
1874 s. 39.]

65. The Local Government may, from time to time, by notification in the official Gazette, direct that any property, moveable or immovable, which is vested in Her Majesty and is situate in the territories administered by the Local Government, shall vest in any municipal board ; and thereupon the property shall vest in that board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, the property.

[B. B. s. 82]

66. Where any land whether within or without the limits of a municipality is required for the purposes of a municipal board, the Local Government may, at the request of the municipal board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870 ; and, on payment by the board of the compensation awarded under that Act, the land shall vest in the board.

[B. B. s. 52  
[Act VII. c  
1874, s. 36.]

67. (1) The authority empowered to make rules under sections 8, 38, 47, 48 and 53 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration ; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct ; and such publication shall be conclusive evidence that the rule has been made as required by this section.

68. Prosecutions under this Act for infringement of rules may be instituted by the municipal board, or any person authorised by it in this behalf, and not otherwise.

[B. B. s.  
[Act V  
1874, s.]

69. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal board, and all arrears of taxes imposed under this Act, may be recovered as if they were arrears of local rates.

[B. B. s.  
[Act V  
1874, s.]

## STATEMENT OF OBJECTS AND REASONS.

THE Government of India has for some time had under consideration the question of amending the law relating to municipalities in British Burma, so as to bring it more completely into harmony with the principles of local self-government which have recently been laid down by the Government of India, and are now being generally adopted in other Provinces.

2. The present Bill has been prepared for the purpose of making such amendments in the existing Municipal Act (VII of 1874) as are needed, in order to give effect to this object. It has been thought convenient that it should repeal the existing Act, and the opportunity has been taken to introduce many improvements in matters of minor detail, in arrangement and in drafting, which the experience gained since the year 1874 has suggested. It will, however, be sufficient here to notice such of the proposed amendments as are of substantive importance.

3. Passing over the first chapter of the Bill, which contains preliminary matter, it will be found that Chapter II, relating to the constitution of municipalities, requires the Chief Commissioner (section 6) to bring every existing municipality under the new law within three months from the date on which it comes into force, unless he is in a position to declare by notification in the Gazette that it is unfit to be constituted a municipality under that law.

4. Section 3, it will be observed, enables the Chief Commissioner, subject to the usual procedure of issuing notice and hearing objections, to include within the limits of a municipality not merely a town but also any tract of country adjoining a town. This provision has been inserted on the advice of the Chief Commissioner (Mr. Bernard) and the Officiating Chief Commissioner (Mr. Crosthwaite), in order to meet the requirements of certain rural tracts, until such time as it may be found possible to establish a system of local boards for rural districts.

5. The most important alteration of the existing law proposed in Chapter III, relating to the organization of municipal boards, will be found in section 7, which, instead of leaving it absolutely in the discretion of the Chief Commissioner (as the present Act does) to determine whether the committee, or as it is now to be called, the board, should be appointed or elected, requires that at least three-fourths of the members shall be elective, except where the Chief Commissioner considers that a suitable system of election cannot be devised for them.

6. The only other provisions of this chapter which appear to call for notice are section 12, which requires a member of a board appointed to a salaried office under the board, to vacate his seat on the board; section 28, which empowers the board to determine whether their proceedings shall be conducted in English or Burmese, and provides that, when they are conducted in English, arrangements must be made for translating them into Burmese for the benefit of the native members; and section 29, which provides for the payment of small fees to the members of the board for attendance at meetings of the board or of committees.

7. The only alteration of the law proposed in Chapter IV which seems of sufficient importance to call for notice is in section 40, which provides that the following shall be credited to the municipal fund, namely:—

- (b) the proceeds of the cesses and tax levied on lands and houses in the municipality under sections 4, 5 and 6 of the Burma District Cesses and Rural Police Act, 1880, except such portions of those proceeds as may, under section 9 of that Act, be appropriated by the Chief Commissioner for the maintenance of rural police or for the maintenance of a local postal service;
- (c) the surplus accruing in the municipality under section 18 of the Cattle-trespass Act, 1871;
- (d) the income yielded by any public ferries in the municipality, and, in the case of a ferry on a river forming the boundary of a municipality, such share (if any) of the income of the ferry as the Chief Commissioner may assign in this behalf.

These sources of income, it need hardly be said, will, as a rule, be of little or no importance except when a considerable rural area is included in the municipality. When such an area is included, they will represent the chief contribution from it to the municipal fund.

8. It will be observed that there is nothing in the Bill corresponding to section 32 of the existing Act, which requires the municipality to provide from its funds in the first place such sums as the Chief Commissioner may from time to time fix for the maintenance of the town police. This charge will now be borne by the Government, and thus a considerable amount will be set free for expenditure on general purposes of improvement.

9. The list of duties of a municipal board contained in the first section of Chapter V is necessarily somewhat more extensive than the corresponding list in the existing Act, as under the new system some of the boards will have under them considerable rural areas, entailing duties somewhat different from those arising in connection with towns.

10. Section 47 requires a board, so far as its funds available for educational purposes will permit, to make grants-in-aid of schools in accordance with such rules as the Chief Commissioner, with the sanction of the Governor General in Council, may from time to time prescribe.

11. Section 25 of the existing Act gives the Chief Commissioner absolute power to cancel, suspend or limit any of the acts, proceedings or rules of any municipal committee. For this Chapter VI of the Bill proposes to substitute a carefully moderated system of control similar to that established by the Local Self-government Bills recently introduced for other provinces.

12. The last section of the chapter relating to the sanction requisite for undertaking works corresponds to section 35 of the existing Act, but instead of leaving it, as that section does, to the Chief Commissioner to determine the limit of the powers of the committee or board, it directly provides that the four largest municipalities may, on their own authority, undertake works the estimate for which does not exceed Rs. 20,000, and that the others may similarly undertake works the estimate for which does not exceed Rs. 10,000.

13. Section 67, though new as applied to Burma municipalities, has of late become a usual provision in Acts conferring a power to make rules. It provides that, before any rules are made under certain sections of the Act, they shall be published, that a certain time shall be allowed for the public or those concerned to put forward objections to them, and that any objections received shall be duly considered.

*The 17th July, 1883.*

C. P. ILBERT.

D. FITZPATRICK,

*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 30. }

SIMLA, SATURDAY, JULY 28, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 30.

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—MEDICAL.

*Simla, the 26th July 1883.*

**No. 254.**—The services of Surgeon J. F. Tuohy are temporarily placed at the disposal of the Government of the North-Western Provinces and Oudh.

**No. 256.**—The services of Surgeon E. G. Russell, M.B., Civil Surgeon of Gauhati, are placed temporarily at the disposal of the Government of Bengal.

**No. 259.**—Surgeon J. L. Poynder, of the Madras Medical Service, is appointed to be Civil Surgeon of Balaghat in the Central Provinces.

#### SANITARY.

*The 26th July 1883.*

**No. 226.**—The following quarantine Regulations and Rules, applicable to the pilgrimage of 1883 and 1884, received, through the Government of Bombay, from Her Majesty's Consuls at Jeddah and Alexandria are published for general information:—

*Quarantine Special Regulations applicable to the Pilgrimage of the year 1883.*

**Art. 1.**—Every pilgrim vessel arriving from below the Straits of Bab-el-Mandeb, whatever may be the tenor of its bill of health, must proceed direct to the island of Camaran, without calling at any port of the Ottoman littoral of the Red Sea.

**Art. 2.**—A pilgrim vessel is one expressly chartered

\* It must be well understood that article 2 is applicable to every pilgrim ship which at the same time carries goods, whatever may be their quantity, nature and destination, and that no exception will be made except for pilgrims in small numbers taking passage accidentally in steamers that are not engaged in the special trade of the pilgrimage.

for the transport of pilgrims to Mecca.\*

**Art. 3.**—On the arrival of vessels of

this category in the roads of Camaran, all the pilgrims will be landed and subjected to the regulation medical visit. If the arrival have a clean bill of health and without any suspicious incidents during the voyage, they will be subjected to a quarantine of five full days, clothing and personal effects will be disinfected as well as the vessel, which will again take its pilgrims and convey them to their destination.

**Art. 4.**—Vessels arriving with foul bills of health, or which have had choleraic incidents or suspected cases during the voyage, will be subjected, both vessels and pilgrims, to the regulated quarantine, the minimum of duration of which is from 10 to 15 days.

**Art. 5.**—In such cases all the orders contained in the general Regulation for cholera will be applicable thereto, without exception.

**Art. 6.**—No pilgrim vessel will be allowed to

† N.B. The administration is in a fair way to establishing a line of vessels for regular service between Camaran and Jeddah, which will carry on, at fixed and reasonable conditions, the transport of pilgrims who have undergone, according to each case, a longer or shorter term of quarantine.

This arrangement, which is ad to the advantage of navigation, and which partly modifies article 6 and the last sentence of article 3 of the present regulation, is designed to liberate the vessels which may have brought these pilgrims to Camaran from the obligation to take them again, at the end of their quarantine, for conveyance to their destination.

leave Camaran without taking again on board, after completion of quarantine, all the pilgrims which it had conveyed thither.†

**Art. 7.**—Sambuks (native craft) arriving from the Arabian Coast from below the Cape of Bab-el-Mandeb with pilgrims are treated in all points similarly to vessels engaged in this special trade. They will have to proceed direct to the anchorage of Camaran and will be repelled from every other port of the Arabian littoral.

**Art. 8.**—Vessels arriving from Bussora with pilgrims on board destined for the Hedjaz must also proceed exclusively to Camaran. They will be treated according to the tenor of their bills of health in accordance with the general regulation.

**Art. 9.**—Clothes, personal effects and merchandise, if any, as well as the vessels, will be subjected to the special régime of the Regulation for cholera.

**Art. 10.**—Arrivals from India in general are treated according to the Cholera Regulations of 1867.

Read at the Superior Council of Health and adopted at the sitting of 1st May 1883.

#### RULES.

Rules applicable to pilgrims and vessels carrying them arriving from countries situated beyond the Straits of Bab-el-Mandeb and bound to the Hedjaz with clean bill of health and no cases on board.

#### ARTICLE I.

On and after the 1st January 1884 pilgrims arriving from countries situated beyond the Straits of Bab-el-Mandeb and going to the Hedjaz shall not be permitted to land at Suez or at any other Egyptian port in the Red Sea, although the country from which they come may be free from cholera, unless they have previously performed at Camaran, or at any other place appointed by the Ottoman authorities, the quarantine prescribed by the Constantinople Sanitary Rules.

However the present measure will only be applicable when the Egyptian Sanitary, Maritime and Quarantine Council shall know for certain that there is a service of steamers between Camaran and Jeddah, and that the quarantine establishment at Camaran has been completed on the basis specified in the Constantinople report on the pilgrimage of 1883.

#### ARTICLE II.

All vessels which after having left their pilgrims at Camaran may arrive at an Egyptian port, without having themselves undergone quarantine and disinfection, shall only be allowed pratique after favourable medical visit and disinfection. They may, if they prefer, pass the Canal in quarantine under the conditions prescribed by the rules for passing the Canal.

#### ARTICLE III.

Pilgrims arriving at an Egyptian port without having undergone the said quarantine at Camaran shall repair to the encampment of Tor, there to undergo a five days' quarantine with disinfection. The vessels which carried them shall follow the conditions of the pilgrims, and will be bound to take them to their destination.

#### *Temporary Arrangement.*

As a temporary arrangement, and for the year 1883 only, the pilgrims referred to in the foregoing articles shall undergo at Moses' Wells a five days' quarantine with disinfection.

The vessels which may have carried them will be allowed pratique after landing the pilgrims, if the medical visit is favourable and after disinfection.

Approved by the Sanitary, Maritime and Quarantine Council at their sitting of the 5th June 1883.

#### ECCLESIASTICAL.

*The 24th July 1883.*

**No. 169.**—It is hereby notified for general information that Rule VIII of Section I of the Rules for the care and use of Government cemeteries (other than those in the Presidency town of the Diocese of Calcutta) published under Home Department Notification No. 421, dated the 12th December 1877, has been amended as follows :—

**Rule VIII (1).**—No burial can, as a general rule, take place in that part of a Government cemetery which has been set apart for the use of members of the Church of England, unless the service prescribed by that Church is read by the Chaplain, if there be one, or, in his absence, by the layman who officiates at the funeral. But a person may be interred in the other portions of a Government cemetery with or without the use of any services of religion.

**2.** Where in that part of a Government cemetery which has been set apart for the use of members of the Church of England there is a family vault or grave, or a reserved plot of ground purchased by a member of the family, or a masonry grave prepared in immediate contiguity to such family vault or grave, or reserved plot, any deceased member of the family may, if the relative, friend or legal representative having charge of the funeral arrangements shall so desire, be interred in such family vault, grave, or reserved plot without the performance of the service for the burial of the dead according to the rites of the Church of England.

**3.** The burial may take place at the option of the person having charge of the same either without any religious service or with such Christian and orderly religious service at the grave as such person shall think fit; and any person or persons who shall be thereunto invited, or be authorised by the person having charge of such burial, may conduct such service or take part in any religious act thereat.

**4.** Notice of any burial which it is intended to conduct under the provisions of this clause shall be given to the Chaplain or other officer in charge of the burial-ground in the manner prescribed by Rule VII.



## FORESTS.

*The 26th July 1883.*

**No. 610 F.**—Consequent on the appointment of Dr. W. Schlich, Conservator of Forests of the 1st Grade, as Inspector General of Forests to the Government of India, the following permanent promotions are made, with effect from the 24th April 1883:—

Mr. G. Greig, Conservator of Forests of the 2nd Grade in the Central Circle of the North-Western Provinces and Oudh and Officiating as Conservator of Forests of the 1st Grade, is confirmed in the latter appointment.

Major F. Bailey, R.E., Conservator of Forests of the 3rd Grade in the School Circle of the North-Western Provinces and Oudh and Officiating as Conservator of Forests of the 2nd Grade, is confirmed in the latter appointment.

Mr. A. L. Home, Deputy Conservator of Forests of the 1st Grade in Bengal and Officiating as Conservator of Forests of the 3rd Grade, is confirmed in the latter appointment.

Mr. W. Jacob, Deputy Conservator of Forests of the 2nd Grade in the Central Provinces and Officiating as Deputy Conservator of Forests of the 1st Grade, is confirmed in the latter appointment.

A. MACKENZIE,

*Secy. to the Govt. of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.—POLITICAL.

*Simla, the 21st July, 1883.*

**No. 1843 G.**—The Governor-General in Council is pleased to recognise the appointment of Monsr. L. P. Vossion, of the French Consular Service, as Vice-Consul for France, at Rangoon.

*The 23rd July, 1883.*

**No. 1851 G.**—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Henry Furrer as Acting Vice-Consul for Austria and Hungary, at Aden, during the absence of Mr. V. Escher.

**No. 1854 G.**—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Paul Masotti as Acting Consul for Belgium, at Bombay, during the absence of Mr. F. Masotti.

*The 25th July, 1883.*

**No. 1874 G.**—With reference to Foreign Department Notification, No. 1373 G., dated the 10th May, 1883, Mr. J. S. Williams, Consul for the United States of America, at Aden, resumed charge of his office on the 2nd July, 1883.

## GENERAL.

*The 23rd July, 1883.*

**No. 1849 G.**—Mr. C. E. R. Girdlestone, c.s., Resident of the 2nd Class, and Resident in Nipal, is granted three months' privilege leave, with effect from the 25th August, 1883, or the subsequent date on which he may avail himself of the same.

*The 25th July, 1883.*

**No. 1865 G.**—Major-General J. Watson, c.b., v.c., Bombay Staff Corps, Resident of the 1st Class, and Agent to the Governor-General at Baroda, is granted privilege leave for two months, with effect from the 12th September, 1883, or the subsequent date on which he may avail himself of the same.

**No. 1869 G.**—Mr. G. Lucas, Uncovenanted Assistant to the Political Resident in the Persian Gulf, is granted three months' privilege leave, with effect from the 16th July, 1883, or the subsequent date on which he may avail himself of the same.

## JUDICIAL.

**No. 2078 I.**—In exercise of the powers conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint Lieutenant T. C. Pears, Assistant Commissioner, Merwara, to be a Justice of the Peace within the portions of the Rajputana-Malwa Railway running through the States of Marwar and Serohi.

*The 26th July, 1883.*

**No. 2096 I.**—Whereas His Highness the Maharaja Sindia and His Highness the Maharaj Rana of Dholpur have granted to the British Government full jurisdiction within those portions of lands forming the Sindia State Railway (including the land occupied as stations, out-buildings, and for other purposes connected with the Railway) which lie within their respective territories. In exercise of such jurisdiction and of the powers conferred by Sections 1 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following Notification:—

I.—Act XI of 1865 (to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature) and Section 5 of the Code of Civil Procedure, and the chapters and sections of that Code specified in the second schedule thereto annexed, are hereby extended to the aforesaid lands.

II.—For the purpose of administering the aforesaid enactments, the Cantonment Magistrate at Morar and the Agent to the Governor-General in Central India, for the time being, are respectively invested with the powers of a Court of Small Causes and of a High Court within the aforesaid lands.

C. GRANT,

*Secretary to the Government of India.*



## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

The following Resolution, together with the Abstracts A and B and the general Statement of Accounts and Estimates, is published for general information:—

*Simla, the 25th July 1883.*

**No. 2238.**

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Up to the commencement of the current year, the Accounts and Estimates which accompany the Annual Financial Statement were presented to the public in a form which enabled columns to be inserted showing—

- (1) the increase and decrease of Revenue and Expenditure under each head in the Revised as compared with the Budget Estimate of the year about to close;
- (2) the increase and decrease of Revenue and Expenditure under each head in the Budget Estimate of the year about to commence as compared with the Revised Estimate of the year about to close.

2. In the new forms, which were adopted for the first time on the occasion of the last Financial Statement, the Increase and Decrease columns were omitted. In Abstract A (Details of Revenue) and Abstract B (Details of Expenditure) columns are inserted showing separately (1) the Imperial, (2) the Provincial and Local, Revenue and Expenditure. The Revenue and Expenditure in England is also shown separately from that in India. It was thought that no further information could be given on the same pages without unduly crowding the figures, and possibly rendering them more difficult to understand.

3. In a note to paragraph 146 to the Financial Statement it was recognised that the new classification of the figures, though superior to that heretofore adopted in other respects, was defective in so far as the omission of the Increase and Decrease columns was concerned. The question of whether it would not be possible to give this information in Abstracts A and B, in addition to the information they already contain, has been reconsidered since the issue of the last Financial Statement. By combining the Increases and Decreases in one column with the sign + prefixed to the former and that of — to the latter, it is thought that the information may be furnished without unduly crowding the figures. This system will, therefore, in future be adopted.

4. The figures given in Appendix I to the last Financial Statement are republished with the addition of the Increase and Decrease columns in Abstracts A and B.

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GENERAL STATEMENT OF ACCOUNTS AND ESTIMATES.

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# General Statement of

RECEIPTS.	For the Fiscal Year Abstract.	ACCOUNTS, 1881-82.	BUDGET ESTIMATE, 1882-83.	REVISED ESTIMATE, 1882-83.	BUDGET ESTIMATE, 1883-84.
		£	£	£	£
<b>Revenue—</b>					
Principal Heads of Revenue—					
Land Revenue . . . . .	...	21,948,022	21,487,000	21,700,400	21,792,760
Opium . . . . .	...	9,862,444	9,500,000	9,561,800	9,200,000
Salt . . . . .	...	7,375,620	6,049,000	6,128,700	6,167,000
Stamps . . . . .	...	3,381,372	3,342,000	3,411,600	3,427,200
Excise . . . . .	...	3,127,274	3,331,000	3,615,900	3,623,300
Other Heads . . . . .	A	7,659,729	6,162,000	6,376,500	6,383,900
<b>TOTAL PRINCIPAL HEADS</b> . . . . .	A	53,654,161	49,871,000	50,794,900	50,594,100
Post Office, Telegraph, and Mint . . . . .	„	1,489,699	1,637,000	1,652,800	1,670,000
Receipts by Civil Departments . . . . .	„	1,513,083	1,374,000	1,434,200	1,423,300
Miscellaneous . . . . .	„	1,707,226	1,286,000	1,365,000	1,269,500
Revenue from Productive Public Works . . . . .	„	10,782,063	10,423,000	10,369,500	10,607,600
Receipts on account of Public Works not classed as Productive . . . . .	„	727,799	619,000	771,500	861,700
Receipts by Military Departments . . . . .	„	3,821,475	868,000	1,526,000	865,800
<b>TOTAL REVENUE</b> . . . . .	...	73,695,806	66,078,000	67,913,900	67,274,000
<b>Debt, Deposits and Advances—</b>					
Permanent Debt (net Incurred) . . . . .	C	...	...	2,468,600	2,060,000
Unfunded Debt (net Incurred) . . . . .	„	335,853	14,000	707,200	594,400
Deposits and Advances . . . . .	„	...	...	262,500	...
Loans to Municipalities, Native States, &c. (net Recoveries) . . . . .	„	195,183	85,000	105,200	54,800
Capital of Guaranteed and Subsidized Companies (net Receipts) . . . . .	„	...	...	1,092,000	...
Remittances (net) . . . . .	„	877,478	...	308,400	...
Secretary of State's Bills drawn . . . . .	„	18,412,429	15,342,000	15,042,000	16,300,000
<b>TOTAL RECEIPTS</b> . . . . .	...	93,516,749	81,519,000	87,899,800	86,283,200
Balance on April 1st—England . . . . .	...	4,127,719	3,051,349	2,620,909	3,037,109
India . . . . .	...	13,371,101	14,199,651	14,522,913	13,840,013
<b>GRAND TOTAL</b> . . . . .	...	111,015,599	98,770,000	105,043,622	103,160,322

Fort William;

DEPT. OF FINANCE AND COMMERCE.

E. W. KELLNER,

DISBURSEMENTS.	For details, vide Abstract.	ACCOUNTS, 1881-82.	BUDGET ESTIMATE, 1882-83.	REVISED ESTIMATE, 1882-83.	BUDGET ESTIMATE, 1883-84.
		£	£	£	£
<b>Expenditure—</b>					
Interest . . . . .	B	4,558,100	4,376,000	4,450,700	4,261,000
Direct demands on the Revenues . . . . .	„	8,220,111	9,003,079	8,735,500	8,631,300
Post Office, Telegraph, and Mint . . . . .	„	1,771,662	1,918,000	1,932,200	2,039,800
Salaries and Expenses of Civil Depts. . . . .	„	11,038,504	11,081,000	11,000,900	11,153,600
Miscellaneous Civil Charges . . . . .	„	1,014,532	3,761,921	3,905,100	3,968,100
Famine Relief and Insurance . . . . .	„	1,500,000	1,500,000	1,500,000	1,500,000
Expenditure on Productive Public Works (Revenue Account) . . . . .	„	9,619,005	10,027,000	9,916,900	10,082,400
Expenditure on Public Works not classed as Productive . . . . .	„	6,393,531	7,210,000	7,313,300	7,056,100
Army Services . . . . .	„	18,861,112	16,128,000	17,509,300	16,061,000
Exchange on Transactions with London . . . . .	„	3,556,700	2,775,000	3,115,600	3,548,000
<b>TOTAL</b> . . . . .	...	69,593,287	67,783,000	69,379,500	68,316,300
<i>Add</i> —Provincial Surpluses, that is, Allotments to Provincial Governments, unspent by them . . . . .	End of B	1,521,019	...	18,300	14,700
<i>Deduct</i> —Provincial Deficits, that is, Portion of Provincial Expenditure defrayed from Provincial balances . . . . .	„	—1,227	—1,990,000	—1,513,700	—1,514,000
<b>TOTAL EXPENDITURE CHARGED AGAINST REVENUE</b> . . . . .	...	<b>71,113,079</b>	<b>65,793,000</b>	<b>67,854,100</b>	<b>66,817,000</b>
Expenditure on Productive Public Works (Capital Account) . . . . .	End of B	3,311,123	3,250,000	4,844,400	3,820,100
<b>Debt, Deposits and Advances—</b>					
Permanent Debt (net Discharged) . . . . .	C	466,895	688,000	...	...
Unfunded Debt (net Discharged) . . . . .	„	...	...	...	...
Deposits and Advances (net) . . . . .	„	110,969	150,000	...	555,200
Loans to Municipalities and Native States, &c. (net Advanced) . . . . .	„	...	...	...	...
Capital of Guaranteed and Subsidized Companies (net Withdrawals) . . . . .	„	502,414	512,000	...	1,236,700
Remittances (net) . . . . .	„	...	10,000	...	391,000
Secretary of State's Bills paid . . . . .	...	18,336,997	15,342,000	15,468,000	16,300,000
<b>TOTAL DISBURSEMENTS</b> . . . . .	...	<b>93,871,777</b>	<b>85,775,000</b>	<b>88,166,500</b>	<b>89,150,000</b>
Balance on March 31st—England . . . . .	...	2,620,909	2,146,619	3,037,109	2,313,609
India . . . . .	...	11,522,913	10,818,351	13,810,013	11,696,713
<b>GRAND TOTAL</b> . . . . .	...	<b>111,015,599</b>	<b>98,770,000</b>	<b>105,013,622</b>	<b>103,160,322</b>
Revenue . . . . .		73,695,806	66,078,000	67,913,900	67,274,000
Expenditure chargeable thereon . . . . .		71,113,079	65,793,000	67,854,100	66,817,000
Surplus + or Deficit — . . . . .		<b>+2,582,727</b>	<b>+285,000</b>	<b>+59,800</b>	<b>+157,000</b>

J. WESTLAND,

Comptroller General

D. BARBOUR,

Secretary to the Government of India.

Abstract A.—Details

The figures in thick type are those which

					ACCOUNTS, 1881-82.			REVISED	
					IMPERIAL.		PROVINCIAL AND LOCAL.	TOTAL.	IMPE.
					England.	India.	India.		England.
					£	£	£	£	£
<b>Principal Heads of Revenue—</b>									
I.—Land Revenue					...	15,313,251	6,631,771	21,948,022	...
II.—Opium					...	9,862,144	...	9,862,144	...
III.—Salt					...	7,350,727	21,893	7,375,620	...
IV.—Stamps					...	576,252	2,805,120	3,381,372	...
V.—Excise					...	675,701	2,751,573	3,427,274	...
VI.—Provincial Rates					...	178,718	2,716,772	2,895,490	...
VII.—Customs					...	2,106,434	251,954	2,361,388	...
VIII.—Assessed Taxes					...	382,986	153,843	536,829	...
IX.—Forest					2,236	804,984	67,215	874,435	2,800
X.—Registration					...	853	283,861	284,714	...
XI.—Tributes from Native States					...	706,873	...	706,873	...
<b>Total</b>					2,236	37,959,223	15,693,002	53,654,461	2,800
<b>Post Office, Telegraph, and Mint—</b>									
XII.—Post Office					...	945,326	1,581	949,907	...
XIII.—Telegraph					51,787	417,121	...	469,208	74,900
XIV.—Mint					28	70,556	...	70,584	...
<b>Total</b>					51,815	1,433,303	1,581	1,489,699	74,000
<b>Receipts by Civil Departments—</b>									
XV.—Law and Justice					...	85,638	591,816	677,454	...
XVI.—Police					...	5,699	242,306	248,005	...
XVII.—Marine					13	106,764	131,099	237,876	...
XVIII.—Education					...	1,086	188,206	189,292	...
XIX.—Medical					3,998	5	35,504	39,507	2,000
XX.—Scientific and other Minor Departments					14,480	18,370	58,099	120,949	2,800
<b>Total</b>					18,491	217,562	1,247,030	1,513,083	4,800
<b>Miscellaneous—</b>									
XXI.—Interest					56,470	808,237	32,197	896,904	23,800
XXII.—Receipts in aid of Superannuations, &c.					105,973	232,688	17,612	356,273	101,800
XXIII.—Stationery and Printing					12	11,733	46,061	57,811	...
XXIV.—Miscellaneous					15,171	73,795	306,972	395,238	25,000
<b>Total</b>					177,926	1,126,453	102,847	1,707,226	150,600
<b>Revenue from Productive Public Works—</b>									
XXV.—State Railways (gross earnings)					...	1,931,836	571,706	2,556,542	...
XXVI.—Guaranteed and Subsidized Railways (net Traffic Receipts).					...	3,615,479	...	3,615,479	...
XXVII.—East Indian Railway (net Traffic Receipts)					230	3,261,627	...	3,261,857 <sup>a</sup>	200
XXVIII.—Irrigation and Navigation (Direct Receipts).					171	321,743	543,885	865,799	1,400
XXIX.—Madras Irrigation and Canal Company (net Traffic Receipts).					...	8,834	...	8,834	...
XXX.—Portion of Land Revenue due to Irrigation					...	4,91,220	...	491,220	...
<b>Total</b>					401	9,633,071	1,118,591	10,782,063	1,600
<b>Receipts on account of Public Works not classed as Productive—</b>									
XXXI.—State Railways					...	...	...	...	...
XXXII.—Subsidized Railways					2,290	...	...	2,290	3,700
XXXIII.—Irrigation and Navigation					...	29,216	102,023	131,239	...
XXXIV.—Military Works					...	48,474	1,821	50,298	...
XXXV.—Civil Buildings, Roads, and Services.					13,636	23,281	507,055	543,972	14,100
<b>Total</b>					15,926	100,971	610,902	727,799	17,800
<b>Receipts by Military Departments—</b>									
XXXVI.—Army					68,263	1,093,414	...	1,161,707	73,000
XXXVII.—( Military Operations in Afghanistan					2,305,000 <sup>b</sup>	351,708	...	2,659,768	...
( Military Operations in Egypt					...	...	...	...	500,000 <sup>(c)</sup>
<b>Total</b>					2,373,263	1,448,212	...	3,821,475	573,000
					2,670,058	51,948,795			825,500
<b>Total Revenues</b>						54,618,553	19,076,953	73,695,806	49,188,

Revenue.

R10= £1.

ar in the General Account.

IMATE, 1882-83.			Increase + Decrease of Revised as compared with Budget Estimates, 1882-83.	BUDGET ESTIMATE, 1883-84.				Increase + Decrease of Budget, 1883-84 as compared with Revised Estimates, 1882-83.
India.	PROVINCIAL AND LOCAL.	TOTAL.		IMPERIAL.		PROVINCIAL AND LOCAL.	TOTAL.	
	India.			England.	India.	India.		
£	£	£	£	£	£	£	£	£
733,600	7,966,800	21,700,400	+ 213,400	...	13,511,500	8,278,200	21,792,700	+ 92,300
561,800	...	9,561,800	+ 61,800	...	9,200,000	...	9,200,000	— 361,800
197,600	31,100	6,128,700	+ 79,700	...	6,136,500	30,500	6,167,000	+ 58,300
721,800	1,689,800	3,411,600	+ 69,600	...	1,729,600	1,687,600	3,417,200	+ 15,600
322,700	1,793,200	3,615,900	+ 284,900	...	1,824,300	1,797,000	3,621,300	+ 7,400
500	2,667,900	2,668,400	+ 19,400	...	500	2,687,700	2,688,200	+ 19,800
165,500	199,800	1,265,300	+ 81,300	...	1,061,800	193,300	1,255,100	— 10,200
202,900	263,000	525,900	— 12,100	...	261,700	231,700	523,400	— 2,500
123,200	495,600	921,600	+ 112,600	2,500	426,800	596,500	935,800	+ 14,200
143,100	142,300	285,100	+ 1,400	...	110,600	159,500	280,400	— 5,000
709,900	...	709,900	+ 8,900	...	701,000	...	701,000	— 8,900
112,600	15,219,500	50,794,900	+ 923,900	2,500	34,999,300	15,592,300	50,594,100	— 200,800
174,400	5,200	979,600	+ 12,600	...	1,006,000	4,900	1,010,900	+ 31,300
415,800	360	521,000	— 4,000	43,000	511,000	100	557,100	+ 33,100
52,200	...	152,200	+ 7,200	...	102,060	...	102,000	— 50,200
172,100	5,500	1,652,800	+ 15,800	43,000	1,622,000	5,000	1,670,000	+ 17,200
54,500	607,500	632,000	+ 3,000	...	39,200	605,800	645,000	— 17,000
5,700	221,500	227,200	— 20,800	...	200	226,000	226,200	— 1,000
99,900	111,700	211,600	+ 28,600	...	89,000	118,100	207,100	— 4,500
1,200	198,600	199,800	+ 22,800	...	900	204,000	204,900	+ 5,100
100	46,100	48,500	+ 7,500	2,000	100	46,500	48,600	+ 100
16,500	65,800	85,100	+ 19,100	500	17,200	52,800	70,500	— 14,600
77,900	1,251,500	1,434,200	+ 60,200	2,500	146,600	1,253,200	1,402,300	— 31,900
33,900	30,300	688,000	+ 36,000	5,000	615,600	30,100	651,000	— 37,000
64,300	27,200	293,300	— 13,700	99,700	168,100	25,400	293,200	— 100
10,000	47,600	57,600	— 1,400	...	7,000	50,200	57,200	— 400
44,000	257,100	326,100	+ 58,100	8,000	38,700	221,100	268,100	— 58,000
52,200	362,200	1,365,000	+ 79,000	112,700	829,700	327,100	1,269,500	— 95,500
122,000	661,000	2,583,000	— 193,000	...	1,984,000	746,500	2,730,500	+ 147,500
30,000	...	3,530,000	+ 57,000	...	3,539,000	...	3,539,000	+ 9,000
115,000	...	2,815,200	+ 185,200	200	2,907,000	...	2,907,200	+ 62,000
55,800	627,500	884,700	+ 40,700	...	273,200	612,200	885,100	+ 700
5,100	...	— 5,100	+ 9,600	...	...	...	...	+ 5,400
32,000	...	532,000	— 153,000	...	545,500	...	545,500	+ 13,500
179,400	1,288,500	10,369,500	— 53,500	200	9,248,700	1,358,700	10,607,600	+ 238,100
08,200	14,900	123,100	+ 123,100	...	157,400	34,500	191,900	+ 68,800
...	...	3,700	+ 2,700	1,000	10,000	...	11,000	+ 7,300
28,500	103,100	131,900	— 1,100	...	31,000	110,300	141,300	+ 9,400
42,100	...	12,100	+ 3,000	...	39,200	...	39,200	— 2,900
6,706	449,900	470,700	+ 21,800	17,100	7,300	456,600	481,300	+ 10,600
85,500	568,200	771,500	+ 152,500	18,400	244,900	601,100	864,700	+ 93,200
113,000	...	986,000	+ 118,000	41,000	824,800	...	865,800	— 120,200
...	...	...	...	...	...	...	...	...
40,000	...	510,000	+ 510,000	...	...	...	...	— 510,000
153,000	...	1,526,000	+ 658,000	41,000	824,800	...	865,800	— 660,200
363,000	...	...	...	220,300	47,916,000	...	...	...
...	18,725,400	67,913,900	+ 1,835,900	48,136,300	...	19,137,700	67,274,000	— 639,900

# Abstract B.—Details

The figures in thick type are those which appear

	ACCOUNTS, 1881-82.				REVISED
	IMPERIAL.		PROVINCIAL AND LOCAL.	TOTAL.	IMPERIAL.
	England.	India.	India.		England.
	£	£	£	£	£
<b>Interest—</b>					
1.—Interest on Ordinary Debt (excluding that charged to Productive Public Works) . . . . .	2,512,420	1,504,836	6,860	4,024,116	2,180,600
2.—Interest on Deposits . . . . .	706	528,865	4,113	533,984	1,800
<b>TOTAL . . . . .</b>	<b>2,513,126</b>	<b>2,033,701</b>	<b>11,273</b>	<b>4,558,100</b>	<b>2,182,400</b>
<b>Direct Demands on the Revenues—</b>					
3.—Refunds and Drawbacks . . . . .	...	180,130	92,240	272,370	...
4.—Assignments and Compensations . . . . .	...	192,266	702,174	1,194,440	...
Charges in respect of Collection, <i>viz.</i> :—					
5.—Land Revenue . . . . .	541	808,761	2,191,490	3,003,792	600
6.—Opium (including cost of Production) . . . . .	1,062	2,051,998	1,275	2,057,335	1,600
7.—Salt (including cost of Production) . . . . .	...	423,653	62,556	186,209	4,070
8.—Stamps . . . . .	32,862	13,574	91,335	119,623	42,600
9.—Excise . . . . .	3	18,835	78,048	96,886	...
10.—Provincial Rates . . . . .	...	...	53,226	53,226	...
11.—Customs . . . . .	17	22,667	172,426	195,110	...
12.—Assessed Taxes . . . . .	...	580	12,194	13,074	...
13.—Forest . . . . .	5,288	512,016	40,341	557,645	5,300
14.—Registration . . . . .	...	393	179,008	179,401	...
<b>TOTAL . . . . .</b>	<b>39,773</b>	<b>1,500,725</b>	<b>3,679,613</b>	<b>8,220,111</b>	<b>51,100</b>
<b>Post Office, Telegraph, and Mint—</b>					
15.—Post Office . . . . .	96,812	955,649	95,174	1,117,935	101,100
16.—Telegraph . . . . .	94,114	442,087	...	536,201	150,100
17.—Mint . . . . .	19,017	68,485	24	87,526	7,200
<b>TOTAL . . . . .</b>	<b>209,943</b>	<b>1,466,221</b>	<b>95,498</b>	<b>1,771,662</b>	<b>258,700</b>
<b>Salaries and Expenses of Civil Departments—</b>					
18.—General Administration . . . . .	231,431	653,785	609,110	1,194,356	219,700
19.—Law and Justice . . . . .	226	561,136	2,671,379	3,232,741	1,400
20.—Police . . . . .	...	82,847	2,471,014	2,553,861	...
21.—Marine (including River Navigation) . . . . .	197,811	272,982	152,602	623,398	191,300
22.—Education . . . . .	329	9,123	1,069,038	1,078,490	400
23.—Ecclesiastical . . . . .	412	119,993	41,698	162,136	400
24.—Medical . . . . .	7,468	167,704	508,013	683,185	7,500
25.—Political . . . . .	25,832	622,436	1,078	619,316	26,800
26.—Scientific and other Minor Departments . . . . .	20,591	388,801	151,599	560,991	26,000
<b>TOTAL . . . . .</b>	<b>484,133</b>	<b>2,878,810</b>	<b>7,675,561</b>	<b>11,033,504</b>	<b>503,500</b>
<b>Miscellaneous Civil Charges—</b>					
27.—Territorial and Political Pensions . . . . .	31,265	651,063	...	682,328	31,300
28.—Civil Furlough and Absentee Allowances . . . . .	217,747	3,925	970	222,642	215,000
29.—Superannuation Allowances and Pensions . . . . .	1,337,140	613,631	171,556	2,122,327	1,389,000
30.—Stationery and Printing . . . . .	118,394	134,867	312,323	565,584	166,500
31.—Miscellaneous . . . . .	44,156	95,743	251,152	391,351	28,000
<b>TOTAL . . . . .</b>	<b>1,779,002</b>	<b>1,529,229</b>	<b>736,301</b>	<b>4,044,532</b>	<b>1,823,800</b>
<b>Famine Relief and Insurance—</b>					
32.—Famine Relief . . . . .	165	12,078	44,762	34,849	...
33.—Protective Works, Railways . . . . .	...	614,551	...	614,551	...
34.—Protective Works, Irrigation . . . . .	...	135,449	...	135,449	...
35.—Reduction of Debt . . . . .	...	715,151	...	715,151	...
<b>TOTAL . . . . .</b>	<b>165</b>	<b>1,453,073</b>	<b>16,762</b>	<b>1,500,000</b>	<b>...</b>
<b>Expenditure on Productive Public Works (Revenue Account)—</b>					
36.—State Railways (Working and Maintenance) . . . . .	...	1,342,770	343,622	1,686,392	...
37.—Guaranteed and Subsidized Railways (Interest and Profits) . . . . .	3,264,813	413,941	...	3,678,754	3,269,500
38.—East Indian Railway (Interest and Profits) . . . . .	1,259,446	199,257	...	1,138,703*	1,217,400
39.—Irrigation and Navigation (Working and Maintenance) . . . . .	193	180,463	271,979	455,635	200
40.—Maharaj Irrigation and Canal Co. (Interest, &c.) . . . . .	43,983	513	...	59,496	25,000
41.—Interest on Debt incurred for Productive Public Works—					
Railways . . . . .	352,852	1,020,842	220,993	1,594,687	348,100
Irrigation . . . . .	...	274,403	451,980	726,386	...
Miscellaneous Public Improvements . . . . .	...	17,952	...	17,952	...
<b>TOTAL . . . . .</b>	<b>1,007,287</b>	<b>3,150,141</b>	<b>1,003,571</b>	<b>5,160,998</b>	<b>5,000,000</b>



Expenditure.

R10 = £1.

ie General Account.

BUDGET ESTIMATE, 1882-83.			Increase + Decrease — of Revised as compared with Budget Estimates, 1882-83.	BUDGET ESTIMATE, 1883-84.				Increase + Decrease — of Budget, 1883-84, as compared with Revised Estimates, 1882-83.
India.	PROVINCIAL AND LOCAL	TOTAL.		IMPERIAL.		PROVINCIAL AND LOCAL.	TOTAL.	
	India.	£		England.	India.	India.	£	
£	£	£	£	£	£	£	£	£
500,500	7,200	3,988,300	+ 71,300	2,494,700	1,321,900	7,000	3,823,600	— 164,700
456,800	3,800	462,400	+ 3,100	3,000	433,700	3,700	440,400	— 22,000
957,300	11,000	4,450,700	+ 74,700	2,497,700	1,755,600	10,700	4,264,000	— 186,700
190,900	193,300	384,200	— 4,700	...	129,200	60,700	195,900	— 182,300
545,000	696,700	1,241,700	+ 8,621	...	547,600	698,500	1,246,100	+ 4,400
259,800	2,795,500	3,055,300	— 112,100	900	280,100	2,930,400	3,211,700	+ 155,800
343,300	...	2,344,900	+ 94,900	1,000	2,164,300	...	2,165,300	— 179,600
438,000	57,100	499,400	— 139,600	...	482,400	63,900	546,300	+ 46,900
24,800	53,500	120,900	+ 1,900	23,100	25,100	51,500	103,000	— 17,900
47,500	48,200	95,700	— 3,800	...	47,000	47,400	94,400	— 1,300
...	50,900	50,900	+ 1,900	...	...	51,100	51,100	+ 200
...	154,600	156,600	— 6,400	...	...	143,700	143,700	— 12,900
6,900	6,900	13,800	— 1,200	...	7,000	7,000	14,000	+ 200
262,100	319,000	586,700	+ 5,700	5,000	297,100	371,100	676,500	+ 89,800
92,700	92,100	184,800	— 1,200	...	93,100	92,900	186,300	+ 1,500
211,300	4,470,100	8,735,500	— 155,179	30,300	4,073,800	4,530,200	8,631,300	— 104,200
986,100	93,500	1,186,700	+ 13,700	102,000	1,016,000	104,800	1,222,800	+ 36,100
505,100	1,200	656,700	+ 19,700	198,000	543,200	400	714,600	+ 84,900
81,600	...	88,800	— 19,200	4,200	71,200	...	75,400	— 13,400
572,800	100,700	1,932,200	+ 14,200	304,200	1,630,400	105,200	2,039,800	+ 107,600
301,400	726,600	1,577,700	+ 73,700	239,000	592,500	723,400	1,554,900	— 22,800
163,400	3,107,900	3,272,700	— 116,800	1,600	162,900	3,182,200	3,347,700	+ 74,000
81,400	2,517,100	2,598,500	— 3,500	...	76,400	2,631,600	2,708,000	+ 76,500
218,000	136,400	545,700	— 75,300	136,700	229,500	149,200	545,400	— 30,300
9,100	1,124,400	1,133,900	— 15,100	300	9,200	1,190,600	1,200,100	+ 66,200
163,200	...	163,600	+ 600	300	167,300	...	167,600	+ 4,000
13,600	676,600	697,700	— 5,300	7,500	14,500	709,700	722,700	+ 25,000
583,500	1,100	511,100	— 8,600	27,300	414,300	800	412,100	— 69,000
252,000	188,700	464,700	+ 21,700	20,800	232,400	212,600	495,800	+ 29,100
988,900	8,508,500	11,000,900	— 125,600	433,500	1,929,000	8,791,100	11,153,600	+ 152,700
356,700	...	688,000	— 17,921	79,300	644,100	...	713,400	+ 55,400
1,500	...	216,500	— 17,500	225,000	1,500	...	223,500	+ 10,000
260,300	517,700	2,167,000	+ 66,000	1,115,000	232,000	524,300	2,171,300	+ 4,300
15,300	349,200	494,100	+ 54,100	133,000	23,900	352,900	429,000	— 32,100
45,600	265,600	339,200	— 11,400	30,000	69,100	265,500	364,900	+ 25,700
148,800	1,132,500	3,905,100	+ 73,579	1,882,300	943,100	1,142,700	3,968,100	+ 63,000
...	25,600	25,600	+ 25,600	...	...	12,500	12,500	— 13,100
127,100	...	127,100	— 519,600	...	1,012,500	...	1,012,500	+ 1,139,600
271,300	...	271,300	— 50,200	...	313,300	...	313,300	+ 72,000
330,200	...	1,330,200	+ 580,200	...	131,700	...	131,700	— 1,198,500
474,100	25,600	1,500,000	...	...	1,487,500	12,500	1,500,000	...
148,000	384,600	1,532,600	— 208,400	...	1,165,800	407,000	1,572,800	+ 40,200
576,900	...	3,846,100	+ 21,400	3,296,000	588,500	...	3,881,500	+ 38,100
247,100	...	1,464,500	+ 30,500	1,207,600	188,400	...	1,396,000	— 68,500
235,500	290,700	526,400	+ 23,400	...	248,800	300,500	549,300	+ 22,900
...	...	25,000	— 25,000	...	...	...	...	— 25,000
110,300	257,500	1,715,900	— 24,100	301,600	1,205,800	303,100	1,810,500	+ 94,600
326,200	459,700	785,900	+ 51,900	...	388,000	465,700	853,700	+ 67,800
20,200	...	20,200	+ 20,200	...	21,600	...	21,600	+ 1,400
864,200	1,302,500	9,016,000	...	4,007,300	3,008,000	1,476,200	10,038,400	+ 171,500

Abstract B.—Details

	ACCOUNTS, 1881-82.				REVISED
	IMPERIAL.		PROVINCIAL AND LOCAL.	TOTAL.	IMPERIAL
	England.	India.	India.		
	£	£	£	£	£
Brought over	9,933,429	17,311,903	13,536,582	10,781,914	9,982,700
<b>Expenditure on Public Works not classed as productive—</b>					
42.—State Railways (Capital Account)	...	121,418	126,255	247,673	...
43.—State Railways (Working and Maintenance)	...	...	...	...	...
44.—Subsidised Railways	4,301	13,226	...	17,527	13,700
Southern Mahratta Railway	...	...	...	...	...
45.—Frontier Railways	363,491	—138,809	...	224,682	79,000
46.—Irrigation and Navigation	22	425,884	361,027	789,933	1,300
47.—Military Works	...	1,020,035	50,511	1,070,546	1,200
48.—Civil Buildings, Roads, and Services	96,018	466,603	3,480,549	4,043,170	86,800
TOTAL	463,832	1,908,357	4,021,312	6,393,531	182,000
<b>Army Services—</b>					
49.—Army	3,997,182	13,218,733	...	17,216,215	3,969,200
50.—Military Operations in Afghanistan	13,003	1,631,924	...	1,644,927	...
Military Operations in Egypt	...	...	...	...	118,000
TOTAL	4,010,485	14,850,657	...	18,861,142	4,087,200
51.—Exchange on Transactions with London	...	3,557,463	— 763	3,556,700	...
TOTAL	14,407,716	37,628,380	17,557,161	69,593,287	14,251,900
Surpluses	52,036,126		+ 1,521,019	...	49,128,
Deficits	+ 2,582,727			...	+ 59,
	...		— 1,227	...	...
Total as per Abstract A	54,618,853		19,076,953	...	49,188,
<b>Expenditure on Productive Public Works (Capital Account)—</b>					
52.—State Railways	439,325	1,195,826	...	1,635,151	372,000
53.—East Indian Railway	586,300	455,262	...	1,041,562	450,000
54.—Irrigation and Navigation	...	565,804	...	565,804	...
Madras Irrigation and Canal Company's undertakings	...	...	...	...	1,763,500
55.—Miscellaneous Public Improvements	...	68,906	...	68,906	...
TOTAL	1,025,625	2,285,798	...	3,311,423	2,585,500

BUDGET ESTIMATE, 1882-83.			Increase Decrease of Revised as compared with Budget Estimates, 1882-83.	BUDGET ESTIMATE, 1883-84.				Increase Decrease of Budget, 1883-84, as compared with Revised Estimates, 1882-83.
L.	PROVINCIAL AND LOCAL.	TOTAL.		IMPERIAL.		PROVINCIAL AND LOCAL.	TOTAL.	
India.	India.			England.	India.	India.		
£	£	£	£	£	£	£	£	£
517,700	15,610,900	16,128,600	— 228,700	9,953,200	15,626,300	16,068,700	16,128,600	+ 206,900
61,000	377,900	438,900	— 153,100	...	57,500	422,900	510,400	+ 71,500
134,600	12,100	147,000	+ 147,000	...	157,600	27,200	184,800	+ 37,800
56,500	500	70,700	+ 20,700	29,600	55,000	16,300	100,900	+ 30,200
33,100	...	33,100	+ 33,100	...	81,800	...	81,800	+ 51,700
202,500	...	281,500	+ 58,500	...	67,500	...	67,500	— 214,000
518,100	400,500	919,900	— 54,100	2,000	488,000	311,000	801,000	— 115,900
998,800	...	1,000,000	...	400	999,600	...	1,000,000	...
516,800	3,818,600	4,335,400	+ 51,200	101,700	111,100	3,787,900	4,335,400	— 118,500
521,400	1,609,900	2,131,300	+ 103,300	133,700	2,351,100	1,568,300	2,131,300	— 257,200
202,900	...	16,172,100	+ 44,100	4,015,200	12,018,800	...	16,064,000	— 108,100
219,200	...	1,337,200	+ 1,337,200	...	...	...	...	— 1,337,200
422,100	...	17,509,300	+ 1,381,300	4,015,200	12,018,800	...	16,064,000	— 1,445,300
15,600	...	3,115,600	+ 340,600	...	3,518,000	...	3,548,000	+ 432,400
876,800	20,250,800	21,127,600	+ 1,596,500	14,132,100	33,547,200	20,637,000	21,127,600	— 1,063,200
)	...	...	...	47,679,300		...	...	...
)	+ 18,300	...	...	+ 457,000		+ 11,700	...	...
)	— 1,513,700	...	...	...		— 1,514,000	...	...
)	18,725,400	...	...	48,136,300		19,137,700	...	...
302,400	...	1,674,400	— 193,600	812,000	1,583,000	...	2,395,000	+ 720,600
263,200	...	713,200	+ 228,200	...	424,000	...	424,000	— 289,200
649,100	...	649,100	— 217,900	22,600	955,500	...	978,100	+ 329,000
...	...	1,763,500	+ 1,763,500	...	...	...	...	— 1,763,500
44,200	...	44,200	+ 44,200	...	23,000	...	23,000	— 21,200
258,900	...	4,844,400	+ 1,594,400	834,600	2,985,500	...	3,820,100	— 1,024,300

*The 24th July, 1883.*

**No. 2262.**—Privilege leave for one month and twenty-one days is granted to Mr. A. C. Tupp, B.C.S., Officiating Accountant General, Bengal, with effect from the 15th August 1883.

Mr. E. W. Kellner is appointed to officiate as Accountant General, Bengal, during Mr. Tupp's absence on leave, or until further orders.

Privilege leave for two months and four days is granted to Mr. E. J. Sinkinson, B.C.S., Officiating Accountant General, North-Western Provinces and Oudh and Deputy Commissioner of Paper Currency at Allahabad, with effect from the 27th August 1883.

Mr. R. Logan, B.C.S., is appointed to officiate as Accountant General, North-Western Provinces and Oudh, and Deputy Commissioner of Paper Currency at Allahabad during Mr. Sinkinson's absence on leave, or until further orders.

Mr. J. F. Finlay, M.A., B.C.S., is appointed to officiate as Under Secretary to the Government of India in the Department of Finance and Commerce during the absence of Mr. Logan, on deputation, or until further orders.

**No. 2275.**—In exercise of the power conferred upon him by Section 5 of the Indian Paper Currency Act, 1882, the Governor General in Council is pleased to constitute the territories administered by the Chief Commissioner of British Burma a Circle of Issue for the purposes of the said Act, with effect from 1st August 1883, to appoint the town of Rangoon to be the place of issue of Currency notes for the said Circle, and to establish an Office of Issue in the town of Rangoon.

And in exercise of the power conferred by Sections 4 and 8 of the said Act, the Governor General in Council is pleased to appoint the Comptroller, British Burma, for the time being, to be the Commissioner of Paper Currency for Rangoon.

*The 27th July 1883.*

**No. 2286.**—The following Despatch from the Secretary of State for India and the Order in Council therein referred to are published for general information :—

STATISTICS AND COMMERCE.

No. 98.

INDIA OFFICE ;

*London, 21st June 1883.*

*To—His Excellency the Most Honourable the Governor General of India in Council.*

MY LORD MARQUIS,—In continuation of my Despatch of the 19th April last, No. 60, I forward 95 copies, received from the Board of Trade, of an Order in Council fixing the dues payable in respect of the Great Basses, the Little Basses, and the Minicoy Lighthouses.

I have, &c.,

(Sd.) KIMBERLEY.

## AT THE COURT AT WINDSOR,

**The 22nd day of May 1883.**

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by "The Merchant Shipping Act Amendment Act, 1855," it was enacted that in any case in which any Light, house, buoy, or beacon had been or should be thereafter erected or placed on or near the coasts of any British Possession by or with the consent of the Legislative Authority of such Possession, Her Majesty might by Order in Council fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same, or derives benefit therefrom, as Her Majesty might deem reasonable, and might in like manner from time to time increase, diminish, or repeal such dues, and that from the time specified in such Order for the commencement of the dues thereby fixed, increased, or diminished, the same should be leviable throughout Her Majesty's dominions in manner thereafter mentioned :

And whereas Lighthouses have, by and with the consent of the Legislative Authority of the Colony of Ceylon, been constructed and placed on the Great Basses Rock, and on the Little Basses Rock, in the said Colony, and a Light has been exhibited from each of such Lighthouses :

And whereas by an Order in Council dated the 11th day of November, 1869, Her Majesty was pleased to direct that the dues to be paid in respect of ships passing and deriving benefit from the lights exhibited from the said Great Basses Rock and the said Little Basses Rock, as in the said Order in Council appearing, should be one due of one penny halfpenny per ton in respect of both of the said Lights :

And whereas it is proposed to construct a Lighthouse on the Island of Minicoy between the Maldivé and Laccadive Islands, and to exhibit a Light therefrom :

And whereas the Legislative Authorities of India, Ceylon, the Straits Settlements, and Mauritius, have given such consents as are necessary either to the erection of the Lighthouse or to the collection of dues in respect thereof :

And whereas by Section 10 of "The Public Works Loans Act, 1881," the Public Works Loan Commissioners are empowered, in the event of provision being made by Order in Council and otherwise for the levy of dues in respect of any Lighthouse to be erected on the said Island of Minicoy, to advance a sum or sums not exceeding £20,000 for the purpose of constructing the said Lighthouse :

And whereas by the same section of the said Act provision is made for the application of any dues levied in respect of the said Lighthouse to the fund formed by the dues levied in respect of the Great Basses Lighthouse and the Little Basses Lighthouse therein referred to as the Basses Lights Fund, and it is provided that such Fund shall be applicable to the maintenance of the said Great Basses Lighthouse, Little Basses Lighthouse, and Minicoy Lighthouse :

And whereas by the same section of the said Act it is further provided that so long as any money is due to the Public Works Loan Commissioners on account of any Loan under that section, the dues payable in respect of the Great Basses Lighthouse and the Little Basses Lighthouse, or the Minicoy Lighthouse, shall be altered only with the consent of the Commissioners of Her Majesty's Treasury :

And whereas it is expedient that provision should be made for the payment of such of the said dues as may be payable in India, Ceylon, the Straits Settlements, and Mauritius, including the Seychelles Islands, in the currency of the respective countries in which they are payable :

And whereas the Lords Commissioners of Her Majesty's Treasury have signified their consent to the dues specified in the Two Schedules hereto annexed :

And whereas the several classes of ships following, that is to say,—

Every ship which in the same voyage by the southward of Ceylon shall cross a line drawn from the southernmost point of Ceylon to the north-westernmost point of the Island of Sumatra, and also a line from the southernmost point of Ceylon to Cape Guardafui on the eastern coast of Africa, and *vice versa*.

Every ship which in any voyage to or from any place in the Maldive Islands shall cross a line drawn from the southernmost point of Ceylon to the north-westernmost point of Sumatra.

Every ship which in any voyage from any port on the Eastern Coast of Africa, south of Cape Guardafui, or from any port in Madagascar, Bourbon, Mauritius, or any Island adjacent to the same, including the Seychelles and the Chagos Islands, or in any voyage in which such ship shall have rounded the Cape of Good Hope eastward shall cross a line drawn from the southernmost point of Ceylon to the southernmost point of the coast of Tenasserim, and shall, between the 1st day of April and the 30th day of September, both included, arrive at any port situated north of such line.

Every ship which having departed between the 1st day of October and the 31st day of March, both included, from any port situated to the northward of such last-mentioned line, and also to the westward of the ninetieth meridian of longitude east from Greenwich, in any voyage to any port on the eastern coast of Africa south of Cape Guardafui, or to any port in Madagascar, Bourbon, Mauritius, or any island adjacent thereto, including the Seychelles and the Chagos Islands, or in any voyage in which such ship shall round the Cape of Good Hope westward, shall cross the latitude of the Great Basses Lighthouse, or the Little Basses Lighthouse, on the eastward side of the said Lighthouse,

will pass the said Great Basses Lighthouse, and the said Little Basses Lighthouse, and will derive benefit therefrom :

And whereas the several classes of ships following, that is to say,—

Every ship which in any voyage shall or may pass between the Laccadive Islands and the Maldive Islands through the Channel known as the nine degree Channel, north of Minicoy Island, or through that known as the eight degree Channel, south of Minicoy Island,

will pass the said Minicoy Lighthouse and will derive benefit therefrom :

Now, therefore, Her Majesty, in exercise of the powers vested in Her by the said recited Acts, by and with the advice of Her Privy Council, is pleased to direct that from and after the date of this Order the dues heretofore levied in respect of the Great Basses Lighthouse and the Little Basses Lighthouse under the said Order of the 11th day of November 1869, shall cease to be levied, and the dues specified in the Schedule marked A hereunto annexed shall be levied in lieu thereof :

And that from and after the date of the first exhibition of a Light from the said Minicoy Lighthouse, the dues specified in the Schedule marked B hereunto annexed shall be levied in respect thereof.

## SCHEDULE A.

## DUES LEVIABLE IN RESPECT OF THE GREAT BASSES LIGHTHOUSE AND THE LITTLE BASSES LIGHTHOUSE.

	In the United Kingdom.	In India.	In Ceylon, Mauritius, and the Seychelles.	In the Straits Settlements.
	<i>d.</i>			
For every ship on every voyage in which she passes or derives benefit from the lights, per ton of the burden of such ship.	1½	15 pies.	7½ cents. of a rupee.	3½ cents. of a dollar.

## SCHEDULE B.

## DUES LEVIABLE IN RESPECT OF MINICOY LIGHTHOUSE.

	In the United Kingdom.	In India.	In Ceylon, Mauritius, and the Seychelles.	In the Straits Settlements.
	<i>d.</i>			
For every ship on every voyage in which she passes or derives benefit from the light, per ton of the burden of such ship.	½	5 pies.	2½ cents. of a rupee.	1 cent. of a dollar.

The following Resolution is published for general information :—

*The 27th July 1883.*

**No. 2313.**

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Porous cells are largely imported from England for the Telegraph Department in India. With a view to substitute locally made porous cells for the imported article, enquiries were instituted for the purpose of ascertaining whether they could be procured of Indian manufacture. From the reports received it appears that porous cells of fair quality are at present made only at the Madras School of Art, and that the price is much in excess of that at which similar articles could be imported. The Government of India will be prepared to engage with any local manufacturing establishments to take for a term of years the whole number of porous cells required for the Telegraph Department in India, if they can be supplied of equally good quality and at a price not exceeding the cost of the imported article.

**No. 2335.**—Mr. E. S. Byrne assumed charge of the duties of his appointment as Deputy Comptroller General before noon on the 21st July 1883.

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 27th July, 1883.*

## APPOINTMENTS.

**No. 419.**—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Edward Edmonstone Couper, Royal Warwickshire Regiment, Officiating Wing Officer, 1st Goorkha Regiment,—1st July, 1882.

Lieutenant Alfred Lucian Phillips, Dorsetshire Regiment, Officiating Wing Officer, 28th Native Infantry,—1st July, 1882.

## FURLOUGH AND LEAVE.

**No. 420.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel (Brevet Colonel) L. H. Williams, Bengal S. C., Commandant, 14th Native Infantry, (p. a.) for 72 days, under rule IX of the regulations of 1868.

Lieutenant G. T. Pickard-Cambridge, Bengal S. C., (m. c.) for one year, under rule VI of the regulations of 1875.

**No. 421.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major A. G. Hartshorne, General List, Infantry, (m. c.) for six months.

Captain E. H. Cameron, R.E., (m. c.) for six months.

**No. 422.**—Lieutenant-Colonel (Brevet Colonel) B. R. Chambers, Bengal S. C., having vacated the command of the 6th Punjab Infantry, Punjab Frontier Force, on the 1st April, 1883, is permitted to reside in Europe on the terms laid down in paragraph 7 of G. G. O. No. 209 of 1882.

#### LONDON GAZETTE.

**No. 423.**—The following extracts are published for general information:—

*"London Gazette," dated the 15th June, 1883, page 3089.*

"INDIA OFFICE;  
15th June, 1883.

The Queen has approved of the following Admissions to the Staff Corps made by the Governments in India:—

#### BENGAL STAFF CORPS.

##### To be Lieutenants.

Lieutenant George Reade MacMullen, from the Duke of Cornwall's Light Infantry. Dated 14th April, 1880, but to rank from 11th September, 1876.

Lieutenant Henry Samuel Price Davies, from the Cheshire Regiment. Dated 28th February, 1882, but to rank from 29th January, 1879.

Lieutenant Willoughby Thuillier, from the Royal West Surrey Regiment. Dated 4th January, 1882, but to rank from 18th June, 1881."

\* \* \* \* \*

*"London Gazette," dated the 19th June, 1883, page 3146.*

"WAR OFFICE;

*Pall Mall, 19th June, 1883.*

#### MEMORANDA.

\* \* \* \* \*

The name of the Assistant Commissary of the Bombay Establishment, granted the honorary rank of Lieutenant in the Gazette of 9th January, 1883, is Devitt, not Davitt.

The undermentioned Deputy Commissaries and Honorary Captains, late of the Bengal Establishment, to have the honorary rank of Major on retirement:—

Godfrey Leonard. Dated 24th August, 1882.

Joseph Comber. Dated 16th September, 1882.

The undermentioned First Class Apothecaries of the Subordinate Medical Department, Madras, to have the honorary rank of Surgeon:—

Caleb St. John Lawrence. Dated 20th June, 1883.

Easton Alfred Morris. Dated 20th June, 1883."

*"London Gazette," dated the 22nd June, 1883, page 3206.*

"WAR OFFICE;

*Pall Mall, 22nd June, 1883.*

#### MEMORANDA.

\* \* \* \* \*

Brigade Surgeon Thomas Edmondston Charles, M.D., Indian Medical Department, Retired List, to be Honorary Physician to the Queen, with the honorary rank of Deputy Surgeon-General, in succession to Inspector-General of Hospitals Sir John Forsyth, K.C.S.I., C.B., deceased. Dated 23rd June, 1883.

Deputy Surgeon-General Samuel Bowen Partidge, Indian Medical Department, Retired List, to be Honorary Surgeon to the Queen, in succession to Surgeon-Major C. Morehead, M.D., C.I.E., deceased. Dated 23rd June, 1883.

"INDIA OFFICE;

*22nd June, 1883.*

Her Majesty the Queen Empress of India, has approved of the local and temporary rank of Lieutenant-Colonel being conferred upon Muhammad Afzul Khan, C.S.I., Khan Bahadur, Ressaidar, 11th (Prince of Wales's Own) Bengal Lancers, while holding the appointment of Agent of the British Government in Afghanistan."

*"London Gazette," dated the 26th June 1883, page 3267.*

"WAR OFFICE;

*Pall Mall, 26th June, 1883.*

#### MEMORANDA.

\* \* \* \* \*

Colonel William Edward White, Madras Staff Corps, has been transferred to the Unemployed Supernumerary List. Dated 31st May, 1883 (since deceased).

Assistant Commissary and Honorary Lieutenant William Anderson, Madras Establishment, to have the honorary rank of Captain. Dated 22nd March, 1883."

#### PROMOTIONS.

**No. 424.**—The following promotions are made, subject to Her Majesty's approval:—

#### BENGAL STAFF CORPS.

##### To be Lieutenant-Colonel.

Major Henry Warde Webster,—26th July, 1883.

##### To be Majors.

Captain Henry Atleek Graves,—16th July, 1883.

Captain James Bird Hutchinson,—17th July, 1883.

#### BENGAL ARMY.

##### To be Colonel.

Lieutenant-Colonel (Brevet Colonel) Patrick Wheeler, Bengal Infantry,—18th July, 1883.

#### BREVET.

##### To be Colonels.

Lieutenant-Colonel William Walker Pemberton, Madras S. C.,—13th July, 1883.

Lieutenant-Colonel William George Cubitt, v.c., Bengal S. C.,—26th July, 1883.



**No. 425.—COLONEL'S ALLOWANCE—**

Lieutenant-Colonel (Brevet Colonel) William James Pratt Barlow, Bengal S. C., is admitted to the Colonel's allowance. Dated 22nd July, 1883.

**No. 426.—NATIVE ARMY—**

*11th Bengal Cavalry.*

Kote-Duffadar Outum Sing to be Jemadar, *vice* Jowalla Sing, deceased,—13th June, 1883.

*6th Bengal Cavalry.*

Ressaidar Soobhan Ali to be Ressaidar, *vice* Tahour Khan, C.I.E., "Sirdar Bahadur," invalided; Jemadar Maitab Sing, "Bahadur," to be Ressaidar, *vice* Soobhan Ali, promoted,—9th April, 1883.

Kote-Duffadar Rachpal Singh to be Jemadar, *vice* Ahmed Khan, deceased,—27th July, 1883.

*5th Native Infantry.*

Havildar Dewah Singh to be Jemadar, *vice* Salamut Ally Khan, promoted,—2nd June, 1883.

*25th Native Infantry.*

Subadar Dhurm Sing to be Subadar-Major, *vice* Shere Sing, "Sirdar Bahadur," deceased; Jemadar Bhoop Sing to be Subadar, *vice* Shere Sing, "Sirdar Bahadur," deceased; Havildar Kheyra to be Jemadar, *vice* Bhoop Sing, promoted,—3rd June, 1883.

*2nd Goorkha Regiment.*

Havildar Jeah Sing Khuttree to be Jemadar, *vice* Runbeer Karkee, invalided,—1st June, 1883.

**No. 427.—PUNJAB FRONTIER FORCE—**

*5th Punjab Cavalry.*

Jemadar Hyder Shah to be Ressaidar, *vice* Kallian Sing, invalided; Duffadar Abdul Sumud to be Jemadar, *vice* Hyder Shah, promoted,—1st July, 1883.

**REWARDS.**

**No. 428.**—The following promotions are made of Departmental Warrant and Non-Commissioned Officers for services during the recent campaign in Egypt, with effect from the 16th July, 1883, under the provisions of Clause 225, India Army Circulars, 1882:—

**SUBORDINATE MEDICAL DEPARTMENT.**

*To be Senior Apothecary.*

1st Class Apothecary H. Russell.

*To be 1st Class Apothecary.*

2nd Class Apothecary D. Duffy.\*

**COMMISSARIAT DEPARTMENT.**

*To be Sub-Conductors.*

Sergeant Alfred Wakeman.

Sergeant William Hamilton Milton.

G. CHESNEY,

*Secretary to the Government of India*

\* Subject to his passing the prescribed examination within six months.

**MILITARY DEPARTMENT,****NOTIFICATION.**

*Calcutta, the 23rd July, 1883.*

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department from the 10th to the 23rd July, 1883:—

Corps.	Rank and Name.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
The Devonshire Regiment	Lieutenant P. F. Reid	5th July, 1883	Agra	...	...

**Statement of Deposits on account of Estates from the 10th to the 23rd July, 1883.**

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
<i>British Military Service.</i>					Rs. A. P.		
Edmund Woods Goldsmith. (a)	Veterinary Surgeon.	Army Veterinary Department.	29th May, 1883.	Intestate	184 14 10	...	...

(a) Widow.—Emmeline Ina Orpha Goldsmith.  
Children.—Charles John.  
Hugh Edmund.

E. H. H. COLIEN,

*Officiating Secretary to the Government of India*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 23rd July 1883.*

**No. 174.**—During the absence on three months' privilege leave of Major G. F. O. Boughhey, R.E., Manager, Indus Valley Railway, Mr. H. F. Storey, the Superintendent of Way and Works of the Line, will act as Manager, and Major J. A. Little, Executive Engineer, will act as Superintendent, Way and Works.

*The 26th July 1883.*

**No. 175.**—Mr. Laddha Rama Sahni, of the Railway Branch, is promoted from Assistant Engi-

neer, 3rd Grade, to Assistant Engineer, 2nd Grade, with effect from the forenoon of the 4th July 1883.

**No. 176.**—With reference to Military Department General Order No. 55, dated 26th January 1883, Major W. P. Tomkins, R.E., Superintending Engineer, Class III, sub. *pro tem.*, is appointed to officiate as Superintending Engineer and Secretary to the Agent to the Governor General for Biluchistan in the Public Works Department in respect of Civil Works.

*The 27th July 1883.*

**No. 177.**—Lalla Mool Chand is appointed Pay Master of the Rajputana-Malwa State Railway in Class IV of the Superior Revenue Establishment, with effect from 1st July 1883.

## TELEGRAPH.

*The 27th July 1883.***No. 105 T. E.**

RESOLUTION—By the Government of India, Public Works Department.

Acknowledgment of the services rendered to Government by Colonel R. Murray, B.S.C.

RESOLUTION.—Colonel Murray having succeeded to Colonel's allowances has vacated the office of Director General of Telegraphs in India.

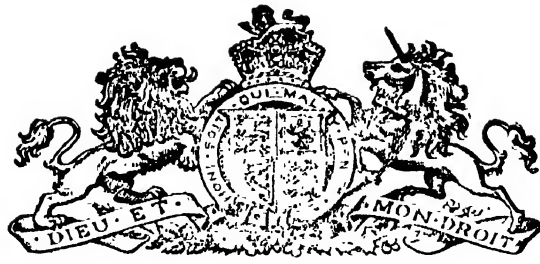
Colonel Murray was permanently appointed Director General of Telegraphs in January 1878. He had, however, previously officiated in the appointment for various periods amounting in the aggregate to  $4\frac{1}{2}$  years. He has consequently been the administrative head of this important Department for nearly 10 years. During this long term of office, which included the period of the Afghan War, he conducted the multifarious and constantly increasing operations of the Department most successfully and received the special acknowledgment of Government for the services rendered by him during the campaigns in Afghanistan. The present very satisfactory state of the Department is due in a great measure to the unremitting efforts of Colonel Murray, and His Excellency the Governor General in Council is pleased to place on record the high appreciation the Government of India entertain of his very able and successful administration.

It will be a matter of great satisfaction to His Excellency the Viceroy to bring Colonel Murray's services to the notice of Her Majesty's Government.

ORDER.—Ordered, that this Resolution be communicated to Colonel Murray; also that it be published in the *Gazette of India*, and that a copy be forwarded to the Secretary of State for the information of Her Majesty's Government.

W. S. TREVOR, *Colonel, R.E.,*  
Secy. to the Govt. of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 28, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st July, 1883, and is hereby promulgated for general information:—

#### ACT NO. X OF 1883.

*An Act to confirm and give effect to an award made by His Excellency the Viceroy and Governor General regarding certain matters in dispute between Sardār Bīkrāma Singh and the Kapūrthlala State.*

WHEREAS Sardār Bīkrāma Singh, in recognition of his services, received from the British Government

a grant of land in Oudh forming part of the Akūra Estate; and that land was, with his consent, settled in the name of the Rājā of Kapūrthlala;

and whereas the Rājā of Kapūrthlala took possession of that land, and Sardār Bīkrāma Singh was unable to recover possession thereof by process of law;

and whereas His Highness Rājā Kurruck Singh of Kapūrthlala and Sardār Bīkrāma Singh agreed that all claims preferred by Sardār Bīkrāma Singh to and on account of the said land should be referred to Sir Henry Davies, the then Chief Commissioner of Oudh, for decision as arbitrator, and those claims were referred to Sir Henry Davies accordingly;

and whereas Sir Henry Davies, on the sixth day of January, 1871, delivered the following award, hereinafter called the first award (namely):—

“My award is that Rājā Kurruck Singh of Kapūrthlala, his heirs, executors or assigns, shall pay, within six months of the present date, in trust to the Chief Commissioner and to the Financial Commissioner of Oudh for the time being, and to the Commissioner of the Faizābād Division for the time

being, jointly, on behalf of Sardār Bīkrāma Singh and the heirs male of his body (if any), the sum of five lakhs of rupees, to be invested, as early as practicable, by the aforementioned trustees in the purchase of land within the Province of Oudh. Such land, when purchased, shall be immediately delivered into the possession of Sardār Bīkrāma Singh, and shall be held by him and by the heirs male of his body, if any, in proprietary right. But in the event of Sardār Bīkrāma Singh dying without heirs male of his body, the proprietary right in all such land shall revert unconditionally to the Rājā for the time being of Kapūrthlala.

“If the Rājā of Kapūrthlala, his heirs, executors or assigns, fail to pay to the trustees the sum of five lakhs of rupees within six months from the present date, possession of the fifty-five badbast circles detailed in the list hereto appended shall be given to Sardār Bīkrāma Singh; and all these badbast circles shall be held by him as mortgagee until the whole sum of five lakhs of rupees shall have been paid to the trustees.

“Furthermore, the Rājā of Kapūrthlala, his heirs, executors or assigns, shall pay to Sardār Bīkrāma Singh, within one month from the present date, the sum of fifty thousand rupees in full liquidation of all claims to the mesne profits of past years. On the expiry of one month, such sum, if still unpaid, will bear interest at the rate of 12 per cent. per annum.

#### *Addendum to award.*

“To obviate doubts, I declare that, firstly, the words ‘heirs male’ mean only the sons of a woman belonging to the ahl-i-birādir of Sardār Bīkrāma Singh; secondly, Sardār Bīkrāma Singh shall, prior to the birth of an heir male of his body, have no power to mortgage or sell his interest in the estate purchased for him by the trustees without offering it in the first instance to the Rājā of Kapūrthlala for the time being.

“This addendum shall be read as part of my award;”

and whereas doubts arose as to the meaning of that award, and, with the consent of the parties concerned, the matters in dispute were submitted to His Excellency the Viceroy and Governor General of India for decision;

and whereas, in accordance with this submission, His Excellency the Viceroy and Governor General considered those matters, and on the third day of March, 1881, made the following award, hereinafter called the second award (namely):—

“My award is that the estates already purchased and to be purchased shall (the aid of the legislature being invoked if necessary) be so settled that they shall be the property of Bīkrāma Singh, subject to the following conditions and restrictions:—

“First.—No alienations of, or right (other than a right of tenancy subject to rent, or a right incidental to such a

tenancy) created over, the estates or any part thereof by Bikráma Singh shall be valid for any period beyond his life.

“ *Secondly.*—If Bikráma Singh at his death leaves a male heir of his body surviving him, the succession to the estates shall take place according to the proper law of inheritance ; but the estates shall not be chargeable with, or liable to be applied in satisfaction of, any debts incurred by Bikráma Singh, nor shall any person succeeding under this clause be liable, by reason of such succession, for any such debt.

“ *Thirdly.*—If Bikráma Singh at his death leaves no male heir of his body surviving him, the estates shall pass to the then Rájá of Kapáthbhárá.

“ *Fourthly.*—If any lease or other contract fixing rent is granted to, or made with, a tenant by Bikráma Singh for a term, and Bikráma Singh dies before the expiration of such term, or if any such lease or contract is so granted or made in perpetuity, the rent of such tenant shall, notwithstanding anything contained in such lease or contract, be subject on the death of Bikráma Singh to enhancement from time to time on the same grounds, subject to the same conditions and according to the same procedure as if such tenant were a tenant with a right of occupancy ; but if the rent is enhanced under this clause, the tenant may at any time thereafter rescind such contract ;”

and whereas it is expedient to confirm the second award and give effect to the same ;

and whereas, in obedience to the first award, the sum of five lakhs of rupees was paid by the said Rájá Kurruck Singh to the then Chief Commissioner and Financial Commissioner of Oudh and the then Commissioner of the Faizábád Division, and has been by them or by their successors in office

invested in the lands specified in the schedule hereto annexed ;

and whereas it is expedient to settle the said lands in accordance with the terms of the second award ;

and whereas the first award, in so far as it has not already been executed, will be superseded by the second award and this Act, and it is therefore expedient to rescind the first award ; It is hereby enacted as follows :—

1. This Act may be called Bikráma Singh’s Estates Act, 1883, and shall come into force at once.

2. The first award is hereby rescinded ; the trusts created thereunder shall be deemed to have been fully executed and determined ; and the trustees thereunder shall be deemed to have been discharged.

Confirmation of second award. The second award is hereby confirmed.

3. The lands specified in the schedule hereto annexed shall vest in Sardár Bikráma Singh, and shall be deemed to be settled as required by the second award.

Lands in schedule to be deemed settled in accordance with second award.

SCHEDULE.

LANDS VESTED IN SARDÁR BIKRÁMA SINGH.

(See section 3.)

District.	Tahsil.	Pargana.	Hadbast number.	Name of village.
Sitapur	Sitapur	Sitapur	34	Aithalia.
			23	Arhbanian.
			37	Amypur.
			627	Victoria.
			463	Clarknagar.
			25	Alsia.
			75	Barabbhari.
			412	Aishbagh.
			658	Mirnagar.
			190	Pitampur.
	Misrikh	Maholi	136	Beadounpur.
			187	Pragpur.
			410	Isanagar.
			208	Tulshipur.
			341	Rahmatpur.
			29	Bichia Abadi.
			56	Baruáhar.
			59	Baudie.
			57	Bahadurpur.
Rae Bareli	Dalmau	Misrikh	208	Dariapur.
			171	Rampur Kalan.
			257	Rewari Pasia Khera.
			314	Saidapur.
			331	Firozpur.
			366	Kanjor.
			365	Kalebgaon with Chak.
			413	Lakhangon with Chak.
			480	Haibatpur Khurd.
			477	Hilauli.
Rae Bareli	Rae Bareli	Rae Bareli	476	Hathmasa.
			8	Aiendhi.
			452	Malpur.
			28	Balehpur.

D FITZPATRICK,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[ First publication. ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th July, 1883, and is hereby promulgated for general information :—

## ACT No. XI OF 1883.

*An Act to give power to reduce port-dues in the port of Bombay.*

WHEREAS the rate of port-dues leviable under of 1875. the Indian Ports Act, 1875, on vessels entering the port of Bombay cannot, consistently with the entry in the third column of the first schedule of

that Act in respect of the said port, be fixed at less than two annas per ton, and whereas, having regard to the present receipts and charges on account of that port, the rate of two annas per ton is unnecessarily high, and it is not expedient that a limit should be placed to the reduction of port-dues in the said port ; It is hereby enacted as follows :—

In the Indian Ports Act, 1875, first schedule, XII of 1875. for the first entry in the third column in respect of the port of Bombay, the following shall be substituted :—

“ Not exceeding four annas per ton for each class of vessels as the Trustees incorporated under the Bombay Port Trust Act, 1879, may, from time to time, direct.”

D. FITZPATRICK,

*Secretary to the Government of India. .*







# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 28, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

[ Second publication. ]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th July, 1883 :—

No. 18 of 1883.

#### THE BURMA LOCAL SELF-GOVERNMENT BILL, 1883.

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*Note.*—"B. B." in the margin means the draft Bill submitted by the Chief Commissioner with his letter No. 387, dated 16th November, 1883.

*A Bill to amend the law relating to Local Self-government in British Burma.*

WHEREAS it is expedient to amend the law relating to local self-government in British Burma; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Burma Local Self-government Act, 1883.  
 Short title.

- (2) It extends to the territories under the administration of the Chief Commissioner of British Burma.  
 Local extent.

- (3) And it shall come into force on the first day of November, 1883.  
 Commencement.

2. In this Act, unless there is something repugnant in the subject or context,—  
 Definitions.

"Municipality" means any local area constituted a municipality under Chapter II.

"Prescribed" means prescribed by rules made by the Local Government under this Act.

## CHAPTER II.

## CONSTITUTION OF MUNICIPALITIES.

3. The Local Government may, from time to time, by notification in the official Gazette, declare its intention to constitute any town or group of towns, and any tract of country adjoining the same, a municipality under this Act: [B. B. Act 1874]

Provided that a notification under this section shall not, without the previous sanction of the Governor General in Council, comprise any military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Secretary to the Local Government within six weeks from the publication of the notification, and the Local Government shall take his objection into consideration [B. B. Act 1874]

(2) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by like notification, constitute the local area a municipality.

5. The Local Government may, by notification in the official Gazette, constitute any local area comprised in a municipality established under the British Burma Municipal Act, 1874, a municipality under this Act. [B. B. Act 1874]

6. The Local Government shall, within three months from the date on which this Act comes into force, constitute the local area [B. B. Act 1874]

*Burma Local Self-government Bill, 1883.*  
(Chapter III.—Organization of Municipal Boards.)

1874. comprised in every municipality established under the British Burma Municipal Act, 1874, a municipality under this Act, unless before the expiration of that period—

- (a) it has been included in some local area which has been constituted a municipality under this Act; or
- (b) the Local Government has declared, by a notification in the official Gazette, that it is unfit to be constituted a municipality under this Act.

### CHAPTER III.

#### ORGANIZATION OF MUNICIPAL BOARDS.

##### *Constitution of Boards.*

ss. 9, 7. There shall be established for each municipality a municipal board to consist of elected and appointed members.

- (a) so many inhabitants of the municipality as may, from time to time, be determined by the Local Government, elected in manner next hereinafter prescribed, to represent wards of the municipality or particular classes of the inhabitants; and
- (b) such person or persons (if any) not exceeding in number one-fourth of the board, as the Local Government may, from time to time, appoint in this behalf:

Provided that the Local Government may appoint all the members of the board of any municipality for which it considers that a suitable system of election cannot be devised.

9.] Power to Local Government to make rules regarding election.

8. (1) The Local Government, shall for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

- (a) the division of the municipality into wards, or of the inhabitants into classes, or both;
- (b) the number of representatives proper for each ward or class;
- (c) the qualifications of electors and of candidates for election;
- (d) the registration of electors;
- (e) the nomination of candidates, the time of election and the mode of recording votes; and
- (f) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal board has come into existence as hereinafter provided, from time to time amend, after consulting the board, the rules made under this section, but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the board shall be elected in accordance with the rules made under this section and for the time being in force.

11 of 9.] Term of office of member of board.

9. (1) The term of office of a member of a municipal board shall, subject to the provisions of sections 10, 11 and 12, be three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

10. A member of a municipal board may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office. [B. B. s. 14.] [Act VII of 1874, s. 6.]

11. The Local Government may, from time to time, remove any member of a municipal board who ceases to reside within the limits of the municipality, or refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than six consecutive months to be present at the meetings of the board. [B. B. s. 14.] [Act VII of 1874, s. 6.]

12. If any member of a municipal board is appointed to a salaried office under the board, he shall forthwith cease to be a member: [B. B. s. 14.]

Provided that—

- (a) if the board allots a salary to its president or vice-president, he shall not for that reason cease to be a member; and
- (b) fees allowed under section 29 to members of a board shall not be deemed to be a salary within the meaning of this section.

13. (1) When the place of an elected member of a municipal board becomes vacant by the resignation or removal of the member under section 10 or section 11, or by reason of his appointment to a salaried office under section 12, or by his death, a new member shall be elected in manner prescribed to fill the place. [B. B. s. 9.] [Act VII of 1874, s. 5.]

(2) When the place of an appointed member of a municipal board becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

14. Every municipal board shall be a body corporate by the name of the municipal board of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name: [Act VII of 1874, s. 37.]

Provided that a board shall not purchase or transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government. [B. B. s. 35.]

*Burma Local Self-government Bill, 1883.*  
(Chapter III.—Organization of Municipal Boards.)

**15.** A municipal board shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

**16.** When a municipal board comes into existence under section 15 for a municipality constituted under this Act, and that municipality comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

- (a) the said Act shall cease to apply to the local area;
- (b) the municipal committee (if any) constituted under that Act for the local area shall cease to exist;
- (c) all property vested in that committee shall vest in the municipal board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;
- (d) every contract entered into by the committee may be enforced by and against the board in like manner as it might have been enforced by and against the committee if this Act had not been passed;
- (e) a Government officer employed by the committee at the time the board comes into existence shall be deemed to be similarly employed by the board, and shall not be dismissed from that employment without the sanction of the Local Government.

*President and Vice-president.*

**17.** A municipal board shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of this section, the president shall, from time to time, be appointed by the Local Government.

**18.** A president or vice-president shall hold office for one year, and on the expiration of that period may be again elected or appointed.

**19. (1)** If a president elected by the board or a vice-president dies, ceases to be a member of the board, resigns his office or becomes incapable of acting, the board shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, resigns his office or becomes incapable of acting, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly

*Notification of elections, appointments and removals.*

**20.** All elections or appointments of presidents and vice-presidents, and all elections, appointments and removals of members of municipal boards, shall be notified in the local official Gazette.

*Joint Committees.*

**21. (1)** A municipal board may, from time to time, concur with any other municipal board, or with more than one such board, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the committee, and in delegating to any such committee any power which might be exercised by either or any of the boards, and in framing and modifying regulation as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

(2) If any difference of opinion arises between boards acting under this section, the decision thereon of the Commissioner of the division if the areas under the authority of the boards are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

*Conduct of Business.*

**22. (1)** A municipal board shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 30.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall on a requisition made in writing by not less than one-third of the members of the board, convene a meeting at any other time.

**23. (1)** A meeting of a municipal board shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**24. (1)** The quorum necessary for the transaction of business at a special meeting of a municipal board shall be one-half of the whole board:

Provided that, when the board consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal board shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 30:

Provided that, if at any meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

**25. (1)** At every meeting of a municipal board the president, if present, shall preside as chairman.

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(Chapter III.—Organization of Municipal Boards.)

the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

s. 18 (h) 26. (1) Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal board shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

B. s. 18 27. Every resolution passed by a municipal board at a meeting shall be recorded and published, recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may, from time to time, direct.

s. s. 18 28. The discussions and proceedings of a municipal board shall be conducted and recorded either in English or in Burmese, as the board at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings are conducted and recorded in English, the board shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

s. s. 47.] 29. A municipal board may, if it thinks fit, allow to each member thereof for attendance at meetings of the board, or at meetings of committees of the board, fees to such amount and subject to such conditions as the Local Government may, from time to time, approve:

Provided as follows—

(1) the fees paid under this section shall not exceed ten rupees for each attendance; and

s. ss. 28 3. (2) no fee shall be paid under this section to a member who is a servant of Government on active duty and in receipt of a salary exceeding Rs. 3,000 a year.

s. 18 (c) 30. (1) A municipal board may, from time to time, at a special meeting, make rules consistent with this Act and any rules made under this Act by the Local Government as to—

(a) the time and place of its meetings;

s. s. 29.] (b) the manner in which notice thereof is to be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings, and the adjournment of meetings;

(e) the appointment of committees of the board, and the division of duties among them and individual members of the board;

(f) the persons by whom receipts may be granted on behalf of the board for money paid under this Act; and

(g) any other similar matters.

(2) A municipal board under this section shall not take

Government and published in such manner as the Local Government may, from time to time, direct. [B. B. s. 16.] [Act VII of 1874, s. 8.]

*Officers and Servants.*

31. (1) A municipal board shall, from time to time, at a special meeting, appoint one of its members, or some other person, to be its secretary, and may at a like meeting remove any person so appointed. [New.]

(2) If a secretary is a member of the board, he shall receive no remuneration in respect of his services. If he is not a member of the board, the board may, with the previous sanction of the Commissioner, assign to him any such pay, leave-allowance, gratuity or pension as it thinks fit. [B. B. ss. 28 & 29.]

32. (1) Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal board may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay, leave-allowances, gratuities or pensions as it thinks fit.

(2) In the case of an officer whose services are lent wholly or in part by the Government, the board may contribute to any leave-allowance, gratuity or pension to which he may become entitled in accordance with the rules for the time being in force.

*Contracts and Transfers of Property.*

33. (1) When a contract made by or on behalf of a municipal board exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president, and at least one other member of the board. [B. B. ss. 35 & 38.] [Act VII of 1874, ss. 24 & 31.]

(2) A transfer of immoveable property belonging to the board must be made by an instrument in writing, executed by the president and vice-president and by at least two members of the board.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the board.

CHAPTER IV.

TAXATION AND FUNDS.

*Taxation.*

34. Subject to any general rules or special orders which the Governor General in Council may, from time to time, make in this behalf, a municipal board may, for the general purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 35, any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

(a) a tax on houses, buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the an-

[B. B. s. 21.] [Act VII of 1874, ss. 11 & 12.]

*Burma Local Self-government Bill, 1883.**(Chapter IV.—Taxation and Funds.)*

- (b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;
- (c) a tax on houses situate as aforesaid according to the number of posts in each, at rates not exceeding the following, namely:—

	Rs. A.
For a house having not more than 2 posts ...	0 8 per annum.
For a house having not more than 3 posts ...	1 8 "
For a house having not more than 4 posts ...	2 8 "
For a house having not more than 5 posts ...	4 0 "
For a house having not more than 6 posts ...	7 0 "
For a house having not more than 7 posts ...	10 0 "
and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven :	

- (d) a tax on carriages, carts, boats, horses, ponies and elephants, or any of them, throughout the municipality or any part thereof:

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

- (1) only one of the taxes mentioned in clauses (a), (b) and (c) shall be imposed in respect of the same property, and
- (2) in assessing a house to the tax mentioned in clause (c), only posts facing a road or street shall be counted, except in the case of bázars or large buildings extending through from street to street, in which case the posts contained in one row, measured lengthwise, shall be counted.

[B. s. 20.]  
[Act VII of  
1874, s. 11.]

35. (1) A municipal board may resolve, at a special meeting, to propose the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1), the board shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax, and objecting to the same, may, within a fortnight from the publication of the notice, submit his objection in writing to the board, and the board shall, at a special meeting, take his objection into consideration.

(4) If no objection is submitted within the said period of a fortnight, or if the objections received, having been considered as aforesaid, are deemed insufficient, the board may submit its proposals to the Local Government, with the objections (if any) which have been sent in under sub-section (3).

(5) The Local Government, on receiving proposals under sub-section (4), may sanction the same, or refuse to sanction them, or return them to the board for further consideration.

(6) When the Local Government sanctions under sub-section (5) any proposals which, under section 34, sub-section (2), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the board; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal board in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the board may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

36. (1) To provide for the lighting of the public streets, a municipal board [B. B. s. 22.]  
may, under a resolution [Act VII of  
1874, s. 13.]  
passed at a special meeting and sanctioned by the Local Government, impose, in addition to any taxes imposed under the foregoing sections, an annual lighting-rate on all houses, buildings and lands situate in the municipality or any part thereof not exceeding two per centum of their annual value.

(2) To provide for the supply of water, a municipal board may, under a resolution passed and sanctioned as aforesaid, impose, in addition to any taxes imposed as aforesaid, an annual rate on all houses and buildings situate in the municipality or any part thereof not exceeding two per cent. of their annual value.

(3) It shall be at the option of the board, when either of the rates mentioned in this section has been imposed, to levy in lieu thereof on any native house an annual rate not exceeding one pie for every three square feet of the ground covered by the house.

(4) Every tax leviable under this section in respect of any house, building or land shall be payable by the occupier of the same.

37. A municipal board, by a resolution passed [B. B. s. 20.]  
at a special meeting and confirmed by the Local Government, or the Local Government, with the previous sanction of the Governor General in Council, may abolish or reduce any tax imposed under the foregoing sections. [Act VII of  
1874, ss. 11  
& 25.]

38. The Local Government may, from time [B. B. s. 25.]  
to time, make rules for the [Act VII of  
1874, s. 14.]  
assessment and collection of taxes leviable under this Act :

Provided that, in the case of a tax imposed under section 35, every such rule shall be consistent with the proposals sanctioned in respect of the tax under that section.

39. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal board having authority over that local area comes into existence under this Act, shall be deemed to have been imposed and assessed under this Act. [Act VII of 1874.]



*Burma Local Self-government Bill, 1883.  
(Chapter V.—Duties of Municipal Board.)*

*Municipal Fund.*

B. B. s. 39, 40. There shall be formed for each municipality a municipal fund, and there shall be credited thereto—  
[B. B. s. 39, 40, 42].  
Act VII of 1874, s. 7.]

- (a) the proceeds of all taxes levied under this Act and all other money received by the board under this Act, except the proceeds of taxes levied under section 36;
- (b) the proceeds of the cesses and tax levied on lands and houses in the municipality under sections 4, 5 and 6 of the Burma District Cesses and Rural Police Act, 1880, except such portions of those proceeds as may, under section 9 of that Act, be appropriated by the Local Government for the maintenance of rural police or for the maintenance of a local postal service;
- (c) the surplus accruing in the municipality under section 18 of the Cattle-trespass Act, 1871;
- (d) the income yielded by any public ferries in the municipality, and, in the case of a ferry on a river forming the boundary of a municipality, such share (if any) of the income of the ferry as the Local Government may assign in this behalf;
- (e) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the visits to the municipality of seamen from ships lying in the port;
- (f) all rents and profits accruing from property belonging to or managed by the board;
- (g) all sums contributed to the fund by the Local Government or by private persons; and
- (h) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the municipal board came into existence.

41. The municipal fund shall, subject to the Application of municipal fund. provisions of this Act, be applicable at the discretion of the municipal board to all the purposes of this Act within the limits of the municipality, and, with the previous sanction of the Local Government, to like purposes beyond those limits when such application of the fund is for the benefit of the inhabitants of the municipality.

*Lighting and Water-supply Funds.*

[B. B. s. 39.] 42. In every municipality in which a tax is levied under section 36 for Lighting and water-supply funds constituted. the purposes of lighting or water-supply, there shall be established a separate fund to be called the lighting fund or water-supply fund, as the case may be, and there shall be credited to it the proceeds of that tax, all other sums received by the board in connection with the purposes for which the tax is levied, and, when there has been included within the limits of the municipality a municipality constituted under the British Burma Municipal Act, 1874, in which a like tax has been levied, the balance (if any) standing to the credit of the separate account of that tax at the time when the municipal board comes into existence.

43. The lighting fund or water-supply fund shall, subject to the provisions of this Act, be applicable at the discretion of the municipal board to the lighting of, or supply of water to, the local area in which it is raised (as the case may be), and to no other purpose.

*Custody of, and Disbursements from, Funds.*

44. (1) The balances standing to the credit of the funds established under sections 10 and 42 shall, if there is a Government treasury or sub-treasury situate within the municipality, be kept in that treasury or sub-treasury. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury, and such funds as may be required for current expenditure shall be kept by the board in a strong box in such place and under such precautions as the board may, from time to time, direct.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the board.

CHAPTER V.

DUTIES OF MUNICIPAL BOARD.

*General Improvement, Conservancy and Education.*

45. The following matters shall, subject to the provisions of this Act and to such exceptions or conditions as the Local Government may, from time to time, make or impose, be under the control and administration of the municipal board within the municipality, namely:—

- (a) the construction, repair and maintenance of roads, streets, river-channels, ferries and other means of communication, and of drains, tanks and water-courses;
- (b) the establishment, maintenance and administration of schools, hospitals, dispensaries, markets, wharves and resthouses, and the construction and repair of buildings connected with such institutions;
- (c) the improvement, extension and purification of the local supply of drinking-water for men and animals;
- (d) the planting and preservation of trees on public ground;
- (e) the cleansing, watering and lighting of the streets in towns;
- (f) the maintenance, repair and management of any buildings or other immoveable property vested in the board under this Act or made over to the board by the Local Government for management; and
- (g) the construction, establishment, maintenance and carrying out of any other local works, institutions or measures likely to promote the health, safety, comfort or convenience of the public.



*Burma Local Self-government Bill, 1883.**(Chapter IV.—Taxation and Funds.)*

- (b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;
- (c) a tax on houses situate as aforesaid according to the number of posts in each, at rates not exceeding the following, namely:—

	Rs. A.
For a house having not more than 2 posts ...	0 8 per annum.
For a house having not more than 3 posts ...	1 8 "
For a house having not more than 4 posts ...	2 8 "
For a house having not more than 5 posts ...	4 0 "
For a house having not more than 6 posts ...	7 0 "
For a house having not more than 7 posts ...	10 0 "
and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven :	

- (d) a tax on carriages, carts, boats, horses, ponies and elephants, or any of them, throughout the municipality or any part thereof:

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

- (1) only one of the taxes mentioned in clauses (a), (b) and (c) shall be imposed in respect of the same property, and
- (2) in assessing a house to the tax mentioned in clause (c), only posts facing a road or street shall be counted, except in the case of bazárs or large buildings extending through from street to street, in which case the posts contained in one row, measured lengthwise, shall be counted.

[B. s. 20.]  
[Act VII of 1874, s. 11.] 35. (1) A municipal board may resolve, at a special meeting, to propose the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1), the board shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax, and objecting to the same, may, within a fortnight from the publication of the notice, submit his objection in writing to the board, and the board shall, at a special meeting, take his objection into consideration.

(4) If no objection is submitted within the said period of a fortnight, or if the objections received, having been considered as aforesaid, are deemed insufficient, the board may submit its proposals to the Local Government, with the objections (if any) which have been sent in under sub-section (3).

(5) The Local Government, on receiving proposals under sub-section (4), may sanction the same, or refuse to sanction them, or return them to the board for further consideration.

(6) When the Local Government sanctions under sub-section (5) any proposals which, under section 34, sub-section (2), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the board; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal board in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the board may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

36. (1) To provide for the lighting of the public streets, a municipal board may, under a resolution passed at a special meeting and sanctioned by the Local Government, impose, in addition to any taxes imposed under the foregoing sections, an annual lighting-rate on all houses, buildings and lands situate in the municipality or any part thereof not exceeding two per centum of their annual value.

(2) To provide for the supply of water, a municipal board may, under a resolution passed and sanctioned as aforesaid, impose, in addition to any taxes imposed as aforesaid, an annual rate on all houses and buildings situate in the municipality or any part thereof not exceeding two per cent. of their annual value.

(3) It shall be at the option of the board, when either of the rates mentioned in this section has been imposed, to levy in lieu thereof on any native house an annual rate not exceeding one pie for every three square feet of the ground covered by the house.

(4) Every tax leviable under this section in respect of any house, building or land shall be payable by the occupier of the same.

37. A municipal board, by a resolution passed at a special meeting and confirmed by the Local Government, or the Local Government, with the previous sanction of the Governor General in Council, may abolish or reduce any tax imposed under the foregoing sections.

38. The Local Government may, from time to time, make rules for the assessment and collection of taxes leviable under this Act:

Provided that, in the case of a tax imposed under section 35, every such rule shall be consistent with the proposals sanctioned in respect of the tax under that section.

39. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal board having authority over that local area comes into existence under this Act, shall be deemed to have been imposed and assessed under this Act.

*Burma Local Self-government Bill, 1883.  
(Chapter V.—Duties of Municipal Board.)*

*Municipal Fund.*

B. B. s. 39, 40. There shall be formed for each municipality a municipal fund, and there shall be credited there-  
[10, 42].  
Act VII of 1874, s. 7] to—

- (a) the proceeds of all taxes levied under this Act and all other money received by the board under this Act, except the proceeds of taxes levied under section 36;
- (b) the proceeds of the cesses and tax levied on lands and houses in the municipality under sections 4, 5 and 6 of the Burma District Cesses and Rural Police Act, 1880, except such portions of those proceeds as may, under section 9 of that Act, be appropriated by the Local Government for the maintenance of rural police or for the maintenance of a local postal service;
- (c) the surplus accruing in the municipality under section 18 of the Cattle-trespass Act, 1871;
- (d) the income yielded by any public ferries in the municipality, and, in the case of a ferry on a river forming the boundary of a municipality, such share (if any) of the income of the ferry as the Local Government may assign in this behalf;
- (e) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the visits to the municipality of seamen from ships lying in the port;
- (f) all rents and profits accruing from property belonging to or managed by the board;
- (g) all sums contributed to the fund by the Local Government or by private persons; and
- (h) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the municipal board came into existence.

**41.** The municipal fund shall, subject to the provisions of this Act, be applicable at the discretion of the municipal board to all the purposes of this Act within the limits of the municipality, and, with the previous sanction of the Local Government, to like purposes beyond those limits when such application of the fund is for the benefit of the inhabitants of the municipality.

*Lighting and Water-supply Funds.*

[B. B. s. 39.]  
[Act VII of 1874, s. 27.] **42.** In every municipality in which a tax is levied under section 36 for the purposes of lighting or water-supply, there shall be established a separate fund to be called the lighting fund or water-supply fund, as the case may be, and there shall be credited to it the proceeds of that tax, all other sums received by the board in connection with the purposes for which the tax is levied, and, when there has been included within the limits of the munici-

ality a municipality constituted under the British Burma Municipal Act, 1874, in which a like tax has been levied, the balance (if any) standing to the credit of the separate account of that tax at the time when the municipal board comes into existence.

**43.** The lighting fund or water-supply fund shall, subject to the provisions of this Act, be applicable at the discretion of the municipal board to the lighting of, or supply of water to, the local area in which it is raised (as the case may be), and to no other purpose.

*Custody of, and Disbursements from, Funds.*

**44. (1)** The balances standing to the credit of the funds established under sections 40 and 42 shall, if there is a Government treasury or sub-treasury situate within the municipality, be kept in that treasury or sub-treasury. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury, and such funds as may be required for current expenditure shall be kept by the board in a strong box in such place and under such precautions as the board may, from time to time, direct.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the board.

CHAPTER V.

DUTIES OF MUNICIPAL BOARD.

*General Improvement, Conservancy and Education.*

**45.** The following matters shall, subject to the provisions of this Act and to such exceptions or conditions as the Local Government may, from time to time, make or impose, be under the control and administration of the municipal board within the municipality, namely:—

- (a) the construction, repair and maintenance of roads, streets, river-channels, ferries and other means of communication, and of drains, tanks and water-courses;
- (b) the establishment, maintenance and administration of schools, hospitals, dispensaries, markets, wharves and resthouses, and the construction and repair of buildings connected with such institutions;
- (c) the improvement, extension and purification of the local supply of drinking-water for men and animals;
- (d) the planting and preservation of trees on public ground;
- (e) the cleansing, watering and lighting of the streets in towns;
- (f) the maintenance, repair and management of any buildings or other immoveable property vested in the board under this Act or made over to the board by the Local Government for management; and
- (g) the construction, establishment, maintenance and carrying out of any other local works, institutions or measures likely to promote the health, safety, comfort or convenience of the public.

*Burma Local Self-government Bill, 1883.*  
(Chapter I.—Duties of Municipal Board.)

B. ss. 40  
[.] **46.** A municipal board may, from time to time, undertake beyond the limits of the municipality the control and administration of any of the matters mentioned in section 45, if its undertaking that control and administration is for the benefit of the inhabitants of the municipality.

B. s. 16.] **47.** A municipal board shall, so far as its funds available for educational purposes permit, make grants-in-aid of schools in accordance with such rules as the Local Government, with the sanction of the Governor General in Council, may, from time to time, prescribe.

*Prevention of Nuisances.*

B. ss. 30  
32.] **48.** (1) A municipal board may, from time to time, at a special meeting, make rules—  
VII of Power of board to make rules regarding nuisances.  
ss. 19, 20  
[.]

(a) declaring that such acts or omissions within the municipality as may in its opinion cause or tend to cause any common injury, danger or annoyance to the public, or to people in general who dwell or occupy property in the vicinity, or any injury, obstruction, danger or annoyance to persons who may have occasion to use any public right, shall be deemed, within the meaning of the Indian Penal Code and for the purposes of this Act, to be public nuisances; and

(b) defining the cases, manner and times in and at which officers of the board may enter on private property for the detection and abatement of public nuisances.

(2) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

B. s. 33.] **49.** (1) Subject to any orders which the Local Government may, from time to time, make in this behalf, a municipal board may order any person not to do, or not to omit to do, within the municipality, anything the doing of, or omission to do, which is a public nuisance.  
VII of Power to prohibit commission, repetition or continuance of public nuisances.  
s. 22.]

(2) An order under this section shall be deemed to be, for the purposes of section 291 of the Indian Penal Code, an injunction by a public servant.

B. s. 31.] **50.** (1) The Local Government may invest, within the limits of the municipality, a municipal board with the powers of a Magistrate of a district as described in section one hundred and thirty-three of the Code of Criminal Procedure, and with powers to make conditional orders of the nature referred to in that section, in respect of all or any of the acts or omissions which may have been declared to be public nuisances under clause (a) of section 48 of this Act.  
VII of Power as to conditional orders in respect of nuisances.  
s. 23.]  
f 1882.

(2) Sections one hundred and thirty-three to one hundred and forty-two (both inclusive) of the Code of Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers.

(3) The Local Government may, whenever it thinks fit, withdraw the powers with which it has invested a board under this section.

**51.** A municipal board may, with the previous sanction of the Local Government, at a special meeting, delegate to one or more committees of its members, or to one or more of its members, any of the powers vested in the board by section 19, or with which the board may have been invested under section 50. [B. B. s. 34.]

**52.** Every police-officer in a municipality shall be bound, subject to such instructions as may, from time to time, be issued by the Inspector-General of Police in this behalf, to assist in the prevention of any public nuisance defined to be such by any rule made under this Act.

*Additional Powers.*

**53.** (1) A municipal board may, from time to time, at a special meeting, make rules—  
Power to make rules regulating other matters.  
[B. B. ss. 27, 30, 31, 32 and 21 (f).]  
[Act VII of 1874 s. 16.]

(a) rendering licenses necessary for the proprietors or drivers of carriages, carts or boats plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) for regulating markets, wharves and slaughter-houses within the limits of the municipality, and rendering licenses necessary for the construction or establishment within those limits of new markets, wharves and slaughter-houses, or the keeping of lodging-houses within those limits for the accommodation of persons not being natives of British Burma, and for the holding or keeping open of markets, wharves and slaughter-houses constructed or established within those limits after the date on which this Act or the British Burma Municipal Act, 1874, came into force therein, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(c) for securing a proper registration of births, marriages and deaths occurring within the municipality; and

(d) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, a municipal board may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues. [B. B. s. 57.]  
[Act VII of 1874 s. 42.]

(3) A rule made under this section shall not come into force until it has been confirmed by the Local Government, and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

(4) Notwithstanding anything contained in the foregoing portion of this section, the municipal board of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under sub-section (1) with respect to any vehicles to which that Act applies. XIV of 1879.

*Burma Local Self-government Bill, 1883.**(Chapter VI.—Control.)*

## CHAPTER VI.

## CONTROL.

Control by Commis- 54. (1) The Commissioner  
sioner and Magistrate. of the division or the  
Magistrate of the district may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the division or district respectively occupied by any municipal board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any book or document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(2) When the Magistrate of the district is a member of a board or joint committee, he shall not exercise, in respect of that board or committee, the powers conferred upon him by subsection (1).

55. (1) The Commissioner of the division or the Magistrate of the district may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal board or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Magistrate makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

56. (1) In cases of emergency, the Magistrate of the district may provide for the execution of any work, or the doing of any act, which a municipal board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balances of the board's funds to pay the expense, or as much thereof as is, from time to time, possible, from the appropriate balance in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

57. (1) If at any time it appears to the Local Government that a municipal board has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Magistrate of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate by the board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balances of the board's funds to pay the expense, or so much thereof as is from time to time possible, from the balance of the appropriate fund in priority to any or all other charges against the same.

58. (1) If a municipal board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare that board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a board is so superseded, the following consequences shall ensue:—

- (a) All members of the board shall, as from the date of the order, vacate their offices as such members.
- (b) All powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that behalf.
- (c) All property vested in the board shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the board shall be reconstituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified from being members.

*Burma Local Self-government Bill, 1883.**(Chapter VII.—Supplementary.)*

[B. B. s. 50.]  
[Act VII of  
1874, s. 34.]

**59. (1)** A municipal board shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, and a report of all works executed, or proceedings taken, by it under this Act during that period.

[Act VII of  
1874, s. 34.]

**(2)** Accounts submitted under this section shall be examined or audited in such manner as the Local Government, from time to time, prescribes.

**60. (1)** A municipal board shall submit, before Annual estimates of such dates in each year and receipts and expenditure. in such form as may be directed by the Local Government, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure.

**(2)** An abstract of the estimate and proposals shall, on being so submitted, be published in such manner as the Local Government, from time to time, directs.

[B. B. s. 51.]  
[Act VII of  
1874, s. 35.]

**61. (1)** No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal board, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof has been approved by the board at a meeting.

**(2)** If the estimated cost of any such new work exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein, and Akyab, or

ten thousand rupees in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to the Local Government, and sanctioned by it in an order published in the official Gazette.

## CHAPTER VII.

## SUPPLEMENTARY.

[B. B. s. 56.]  
[Act VII of  
1874, s. 41.]

**62.** If any member, officer or servant of a board is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the board,

he shall be deemed to have committed an offence under section one hundred and sixty-eight of the Indian Penal Code :

Provided that no person shall, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the board.

[B. B. s. 55]  
[Act VII of

**63.** In respect of every suit instituted against a Suits against boards municipal board, or against

purporting to be done by him in his official capacity, the board, officer or servant shall have, as nearly as may be, all the privileges which the Secretary of State for India in Council or a public officer respectively has under Chapter XXVII of the Code of Civil Procedure.

XIV of

**64.** Every member of a municipal board shall be liable for the loss, waste or misapplication of any money or other property belonging to the board, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the board or by the Secretary of State for India in Council.

**65.** The Local Government may, from time to time, by notification in the official Gazette, direct that any property, moveable or immoveable, which is vested in Her Majesty and is situate in the territories administered by the Local Government, shall vest in any municipal board ; and thereupon the property shall vest in that board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, the property.

**66.** Where any land whether within or without the limits of a municipality is required for the purposes of a municipal board, the Local Government may, at the request of the municipal board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870 ; and, on payment by the board of the compensation awarded under that Act, the land shall vest in the board.

**67. (1)** The authority empowered to make rules under sections 8, 38, 47, 48 and 53 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration ; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

**(2)** Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct ; and such publication shall be conclusive evidence that the rule has been made as required by this section.

**68.** Prosecutions under this Act for infringement of rules may be instituted by the municipal board, or any person authorised by it in this behalf, and not otherwise.

**69.** All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal board, and all arrears

## STATEMENT OF OBJECTS AND REASONS.

THE Government of India has for some time had under consideration the question of amending the law relating to municipalities in British Burma, so as to bring it more completely into harmony with the principles of local self-government which have recently been laid down by the Government of India, and are now being generally adopted in other Provinces.

2. The present Bill has been prepared for the purpose of making such amendments in the existing Municipal Act (VII of 1874) as are needed, in order to give effect to this object. It has been thought convenient that it should repeal the existing Act, and the opportunity has been taken to introduce many improvements in matters of minor detail, in arrangement and in drafting, which the experience gained since the year 1874 has suggested. It will, however, be sufficient here to notice such of the proposed amendments as are of substantive importance.

3. Passing over the first chapter of the Bill, which contains preliminary matter, it will be found that Chapter II, relating to the constitution of municipalities, requires the Chief Commissioner (section 6) to bring every existing municipality under the new law within three months from the date on which it comes into force, unless he is in a position to declare by notification in the Gazette that it is unfit to be constituted a municipality under that law.

4. Section 3, it will be observed, enables the Chief Commissioner, subject to the usual procedure of issuing notice and hearing objections, to include within the limits of a municipality not merely a town but also any tract of country adjoining a town. This provision has been inserted on the advice of the Chief Commissioner (Mr. Bernard) and the Officiating Chief Commissioner (Mr. Crosthwaite), in order to meet the requirements of certain rural tracts, until such time as it may be found possible to establish a system of local boards for rural districts.

5. The most important alteration of the existing law proposed in Chapter III, relating to the organization of municipal boards, will be found in section 7, which, instead of leaving it absolutely in the discretion of the Chief Commissioner (as the present Act does) to determine whether the committee, or as it is now to be called, the board, should be appointed or elected, requires that at least three-fourths of the members shall be elective, except where the Chief Commissioner considers that a suitable system of election cannot be devised for them.

6. The only other provisions of this chapter which appear to call for notice are section 12, which requires a member of a board appointed to a salaried office under the board, to vacate his seat on the board; section 28, which empowers the board to determine whether their proceedings shall be conducted in English or Burmese, and provides that, when they are conducted in English, arrangements must be made for translating them into Burmese for the benefit of the native members; and section 29, which provides for the payment of small fees to the members of the board for attendance at meetings of the board or of committees.

7. The only alteration of the law proposed in Chapter IV which seems of sufficient importance to call for notice is in section 40, which provides that the following shall be credited to the municipal fund, namely :—

- (b) the proceeds of the cesses and tax levied on lands and houses in the municipality under sections 4, 5 and 6 of the Burma District Cesses and Rural Police Act, 1880, except such portions of those proceeds as may, under section 9 of that Act, be appropriated by the Chief Commissioner for the maintenance of rural police or for the maintenance of a local postal service;
- (c) the surplus accruing in the municipality under section 18 of the Cattle-trespass Act, 1871;
- (d) the income yielded by any public ferries in the municipality, and, in the case of a ferry on a river forming the boundary of a municipality, such share (if any) of the income of the ferry as the Chief Commissioner may assign in this behalf.

These sources of income, it need hardly be said, will, as a rule, be of little or no importance except when a considerable rural area is included in the municipality. When such an area is included, they will represent the chief contribution from it to the municipal fund.

8. It will be observed that there is nothing in the Bill corresponding to section 32 of the existing Act, which requires the municipality to provide from its funds in the first place such sums as the Chief Commissioner may from time to time fix for the maintenance of the town police. This charge will now be borne by the Government, and thus a considerable amount will be set free for expenditure on general purposes of improvement.

9. The list of duties of a municipal board contained in the first section of Chapter V is necessarily somewhat more extensive than the corresponding list in the existing Act, as under the new system some of the boards will have under them considerable rural areas, entailing duties somewhat different from those arising in connection with towns.

10. Section 47 requires a board, so far as its funds available for educational purposes will permit, to make grants-in-aid of schools in accordance with such rules as the Chief Commissioner, with the sanction of the Governor General in Council, may from time to time prescribe.

11. Section 25 of the existing Act gives the Chief Commissioner absolute power to cancel, suspend or limit any of the acts, proceedings or rules of any municipal committee. For this Chapter VI of the Bill proposes to substitute a carefully moderated system of control similar to that established by the Local Self-government Bills recently introduced for other provinces.

12. The last section of the chapter relating to the sanction requisite for undertaking works corresponds to section 35 of the existing Act, but instead of leaving it, as that section does, to the Chief Commissioner to determine the limit of the powers of the committee or board, it directly provides that the four largest municipalities may, on their own authority, undertake works the estimate for which does not exceed Rs. 20,000, and that the others may similarly undertake works the estimate for which does not exceed Rs. 10,000.

13. Section 67, though new as applied to Burma municipalities, has of late become a usual provision in Acts conferring a power to make rules. It provides that, before any rules are made under certain sections of the Act, they shall be published, that a certain time shall be allowed for the public or those concerned to put forward objections to them, and that any objections received shall be duly considered.

*The 17th July, 1883.*

C. P. ILBERT.

D. FITZPATRICK,

*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 25th  
July, 1883.

## P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

## BOMBAY PORT-DUES BILL.

Major the Hon'ble E. BARING moved that the Bill to give power to reduce  
port-dues in the Port of Bombay be taken into consideration.

The Motion was put and agreed to.

Major the Hon'ble E. BARING also moved that for the enacting clause of  
the Bill the following be substituted, namely :—

“ In the Indian Ports Act, 1875, first schedule, for the first entry in the third column  
in respect of the Port of Bombay, the following shall be substituted, namely :—

‘Not exceeding four annas per ton for each class of vessels as the Trustees incorporated  
under the Bombay Port Trust Act, 1879, may, from time to time, direct.’ ”

He said that the Motion was a purely formal one. The Bill in its new form  
would have the same effect as the Bill as it was originally introduced, that is  
to say, it would allow the Bombay Port Commissioners to levy duty at less than  
two annas per ton, which they could not do under the existing law. The change  
of form was suggested by the Solicitor of the Bombay Government and approved  
by that Government. The present proposal was intended to give effect to their  
proposals.

The Motion was put and agreed to.

Major the Hon'ble E. BARING also moved that the Bill as amended be  
passed.

The Motion was put and agreed to.

## BURMA LOCAL SELF-GOVERNMENT BILL.

The Hon'ble MR. ILBERT moved that the Bill to amend the law relating  
to Local Self-government in British Burma be referred to a Select Committee  
consisting of the Hon'ble Sir Stuart Bayley, the Hon'ble Messrs. Hope, Quinton  
and Barkley, and the Mover.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 8th August, 1883.

SIMLA ;  
The 27th July, 1883. }

D. FITZPATRICK,  
*Secretary to the Government of India,*  
*Legislative Department.*

GOVERNMENT OF INDIA.  
HOME DEPARTMENT.

EXECUTION OF DEEDS, CONTRACTS, &c., ON BEHALF OF THE SECRETARY  
OF STATE.

No. 1082.

*Extract from the Proceedings of the Government of India, in the Home Department (Judicial),  
—dated Simla, the 26th July 1883.*

Read—

A letter from the Government of the Punjab, No. 172, dated the 16th June 1883, to the address of the Government of India in the Revenue and Agricultural Department.

RESOLUTION.

In exercise of the power conferred by the thirty-third and thirty-fourth of Vic., Cap. fifty-nine, Section two, the Governor General in Council is pleased to declare that the undermentioned class of deeds, contracts, and other instruments referred to in the twenty-second and twenty-third of Vic., Cap. forty-one, Section two, may, in the territories under the administration of the Government of the Punjab, be executed as follows :—

By Deputy Commissioners { Agreements for the recovery of advances under Act X of  
1879 (The Northern India Taccavi Act), together with  
interest on the same.

Nos. 1083-84.

ORDER.—Ordered, that this Resolution be communicated to the Government of the Punjab and to the Revenue and Agricultural Department, and that it be published in the Supplement to the *Gazette of India*.

A. MACKENZIE,  
*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 24th JULY 1883.

GENERAL REMARKS.—Although a general break in the rains seems now to have set in, yet during the early part of the week to which the reports relate good rain fell throughout India, except in some districts of the Punjab. In Bombay the fall was heavy along the Western Ghats, but some deficiency is reported in parts of the Southern Mahratta Country. In Baroda and Surat the excessive rainfall of previous weeks has been succeeded by light showers. A break would be beneficial in parts of Central India. In Rajputana the rainfall has been light, but favourable; and the tanks have generally a sufficiency of water, except in Marwar where they are empty.

In Burma the rainfall though below average has been generally sufficient. Good rain has fallen all over Bengal; at Burdwan the fall was exceptionally heavy, but in some parts of that district and in Rajshahye, Rangpur, and Purneah more is needed for transplanting of rice. Rain continues to hold off in Gaubati; elsewhere in Assam the fall has been sufficient. Seasonable weather prevails over the Central Provinces, and prospects there are very favourable. In the North-Western Provinces and Oudh ample rain fell in all reporting districts up to the 24th instant, and the crops are reported to be doing well. In the Punjab the fall has been very partial, and more rain is much wanted in several districts.

Harvesting continues in the Madras Presidency, and standing crops are generally in good condition, except in parts of Coimbatore and Tanjore where they are suffering from want of rain. Sowings for the *kharij* have nearly been completed in the Bombay Presidency, Central India, and the Central Provinces, and are in full progress in the North-Western Provinces and Oudh and the Punjab. The cotton crop is being weeded in the Central Provinces and Berars and promises well. Transplanting of rice is being pushed on in Bengal and Assam. In the former province harvesting of early rice and jute continues, and indigo manufacture has been commenced. Ploughing is nearly finished in Burma, and rice seedlings are being transplanted.

The crops in the Deccan are seriously threatened by locusts. Cattle-disease is reported from most districts.

Cholera appears to be prevalent in Bombay, the Central Provinces, and parts of Bengal; and a severe epidemic is said to exist in the city of Agar in Central India.

Prices are fluctuating.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(July 25th)</b>		
Bellary ...	·43 (average of six stations).	Standing crops generally good; harvest paddy, yield average.
Kurnool ...	·84 (average of eight stations).	Standing crops good; small-pox in one and cattle-disease in six taluks.
Ganjam ...	1·52 (average of sixteen stations).	Standing crops red gram, gingelly, and sugarcane thriving; cholera slight at Chicacole; cattle-disease slight at Berhampur.
Kistna ...	1·25 (average of twelve stations).	Standing crops promising; fever, guinea-worm, small-pox, and cattle-disease slight.
Chingleput (Madras) ...	1·66 (average of ten stations).	Standing crops good where water available; harvest <i>khar</i> , paddy, &c., yield half; small-pox and cattle-disease slight in two taluks; cholera in one village, 1 death.
Coimbatore	·13 (average of six stations).	Condition of wet crops good; dry crops in parts of three taluks suffering for want of rain, and in parts of two taluks attacked by insects; harvest <i>cholum</i> and <i>cumboo</i> in parts, yield average; <i>cheena</i> in one taluk; 5 deaths from fever in parts of two taluks.
Tanjore ...	·43 (average of six stations).	Standing crops generally good, except in parts of one taluk not flourishing for want of sufficient rain; 37 deaths from cholera; cattle-disease in parts of two taluks.
Madura ...	·58 (average of four stations).	Standing crops fair; harvest paddy and dry crops in parts.
Malabar ...	5·7 (average of fourteen stations).	First crop progressing in all taluks; small-pox slight in all taluks; fever and cattle-disease in parts, latter slight; cholera in Palghat, 6 deaths.
Travancore ...	·555	Paddy in good condition; fever prevails.
<b>Bombay—(July 25th)</b>		
Kurrachee ...	·30; average of ten other stations, 2·39.	Small-pox in eight villages in districts, 12 fresh cases, 3 deaths, 10 remaining sick; river at Kotri on 23rd 18 feet 2 inches, against 17 feet 11 inches on same date last year; fever in five talukas; <i>kharij</i> sowings progressing; wheat, red rice, and <i>bajri</i> in Kurrachee 26, 32 and 36, in Manjhand 32, 24 and 48, in Sakro 16, 28 and 38, and in Mirpur Botoro 22, 30 and 34 lbs. per rupee respectively.
Hyderabad ...	Rain in ten talukas—average fall 2·35.	River 3 inches more than on same date last year; small-pox in seven and cattle-disease in two talukas; prices of food-grains steady since last week.
Ahmedabad ...	·58	Total rainfall 14·77; sowing progressing; wheat 26½ and <i>bajri</i> 30 lbs. per rupee.
Baroda ...	·56	Total rainfall 32·16; sowing of <i>kharij</i> in progress; transplantation of rice in Kadi division commenced; health good; <i>bajri</i> 27 and rice 24 lbs. per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Surat	84	Total rainfall 37.36; sowing operations continue; cattle-disease in Olphad; cholera in Burdoli and Bulsar; <i>juari</i> 38 and <i>magli</i> 43 lbs. per rupee.
Nasik	At Igatpuri, 12.30; at Peint, 7.79; slight in other places.	Cholera in all talukas except Malegaon, Baglan, and Peint, deaths 99; <i>kharij</i> sowings progressing vigorously; wheat 25, <i>bajri</i> 28, and rice 22 lbs. per rupee; young locusts appearing in several talukas, old ones still in a few.
Colaba (Bombay)	Light rain daily; total of week 1.42.	Total rainfall to date 53.39, being 12.53 above average; abnormal temperature 2° warm; vapour in air slightly in excess of normal; abnormal wind northerly from 20th to 23rd, wind normal on all other days.
Poona	Rain in four talukas—maximum 5.0 in Mawal, minimum .57 in Khed.	Cholera cases 510, fatal 205; <i>bajri</i> 37 and <i>juari</i> 46 lbs. per rupee, in Poona <i>bajri</i> 32 and <i>juari</i> 41 lbs. per rupee.
Ahmednagar	Slight rain in all talukas, except Shrigonda, Karjat, and Rahuri.	Cholera cases 1,355, 663 deaths; cattle-disease in Karjat and Parner; <i>juari</i> —maximum 66 lbs. per rupee in Jankhed, minimum 45 lbs. in Kopergaon; <i>bajri</i> —maximum 54 lbs per rupee in Jankhed, minimum 33 lbs. in Kopergaon.
Sholapur	41	Total rainfall 13.71; <i>kharij</i> sowings nearly completed; <i>juari</i> 62 and <i>bajri</i> 52 lbs. per rupee; cholera cases 715, deaths 352.
Dharwar	2.59 in Hangal; 1.94 in Hubli; slight elsewhere.	Crops good; sowings retarded in Kalghatgi and Hangal by excessive moisture and in Navalgand and Ron by want of rain; public health good; 1 case of cholera in Ron; slight cattle-disease in Kalghatgi; <i>juari</i> 74 lbs. per rupee in Ranibennur and Kod, 48 to 63 lbs. per rupee elsewhere; rice 32 and wheat 43 lbs. per rupee.
Kanara	In Karwar, 12.89; in Kumpta, 20.20; in Sirsa, 10.08; in Halhal, 4.0.	Total rainfall 95.68; weeding continues, also transplanting in some places; sugarcane and garden crops healthy; small-pox in Karwar, Kumpta, Bhatkal, and Sidapur; fever in some places; cattle-disease in Sidapur; common rice in Karwar 12½ seers per rupee, in district average 13½ seers.
Rajkot	25	Total rainfall 21.25; weather cool; general health fair; sowing operations continue; cholera in some villages of Halar; <i>bajri</i> 29 and <i>juari</i> 35 lbs. per rupee. <i>General Remarks.</i> —Rain throughout the Presidency and Sind, wanted in parts of the Southern Mahratta Country; sowing and transplanting of rice still in general progress; locusts in Nasik, Khandesh, Tanna, Colaba, and Ratnagiri; cholera in all districts of the Deccan, in Tanna, Colaba, Surat, and Kaladgi; small-pox, fever, and cattle-disease in a few districts.
<b>Bengal—(July 25th)</b>		
Chittagong	13.28	Weather seasonable; prospects of crops fair; <i>aman</i> doing well; prices stationary; cattle-disease still reported; general health good.
Dacca	3.24	Paddy being sown; <i>aus</i> paddy being harvested; <i>aman</i> paddy, sugarcane, and other crops thriving well; jute damaged by worms in Nawabgunge.
24-Pergunnahs (Calcutta)	4.76	Prospects good; early crops promise well; <i>aman</i> being transplanted; public health generally good; rivers rising.
Moorshedabad	5.0	Transplanting operations being pushed on vigorously owing to recent rain; <i>aus</i> also much benefited by it; health on the whole good; cattle-disease has broken out in thana Shamshegunge.
Rajshahye	2.58, good rain during week.	Paddy being transplanted; more rain necessary for transplanting; some fever reported.
Burdwan	14.40; Culna 9.52; Cutwa 5.3.	Transplanting in progress; prospects favourable except in Cutwa, where more rain wanted; public health fair.
Rungpore	1.27	Weather hot; <i>aus</i> rice and jute being harvested; prospects of <i>aman</i> rice and sugarcane good; more rain wanted; cholera still somewhat prevalent in some parts of district.
Bhagalpur	2.68, fair rainfall	Everywhere prospects of crops good.
Purneah	3.65	More rain required for transplanting winter rice; health fair; slight fever; rivers rising again.
Patna	4.55	Ploughing and sowing going on rapidly; prospects of crops good.
Durbhunga	3.9	Transplanting progressing well; prices stationary; health good.
Hazaribagh	5.50; ample rain during week.	Weather cloudy and seasonable; prospects of crops good; public health good.
Cuttack	3.27	<i>Sarad</i> rice progressing well; <i>beali</i> rice being weeded; public health good; a few cases of cholera in the town.
<i>General Remarks.</i> —Rain in varying quantities fell throughout these provinces during the week; it has generally been pretty good for agricultural purposes, though certain districts still complain of its insufficiency; state of the early crops has been improved, and transplanting of late rice is now being carried on with vigour; harvesting of early rice and jute is going on in parts of Central and Eastern Bengal, and indigo manufacture has commenced in Bihar; in Orissa re-sowing is being made on the flooded tracts from which the waters have now receded; cholera is still prevalent in Gya, and is epidemic in one thana of Lohardugga, otherwise the public health is reported to be fair.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>		
Benares (July 24th)	11·7; Chandausi, 10·5; Gangapur, 7·7.	The late rains have done immense good to the <i>khariif</i> crops; no sickness of men or cattle; prices steady.
Allahabad ( „ 25th)	Abundant and constant rain in all tahsils, except Bara; general average, 5·6; Bara, 1·4.	<i>Khariif</i> sowings nearly completed and crops doing well; cholera diminished in district, but has appeared in city in mild form; prices generally fallen.
Gorakhpur ( „ 23rd)	Rain general, 3·9 since the 17th instant.	<i>Khariif</i> sowings in progress; some cattle-disease; prices rising.
Jhansi ( „ „ )	7; Mau, 5; Moth, 2·0; Garotha, 2.	Sowing in progress; health good; people engaged on field work.
Agra ( „ 24th)	From 2·9 to 8·1 in all parganas.	<i>Khariif</i> sowings continue; fever in two parganas; sporadic cholera in one pargana; prices steady.
Bareilly ( „ „ )	Ample and general rain.	Sowings everywhere progressing; slight fall in the price of barley and wheat, <i>juari</i> and <i>arhar</i> risen; health remains satisfactory.
Meerut ( „ „ )	3·0; Shardaia, 3·4; Bagpat, 5·4; Mowana, 3·2; Ghaziabad, 2·2; Hapur, 3·1.	Weather seasonable; <i>khariif</i> crops sown; health good; prices stationary.
Kumaun ( „ „ )	Rain not heavy, but sufficient and general.	Crops very good; general health good; cattle-disease continues; prices stationary.
Lucknow ( „ „ )	10·8; Maliabad, 5·1; Mohanlalganj, 8·0.	Prices steady; prospects favourable; public health good.
Partabgarh ( „ „ )	Sadr, 4·0; Kunda, 5·5; Patti, 4·3.	<i>Khariif</i> sowings nearly completed; slight small-pox reported in Patti; general health good; prices almost stationary.
Sitapur ( „ „ )	General rain throughout district; average, 8·0.	Prices stationary.
Fyzabad ( „ „ )	Sadr, 5·5; Akbarpur, 8·1; Bikapur, 4·7; Tanda, 5·4.	Weeding going on; public health good; cattle-disease in part of district.
Rae Bareilly ( „ 23rd)	Good rain all over the district; Sadr, 4·1 and 3·0.	Weather cloudy; agricultural operations in progress; prices stationary.
Cawnpore ( „ 24th)	Average in nine parganas, 5·4.	Cholera decreasing; <i>khariif</i> sowings in progress all over the district; prices almost stationary.
Farukhabad ( „ „ )	Abundant and well distributed rain fell throughout the week.	The sowing of the early <i>khariif</i> crops nearly completed, and the land is in good condition for sowings of <i>juari</i> and <i>bari</i> .
<b>General Remarks.</b> —Ample rain has fallen in all reporting districts during the week, doing much good; the <i>khariif</i> sowings are progressing well, and are nearly completed in a number of districts; the general health is good, and cholera seems to be abating; prices are fluctuating.		
<b>Punjab—(July 24th)</b>		
Delhi ...	1·60	Health good; <i>khariif</i> ploughings in progress; slight rise in prices.
Hissar ...	.....	Health good; <i>khariif</i> sowings in progress; crop prospects good; prices falling.
Umballa ...	3·70	More rain wanted; health fair; <i>khariif</i> sowings in progress; prices stationary.
Jullundur ...	50	More rain much wanted; health fair; crops backward; prices stationary.
Amritsar ...	4·90	Health good; prices steady.
Sialkot ...	1·0	More rain wanted; <i>khariif</i> sowings in progress; health good; slight fall in prices.
Ferozepore ...	3·60 at tahsil Zira, less elsewhere.	Health good; <i>khariif</i> ploughings and sowings in progress; prices rising.
Lahore ...	No rain	Rain wanted; health good; prices stationary.
Rawalpindi ...	1·50	A few cases of fever in Kahuta tahsil; <i>khariif</i> sowing completed; prices rising.
Mooltan ...	.....	Health good; crop prospects favourable; prices slightly falling.
Dera Ismail Khan ...	1	Health good; <i>khariif</i> sowings commenced; prices steady.
Peshawar ...	1·90	Health good; prices stationary.
<b>General Remarks.</b> —Rain has fallen in nearly every district, but more is needed; health good, except in the Umballa, Jullundur, and Rawalpindi districts; <i>khariif</i> sowings in progress.		
<b>Central Provinces — (July 25th)</b>		
Nagpur ...	1·73	Weather cloudy, with light showers; sowings almost completed; cholera prevalent throughout the district, 776 cases, 360 deaths; cattle-disease prevalent; prices steady.
Jubbulpore ...	4·77	Weather cloudy and rainy; <i>khariif</i> sowings continue; weeding of cotton commenced; prospects favourable; prices stationary.
Saugor ...	3·42	Rainfall deficient; sowings almost finished; weeding in progress; prospects good; prices steady; health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—</b> <i>contd.</i>		
Sambalpur (July 21st)	10.91	Weather wet but seasonable; prospects good; health good; common rice 45 seers per rupee.
Seoni ( „ 24th)	Heavy rain since 23rd after break of one week.	Transplanting of rice commenced; 10 deaths from cholera; prices stationary.
Hoshangabad ...	3.21	Weather cloudy and rainy; weeding in progress; 7 deaths from small-pox; wheat 15 and rice 9 seers per rupee.
Khandwa ...	3.30	Prospects good; 62 deaths from cholera in Burhanpur; wheat 15, <i>juari</i> 20, and rice 15 seers per rupee.
Raipur ...	2.91	Prospects good; 4 deaths from cholera at Nandgaon. <i>General Remarks.</i> Weather cloudy, with light rain; prospects of crops very favourable; prices steady; severe cholera in some places.
<b>British Burma—</b> (July 26th)		
Akyab ...	20.46	Total rainfall up to date 95.00; 6 deaths from cholera in town and three in district, otherwise public health good; 147 deaths of cattle in three townships, in others health of plough cattle good; ploughing nearly completed; sowing commenced.
Rangoon ...	3.23	Total rainfall up to date 36.23; public health good; price of paddy from Rs. 88 to Rs. 89 per 100 baskets.
Bassein ...	6.85	Total rainfall up to date 45.81; 2 deaths from cholera in Bassein township, otherwise public health good; 14 deaths of cattle in two townships; ploughing progressing; transplanting begun in parts of the district.
Prome ...	3.68	Total rainfall up to date 26.49; public health good; 14 deaths of plough cattle in Shwaydonng; about 32,500 acres already ploughed; more rain wanted in a few circles in the Shwaylay and Shway-doung townships.
Amherst (Moulmein) ...	10.76	Total rainfall up to date 81.38; 2 deaths from cholera in one township, otherwise public health in Moulmein and district good; 938 deaths of cattle in five townships; about 90 per cent. fields ploughed; health of plough cattle generally good; sowing progressing; about 30 per cent. fields sown; crop prospects favourable; nurseries, health, ploughing, and sowing somewhat disturbed on account of high water; health of cattle good; nearly 20 acres of crops destroyed by crabs; transplanting progressing; state of supply of seedlings for transplanting fair.
Toungoo ...	6.78	Total rainfall up to date 35.50; public health good; health of plough cattle good; ploughing progressing rapidly; price of paddy Rs. 64 per 100 baskets.
Kyaukpoo (July 26th)	12.26	Total rainfall up to date 78.32; public health and health of cattle good; half the district ploughed; a fourth of the district sown; cost of ploughing per acre, inclusive of hire of cattle and wages of labourers, Rs. 6.
Sandoway ( „ „ )	18.17	Total rainfall up to date 95.11; public health good; ploughing and sowing progressing; about 4,218 acres ploughed; reports of area sown out in nurseries not received; ploughing wages Rs. 4-8 in northern township.
Hanthawaddy ( „ „ )	.....	Public health and health of cattle good; ploughing progressing; price of paddy varying from Rs. 80, 85 and 95 per 100 baskets.
Pegu ( „ „ )	6.11	Total rainfall up to date 54.41; public health good; slight cattle-disease in Ponglin township; ploughing and sowing progressing; price of paddy from Rs. 75 to Rs. 80 per 100 baskets.
Tharrawaddy ( „ „ )	6.60	Total rainfall up to date 48.02; public health good; 38 deaths of cattle in two townships; health of plough cattle in all other townships good; ploughing and sowing progressing; ploughing wages from 30 to 70 baskets per man; price of paddy from Rs. 90 to Rs. 95 per 100 baskets.
Thonegwa ( „ „ )	5.58	Total rainfall up to date 38.53; public health good; 1 death of cattle in Daybayeh township, otherwise health of plough cattle good; ploughing continues; some damage caused by crabs to nurseries in two townships.
Henzada ( „ „ )	6.69	Total rainfall up to date 39.13; public health good; 7 deaths of cattle in Zadoon township; ploughing progressing, about one-half ploughed, one-seventh transplanted; general appearance of young plants good.
Thayetmyo ( „ „ )	1.33	Total rainfall up to date 19.50; public health good; ploughing continues; transplanting going on.
Shwaygyin ( „ „ )	11.82	Total rainfall up to date 66.75; public health good; 55 deaths of cattle in Zokechake circle; ploughing progressing rapidly; area ploughed five-eighths of whole; sowing commenced generally; price of paddy Rs. 75 per 100 baskets. <i>General Remarks.</i> —Rainfall steady, but up to date less than recorded at same time last year; public health good; cattle-disease mild, and not on increase except in Amherst, where mortality is heavy; ploughing nearly completed; sowings well in hand and transplanting commenced; prices keeping steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Assam—(July 25th)</b>		
Gauhati ...	74	Weather hot and sultry; public health fair; cattle-disease in the interior; <i>aha</i> paddy being reaped; rain much wanted for transplanting of <i>sali</i> paddy.
Sylhet ...	5.02	State and prospects of crops favourable; public health good; small-pox in part of the district.
Cachar ...	4.19	Weather very warm; transplanting <i>aus</i> crops nearly finished and that of <i>sali</i> crops progressing; common rice 16 seers per rupee; small-pox still reported; general health good.
Dibrugarh ...	4.93	Weather seasonable; transplanting of <i>sali</i> crop progressing; public health good.
<b>Mysore and Coorg— (July 25th)</b>		
Bangalore ...	2.5	Standing crops in good condition; prospects favourable; public health good.
Mysore ...	1.0	Standing crops in good condition; prospects and health good.
Mercara ...	Heavy rain, 14.80	The Cauvery river in full flood; <i>vagi</i> crop in Nanjajapatna taluk thriving; transplantation of rice commenced; second blossom of coffee failed; labour still scarce; work on coffee estates backward; price of food-grains stationary; public health good, save in Nanjajapatna taluk where small-pox prevails.
<i>General Remarks.</i> —Rain more or less in all districts; standing crops in good condition; prospects favourable; public health generally good; no material change in prices.		
<b>Berar &amp; Hyderabad— (July 25th)</b>		
Amraoti ...	2.9	<i>Kharif</i> crops thriving; prospects good; wheat 16 and <i>juari</i> 26 seers per rupee.
Akola ...	2.14	Cotton being weeded, other crops progressing favourably.
Hyderabad ...	Average of week '80	Total rainfall from 1st January 12.24; <i>kharif</i> crops prospering; <i>abi</i> sowings in some places commenced, in others ground being prepared; tanks have not yet received sufficient water; cholera prevails in two talukas—Asfnagar and Shahabad; no cattle-disease; prices of wheat 15, coarse rice 10½, white <i>juari</i> 22½, yellow <i>juari</i> 28½, and <i>tur</i> 2¼ seers per current sicca rupee.
<b>Central India States— (July 25th)</b>		
Indore ...	99	A break in the rains is desirable; a few cases of cholera, otherwise health good.
Morar (Gwalior) ...	2.98	Health good; weather cloudy and cool.
Sutna ...	4.46; rain general	Health good.
Rutham ...	.....	No report received.
Sehore ...	2.18	Weather cloudy, with occasional showers; crops and public health good.
Neemuch ...	43	<i>Makka</i> and <i>juari</i> crops in progress; weather seasonable; public health good.
Goona ...	62	Weather cloudy; <i>kharif</i> sowings completed; health good; wheat 24 seers per rupee.
Bhopal ...	.....	No report received.
Agar ...	.....	A severe epidemic of cholera in the Agar city.
Nowgong ...	3.71	Weather seasonable; <i>kharif</i> prospects good; cholera prevalent in parts; prices steady.
Bhopawar ...	.....	Prospects good; a break in the rains required.
<b>Rajputana—</b>		
Abu (July 25th)	3.64	Total rainfall to date 36.40; heavy clouds and high winds.
Sirohi ( „ 22nd)	1.78; satisfactorily light showers, but of frequent occurrence.	Tanks and wells full; health and crop prospects good; weather pleasant.
Marwar ( „ 20th)	98	Tanks all empty, water obtained from wells with difficulty; health and crops good; weather still close and sultry; prices stationary.
Meywar ( „ 22nd)	76	Tanks, wells, and health good; crop prospects very good; weather seasonable.
Harowti ( „ 21st)	Dimoli, 2.17; Tonk, 2.11; Kotah, .98; previous week Kotah, 1.87; Shahpura, 1.58.	Few cases of sporadic cholera; sowings nearly completed; prospects favourable; health good; prices falling.
Jhallawar ( „ 20th)	1.35	<i>Makka</i> crops doing well; health fair.
Ajmere ( „ 21th)	15	Crops looking well; a few cases of cholera and slight cattle-disease.
Jeypore ( „ „ )	70	Cholera abating; prices almost stationary.
Bhurlpore ...	.....	No report received.
Ulwur (July 24th)	Average, 2.64	Tanks and wells filling; 34 deaths from cholera in Ramgurh tahsil. In other tahsils cholera decreasing; <i>kharif</i> sowings continue.
<b>Nepal—(July 20th)</b>		
Katmandu ...	1.57	Agricultural prospects good; weather seasonable.

T. W. HOLDERNESSE,  
Offg. Secy. to the Govt. of India.







# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JULY 28, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid in advance.

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E. J. DEAN,  
*Publisher, Gazette of India.*

### BANK OF BENGAL.

#### NOTICE.

*Calcutta, the 24th July 1883.*

The Annual General Meeting of the Proprietors and Shareholders of the Bank of Bengal will be held at the Bank on Monday, the 13th proximo, at 3 p.m., for the transaction of the following business:—

- I.—To receive the Directors' Report and the audited accounts up to the 30th. June 1883.
- II.—To elect two Directors in room of Mr. F. E. Patteson and Mr. L. P. D. Broughton, who go out by rotation, but who are eligible for re-election.
- III.—To elect two Auditors and to fix their remuneration.

By Order of the Board,

R. HARDIE,  
*Secretary & Treasurer.*

### AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

#### NOTIFICATIONS.

*Mount Abu, the 16th July 1883.*

No. 2364 G.—Mr. W. R. Lawrence, C.S., Assistant Agent, Governor General, Rajputana, is granted three months' privilege leave from the 15th July 1883, or such subsequent date as he may avail himself of the same.

No. 2371 G.—Lieutenant G. H. J. Moore, Officiating Adjutant, Merwara Battalion, returned to duty on the 8th July 1883 from the privilege leave granted him in this Office Notification No. 1708 G., dated 29th May 1883.

*The 18th July 1883.*

**No. 2429 G.**—Surgeon-Major T. French Mullen, M.D., Agency Surgeon, Ulwur, availed himself of privilege leave from the forenoon of the 12th May to the afternoon of the 10th July 1883.

By Order,

E. A. FRASER,

*1st Asst. Agent to the Govr. Genl.*

**CHIEF COMMISSIONER OF AJMER-MERWARA.**

**NOTIFICATION.**

*Mount Abu, the 21st July 1883.*

**No. 581.**—In exercise of the powers invested in him by Section 5 of the Opium Rules sanctioned for the District of Ajmer-Merwara and published in Part II of the *Gazette of India*, dated 21st April 1883, the Chief Commissioner of Ajmer-Merwara is pleased to direct that the possession of Opium shall be restricted in the under-mentioned areas :—

- (1) The Municipal limits of Ajmere.
- (2) The Municipal limits of Kekri.
- (3) The Municipal limits of Beawar.
- (4) The Cantonment limits of Nusseerabad.

Notification No. 360, dated 28th May 1881, published in Part II of the *Gazette of India*, dated 4th June 1881, is hereby cancelled.

By Order,

E. A. FRASER,

*1st Asst. to the Chief Commr.*

**CHIEF COMMISSIONER OF COORG.**

**NOTIFICATION.**

*Bangalore, the 21st July 1883.*

**No. 657-218.**—Mr F. B. Dickinson, Deputy Conservator of Forests in Coorg, is granted privilege leave of absence for three months, with effect from such date as he may avail himself of it.

Mr. M. Muttanna, Sub-Assistant Conservator of Forests, will be in charge of the Office of the Deputy Conservator of Forests in Coorg, during the absence of Mr. Dickinson on leave, or until further orders.

By Order,

H. WYLIE, Major,

*Secretary to the Chief Commr. of Coorg.*

**RESIDENT IN MYSORE.**

**NOTIFICATION.**

*Bangalore, the 16th July 1883.*

**No. 12.**—This Office Notification No. 5, dated 25th May 1883, appointing Mr. J. H. A. Tremmheere, M.C.S., to officiate as Civil and Sessions Judge of the Civil and Military Station of Bangalore, during the absence on privilege leave of Colonel H. G. Thomson, is cancelled.

By Order,

H. WYLIE, Major,

*Assistant to the Resident.*

**MILITARY WORKS DEPARTMENT.**

**NOTIFICATION.**

**Presidency & Oudh Command.**

*Lucknow, the 14th July 1883.*

**No. 14.**—With reference to Inspector General of Military Works' Notification No. 23, dated 22nd June 1883, Lieutenant F. H. Oldfield, R.E., Assistant Engineer, 2nd Grade, has been posted to the Lucknow Division, Military Works, which he joined on the forenoon of the 10th July 1883.

H. McV. CRICHTON, Major, R.E.,

*Supdg. Engr., Presdy. & Oudh Command,  
Military Works.*

**CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA FOR GUARANTEED RAILWAYS.**

**NOTIFICATION.**

*Lucknow, the 21st July 1883.*

Lieutenant G. K. Scott-Monerieff, R.E., Officiating Deputy Consulting Engineer to Government of India for Guaranteed Railways, Lucknow, passed, on 2nd July 1883, the examination in Persian by the Higher Standard as laid down in G. O. G. G., dated 9th September 1864.

C. H. LUARD, Lieut.-Col., R.E.,

*Offg. Consng. Engr. to the Govt. of India  
for Guaranteed Railways.*

**DIRECTOR GENERAL OF RAILWAYS.**

**NOTIFICATION.—ESTABLISHMENT.**

*Simla, the 19th July 1883.*

**No. 34.**—Mr. F. R. Tebbs, Assistant Engineer, 1st Grade, Rajputana-Malwa Railway, has passed the Departmental Standard Examination in Hindustani, prescribed in Chapter II, Section i, paragraph 21, of the Public Works Department Code.

H. F. HANCOCK, Col., R.E.,

*Offg. Director General of Railways.*

**PUNJAB NORTHERN STATE RAILWAY,  
Manager's Office.**

**NOTIFICATION.**

*Rawalpindi, the 23rd July 1883.*

**No. 2.**—Mr. F. R. Upcott, Executive Engineer, 2nd Grade, has been granted six days' subsidiary and fifteen months' furlough to England, with effect from forenoon of 25th June 1883.

H. JOHNSON, M.I.C.E.,

*Offg. Manager.*

**Statement of the Affairs of the Bank of Bengal for the week ending 24th July 1883.**

[illegible]

By order of the Directors.

BANK OF BENGAL,  
Calcutta, 26th July 1883.

J. GORDON,  
*Chief Acctt. & Depy. Secretary.*

R. HARDIE,  
*Secy. & Treasurer.*

*Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.*

SILVER TENDERED, ESTI- MATED VALUE.		CERTIFICATES ISSUED ON		BALANCE OF BULLION		
DATE.		General Treasur.	Currency Depart- ment.	Under Assay.	Assayed.	Held on account of the Cur- rency De- partment.
1883.	\$	\$	\$	\$	\$	\$
July 16	2,33,762	...	...	5,10,373	28,08,078	15,21,188
" 17	...	...	2,95,307	2,34,420	31,10,381	18,22,892
" 18	...	...	...	2,34,120	31,10,381	18,22,892
" 19	...	...	562	2,33,892	31,10,365	18,23,406
" 20	...	...	28	2,33,865	31,10,384	18,23,405
" 21	...	...	...	2,33,762	31,10,984	18,23,405

CALCUTTA MINT.  
The 23rd July 1883.

J. F. TENNANT, *Major-Genl., R.E.,*  
*Mint Master.*

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

### Bombay Circle.

NOTE WHOLLY LOST OR DESTROYED.

<b>Reg. No.</b>	<b>No. of Note.</b>	<b>Value.</b>	<b>Name of Claimant.</b>
<b>1883.</b>		<b>R</b>	
<b>W44</b>	<b>M76-03121</b>	<b>1,000</b>	<b>Mowlabux, Bombay.</b>

BOMBAY,  
The 24th July 1883.

C. J. RIVETT-CARNAC,  
Asst. Acct. Genl., Paper Currency Department,  
for Commissioner of Issue.

### Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		<i>R</i>	
100	. P 44—44734	. 100	The Assistant Inspector General, Governmen Railway Police, Howra
101	. P 44—52350	. 100	} Inspector G. A. Meyers.
	„ —52351	. 100	
102	. P 44—44648	. 100	Babu Prasanna Chunder Mukerjee.
103	. P 43—91494	. 100	Mrs. A. Yeatherd. *
104	. P 44—45629	. 100	} Shaik Joomun.
	„ —45630	. 100	
	„ —55233	. 100	
	„ —47195	. 100	
	„ —47494	. 100	
	„ —44531	. 100	
	„ —48628	. 100	
107	. P 9—94604	. 50	The Treasury Officer, Cuttack.
109	. O 65—97412	. 50	} Babu Ram Nuty Lal.
	P 43—53418	. 100	

**J. TAYLOR.**

*Asstt. Comptlr. Genl., in charge, Paper Currency.*

CALCUTTA,

*The 27th July 1883.*

**Lahore Circle.**

NOTE WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Note.	Value.	Name of Claimant.
		<i>R</i>	
8	E 20—34862	100	Captain J. Keane, 41, Park Street, Calcutta.

**ЛАНОВЕ,**

*The 21st July 1883.*

G. C. WALKER.

for *Depy. Commr. of Paper Currency.*

## POST OFFICE.

## NOTIFICATIONS.

Calcutta, the 28th July 1883.

It is hereby notified for general information that the following mail despatches to Ceylon will be made from the Calcutta General Post Office during August 1883 :—

DATE OF CLOSING.	ROUTE.
3rd August 1883* . . . . .	By R. I. S. N. Co.'s private vessel.
7th August 1883 . . . . .	By P. & O. Steamer from Bombay.
9th August 1883 . . . . .	By P. & O. Steamer from Calcutta.
17th August 1883* . . . . .	By R. I. S. N. Co.'s private vessel.
20th August 1883* . . . . .	By Star Line private vessel.
21st August 1883 . . . . .	By P. & O. Steamer from Bombay.
23rd August 1883 . . . . .	By P. & O. Steamer from Calcutta.
23rd August 1883 . . . . .	By French Steamer.
31st August 1883* . . . . .	By R. I. S. N. Co.'s private vessel.
31st August 1883* . . . . .	By Star Line private Vessel.

\* These dates are subject to alteration in the event of departure of the vessels being delayed.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

The 28th July 1883.

## SEA AND FOREIGN MAILS.

Foreign Mails for	Date.	Per Steamer
Persian Gulf . . . . .	1st Aug.	
Mauras, Ceylon, and Intermediate Ports . . . . .	3rd Aug.	From Bombay.
	2nd "	Str. <i>Sudhana</i> .
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies . . . . .	7th "	From Bombay.
Foreign Mails via Bombay . . . . .	28th July	From Bombay.*
Foreign Mails via Bombay . . . . .	4th Aug.	From Bombay.†
Do. Book Post and Pattern Packets . . . . .	3rd "	From Bombay.
Rangoon and Moumein . . . . .	1st "	Str. <i>Kilwa</i> .
Chittagong, Akyab, Kyauk Phyo, and Rangoon . . . . .	1st "	Str. <i>Mahratta</i> .
Port Blair and Camorta . . . . .	2nd "	Str. <i>Maharant</i> .

\* Also for South Africa via England; also via Aden for Mauritius, Mahé (Seychelles), Mayotte, Nosse Be and Réunion can be forwarded.

† Also for South Africa via England can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON,

Presidency Post Master.

*Report of a Deserter from the 1st Battalion, Regiment of Royal Welsh Fusiliers, dated at Dum-Dum, this 21st day of July 1883.*

Number, Rank, and Name,— No. 2588, Lance Corporal Thomas William Hemsley.	At what Place Enlisted,— Brighton, Sussex.
Age,—23 years 6 months.	Parish and County in which Born,—Ditchling, . Bright-
Size,—5 feet ½ inches.	ton, Sussex.
Colour of— Complexion, fresh; Hair, brown; Eyes, grey.	Marks,—None.
Date of Desertion,—18th July 1883.	Trade,—Waiter.
Place of Desertion,—Dum- Dum.	Coat or Jacket,—
Date of Enlistment,—2nd March 1880.	Waistcoat,—
	Breeches or } Regi- Trowsers— } mental.
	REMARKS,—
	Under 4 years' service.

C. ELGEE, Colonel,

Comdg. 1st Battn., R. W. Fusiliers.

*Report of a Deserter from the 8-1st Cinque Ports Division, Royal Artillery, dated at Colaba, this 17th day of July 1883.*

Number, Rank, and Name,— No. 32150, Gunner Joseph Bell.	Coat or Jacket,—
Age,—25 years 11 months.	Waistcoat,—
Size,—5 feet 8 inches.	Breeches or } Regi- Trowsers,— } mental.
Colour of— Complexion, fresh; Hair, dark brown; Eyes, grey.	Date of Desertion,—15th July 1883.
Parish and County in which Born,—Bray, Dublin.	Place of Desertion,—Colaba.
Marks,—Tattooing on both forearms.	Date of Enlistment,—17th August 1881.
Trade,—Bricklayer.	Place of Enlistment,— Clonmel.
	REMARKS,— Under 2 years' service.

HUGH W. PERRY, Lieut.,

Comdg. 8-1st C. P. D., R.A.

## GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates :—per four ounce tin *R4-8*; per eight ounce tin, *R5-5*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, *for cash only*, at the under-noted rates :—per four ounce tin *R5-8*; per eight ounce tin *R10-8*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggist in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

## گورنمنٹ سنکونا فبری فیوج

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# The Gazette of India.

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CALCUTTA, SATURDAY, JULY 28, 1883.

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The lower half of the Government Promissory Note No. 094817, of the 4 per cent. of 1865, for Rs3,500, originally standing in the name of the Officer in charge of the Treasury, Indore, and last endorsed to Resident, Gwalior, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

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For the Oriental Bank Corporation, Calcutta,

H. P. CAMPBELL.





SUPPLEMENT TO  
**The Gazette of India.**

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## DEPARTMENT OF

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

## QUANTITIES PER RUPEE

DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), <i>Holcus</i> <i>Sorghum</i> .			Bairush Millet (Cam boo, Bajra), <i>Pennisetia Spicata</i>		
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Bijam . . . . .	11 13	10 5	11 13	...	...	...	17 13	17 13	17 13	22 13	22 13	19 10	...	...	...	25 14	24 13	21 10
Banganpatam . . . . .	14 0	13 8	8 0	...	...	...	9 8	8 6	9 0	11 5	11 5	11 5	25 14	24 13	21 10	21 13	23 13	19 1
Bavary . . . . .	...	10 13	12 10	...	...	...	...	10 14	13 14	...	14 0	17 0	...	23 0	27 13	...	...	...
Bina . . . . .	8 13	9 5	14 11	...	...	...	14 0	14 0	16 3	14 11	14 11	16 13	20 5	17 3	25 0	...	...	...
Blore . . . . .	9 0	5 13	13 8	...	...	...	13 6	11 14	15 13	...	15 0	18 0	20 10	20 3	33 10	18 11	...	...
Bdnapur . . . . .	12 8	14 11	14 11	...	...	...	12 6	12 6	11 14	13 5	13 5	13 5	28 6	28 6	26 14	30 6	31 14	31 1
Bantapur . . . . .	13 6	13 6	14 6	...	...	...	11 13	11 13	15 0	12 5	12 5	16 3	30 14	30 14	30 14	30 23	21 8	1
Bilary . . . . .	16 5	17 5	16 5	...	...	...	12 5	12 5	12 5	13 8	13 8	13 8	36 0	35 0	31 14	29 2	28 3	25
Bmocl . . . . .	12 6	13 5	13 6	...	...	...	11 0	11 0	9 14	11 6	11 13	11 6	32 14	32 14	27 6	30 0	30 0	22
Bdras . . . . .	11 5	11 5	10 2	...	...	...	13 8	13 8	13 8	15 2	15 2	15 2	21 10	21 10	23 0	25 2	25 2	26
Bingleput . . . . .	...	...	...	...	...	...	13 14	14 3	15 0	15 8	15 8	15 14	...	...	...	21 2	21 2	...
Bth Arcot . . . . .	9 11	9 11	11 14	...	...	...	14 6	14 6	15 0	16 14	17 14	16 14	29 2	29 2	32 13	26 6	28 0	29 1
Bth Arcot . . . . .	10 14	10 8	10 2	...	...	...	16 8	16 2	15 11	17 2	17 2	16 10	...	...	...	26 3	25 13	27 1
Bjore . . . . .	11 6	11 0	11 0	...	...	...	17 13	17 6	18 5	...	...	...	31 13	35 0	35 13	30 6	31 14	1
Bchinopoly . . . . .	10 10	10 10	9 14	...	...	...	15 13	15 13	16 3	16 5	16 5	16 11	40 8	32 6	30 13	35 5	32 3	0
Bdura . . . . .	12 2	12 8	11 11	...	...	...	16 0	16 6	15 8	16 8	17 11	16 0	...	...	...	28 0	26 1	30 1
Bnevelly . . . . .	9 14	9 14	9 3	...	...	...	15 2	16 5	15 8	16 0	17 10	16 0	26 2	27 0	26 2	28 10	27 0	35
Bmbatore . . . . .	14 13	13 14	12 5	...	...	...	14 6	13 14	13 8	15 6	14 14	14 8	20 0	20 0	20 0	19 10	21 0	19 1
Blgiris . . . . .	10 10	10 10	9 14	...	...	...	11 3	11 3	9 10	12 0	12 0	11 3	29 2	29 2	29 2	26 8	26 8	23 1
Blem . . . . .	14 6	14 6	12 11	...	...	...	15 0	15 0	14 10	16 0	16 0	15 10	...	...	...	...	...	...
Bth Canara . . . . .	8 3	8 3	8 10	...	...	...	5 11	9 11	9 11	11 13	11 13	13 11	...	...	...	...	...	...
Blabar . . . . .	8 10	8 10	7 3	...	...	...	14 10	14 10	15 0	15 13	15 13	15 6	...	...	...	...	...	...
Bombay . . . . .	10 11	10 9	10 2	25 8	23 11	16 12	8 3	8 2	7 7	11 4	12 6	12 13	19 4	18 15	19 3	15 5	15 1	15 1
Bmedabad . . . . .	12 0	12 0	12 8	19 8	20 0	...	7 8	7 8	6 8	12 0	12 0	8 0	17 8	17 0	17 0	15 0	15 0	14
Bnira . . . . .	11 7	11 7	11 7	21 5	21 5	20 0	9 11	9 11	9 2	16 0	16 0	14 9	16 0	17 12	16 0	14 4	14 14	1
Burat . . . . .	11 1	11 6	11 9	12 5	12 7	7 7	7 8	7 9	7 7	8 7	8 7	8 5	19 1	19 1	14 14	11 14	14 14	1
Bronch . . . . .	12 4	12 4	12 5	...	...	...	10 0	10 0	9 6	11 7	11 7	12 9	16 0	16 0	15 4	13 11	13 14	1
Banna (Salsette) . . . . .	9 12	9 12	9 12	...	...	...	8 2	8 2	8 3	10 0	10 0	10 0	18 10	18 10	18 10	15 0	15 0	15
Bolaba (Alibag) . . . . .	9 0	9 0	10 0	...	...	...	8 0	8 0	7 0	12 8	14 0	12 8	...	...	...	...	...	...
Bandesh (Dhulm) . . . . .	14 0	14 0	14 9	...	...	...	7 10	8 1	7 4	9 15	12 10	10 15	16 0	16 0	23 13	14 4	4 18	14
Balik . . . . .	14 4	14 4	15 8	...	...	...	7 7	7 7	7 7	13 6	13 6	12 0	22 6	22 6	...	15 5	5 21	...
Bamednagar . . . . .	13 6	13 2	14 0	...	...	...	9 6	9 3	10 0	13 12	12 2	12 6	22 0	21 14	27 6	17 6	16 12	23
Bona . . . . .	12 8	12 10	12 10	9 4	9 4	...	9 13	9 13	11 0	11 0	11 10	12 4	19 9	19 9	9 21	12 16	2 16	2 18
Bolapur . . . . .	14 8	14 8	14 1	...	...	...	10 6	10 15	10 7	11 5	11 5	11 5	26 12	25 14	31 1	22 0	20 8	23 1
Baladgi (Bagalkot) . . . . .	17 8	18 12	19 0	15 8	17 0	15 0	6 12	6 12	6 8	10 12	10 12	9 0	25 8	27 0	33 0	24 0	26 0	29
Batara . . . . .	11 0	12 1	12 1	...	...	...	8 9	8 14	9 11	10 6	11 7	11 7	17 0	16 5	25 5	15 14	15 8	22
Belgaum . . . . .	No return received			...	...	...	13 0	13 0	10 0	16 0	16 0	11 0	24 0	23 0	24 0	26 0	24 0	23
Bharwar (Hubli) . . . . .	23 0	23 0	21 0	...	...	...	8 9	8 9	7 13	14 2	14 2	12 11	...	20 13	18 3	13 8	14 11	14 1
Bhatnagiri . . . . .	9 14	9 14	10 9	...	...	...	7 0	7 0	8 0	12 4	12 0	12 0	16 0	16 0	15 0	...	...	...
Bannara (Karwar) . . . . .	11 8	11 8	9 0	1 6	1 6	...	11 6	11 6	11 6	15 0	15 0	15 0	22 13	22 13	22 8	16 0	16 0	16
Buch Mahals (Godhra) . . . . .	11 6	11 6	11 6	...	...	...	6 3	6 3	6 3	7 0	7 0	7 0	12 7	12 7	11 3	11 3	11 3	9
Bden . . . . .	9 5	9 5	8 0	...	...	...	12 8	12 2	11 0	14 4	14 8	12 0	18 0	18 6	23 11	17 14	18 5	24
Birgarh . . . . .	13 6	13 9	14 0	...	...	...	7 14	8 3	8 12	11 10	11 11	11 10	15 2	15 3	16 5	13 6	13 7	14
Baroda . . . . .	9 5	9 5	10 8	14 0	15 3	14 0	6 14	6 14	6 6	9 0	9 0	8 11	17 0	17 0	17 13	16 13	17 0	16
Bisa . . . . .	13 8	13 8	13 4	...	...	...	6 0	6 0	6 0	7 0	7 0	7 0	20 0	19 0	17 0	12 0	12 0	16
Bimach . . . . .	15 4	15 4	14 0	21 0	21 0	16 8	9 0	9 0	8 0	10 0	9 4	10 0	22 8	22 10	23 5	17 8	17 8	17 4
Bisrubud . . . . .	16 12	16 8	16 1	23 6	23 0	21 11	6 0	6 0	6 0	7 0	7 0	7 0	17 6	17 8	14 0	14 0	14 0	12 1
Bajkot . . . . .	13 12	14 2	12 4	...	...	...	6 8	6 8	6 8	9 0	10 12	11 0	32 0	32 0	32 0	32 0	32 0	28
Bpper Sindh Frontier . . . . .	14 4	14 4	14 4	25 8	25 8	26 0	12 4	13 4	11 4	16 4	17 8	20 0	...	...	...	...	...	...
Barachi . . . . .	13 0	13 13	12 5	23 0	22 0	21 8	9 5	9 0	9 8	16 0	17 0	15 0	23 0	24 0	22 0	18 0	17 0	18
Baidarabad (Nakur) . . . . .	16 0	16 0	16 0	30 0	35 0	25 0	13 0	13 0	12 0	20 0	18 0	20 0	28 0	30 0	26 0	25 0	26 0	25
Bhikarpur . . . . .	14 6	14 2	13 14	27 9	25 12	25 10	12 4	12 13	13 24	19 0	19 0	20 0	30 0	30 0	25 7	31 8	30 0	29
Bukkur . . . . .	14 8	14 8	14 12	29 8	29 8	28 8	12 8	12 8	11 12	14 0	14 0	13 15	...	...	...	16 8	16 8	18 1
Bhar & Parkar (Umankot) . . . . .	14 0	14 0	17 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
<b>Western Districts.</b>																		
Bardwan . . . . .	16 0	15 8	14 0	20 0	30 0	40 0	18 12	19 0	21 5	23 13	24 0	24 0	...	...	...	...	...	...
Bancoorah . . . . .	13 12	14 0	13 12	19 0	19 0	17 0	18 8	18 12	28 8	24 0	24 0	30 0	...	...	...	...	...	...
Beebhoom . . . . .	15 0	15 12	14 0	...	...	...	18 0	16 8	21 0	22 8	21 0	28 0	...	...	...	...	...	...
Bidnapore . . . . .	14 0	14 0	14 0	16 0	17 0	...	18 0	18 0	20 0	24 0	24 0	26 0	...	...	...	...	...	...
Bogghly . . . . .	13 8	13 8	18 0	...	...	...	10 0	10 0	10 0	18 8	18 8	20 0	...	...	...	...	...	...
Bowrah . . . . .	13 4	13 0	13 0	...	...	...	13 4	14 8	16 0	19 8	20 0	20 0	...	...	...	...	...	...

a In the sub-divisions retail prices of salt are as follow :—Cutwa 13-8 seers, Cutwa 11 seers and Raneezunge 13 seers.  
b Retail price of salt at Raipore 11 seers, Sonamukhi 12 seers, and Mejia, Bishenpore, Indas and Kotulpore 13 seers.  
c In the interior retail prices of salt range from 9 to 13 seers.

## INDIA.

## ICE AND COMMERCE.

DIA FOR THE 2nd HALF OF JUNE 1883.

SEERS OF 80 TOLAHS.

AVERAGE WAGES PER MONTH.

For Millers, Baggers, &c. Savara, Veragu, Sawee, Sena, Coraloo, Murn- Nuglee), Panicum itaceum, &c.																Grain.						Firewood.						Salt.						Able-bodied Agricultural La- bourer.			Syce or Horse-keeper.			Common Mason, Carpenter or Blacksmith.								
Past fortnight.				Corresponding fort- night of 1882.				Present fortnight.				Past fortnight.				Corresponding fort- night of 1882.				Present fortnight.				Past fortnight.				Corresponding fort- night of 1882.				Wholesale.				Retail.												
S.		Ch.		S.		Ch.		S.		Ch.		S.		Ch.		S.		Ch.		S.		Ch.		S.		Ch.		S.		Ch.		S.		Ch.		S.		Ch.										
3	35	3	35	3	40	0	40	0	26	10	215	13	215	13	215	13	...	...	...	13	13	13	13	13	13	3	12	0	6	0	0	12	0	0														
8	22	3	21	3	32	13	32	13	24	10	87	8	87	8	93	5	14	10	14	10	15	3	14	5	14	5	5	0	0	6	0	0	11	0	0													
8	29	2	28	3	...	...	31	8	25	3	...	...	194	6	194	6	...	...	13	8	...	13	8	14	10	...	...	...	...	...	...	...	...	...														
8	23	8	35	5	26	13	27	6	25	2	145	13	145	13	115	13	15	11	15	11	16	0	15	3	15	3	6	0	0	7	0	0	15	0	0													
11	28	3	36	6	23	2	23	2	27	5	93	5	93	5	186	10	15	13	15	14	14	13	15	13	15	14	14	3	0	0	5	0	0	13	0	0												
0	31	8	31	8	34	6	34	6	27	8	194	6	194	6	194	6	17	2	17	2	16	10	16	10	16	10	7	8	0	7	8	0	15	0	0													
0	31	0	30	8	38	2	38	2	35	13	...	...	...	...	...	...	14	5	14	5	14	5	14	5	14	5	...	...	...	...	...	...	...	...														
0	34	14	29	2	33	10	35	13	28	0	94	13	94	13	97	3	15	13	15	13	15	13	15	8	15	8	4	0	0	5	0	0	15	0	0													
0	32	3	...	...	26	3	28	8	24	6	186	19	179	13	202	3	14	6	14	6	14	6	14	0	14	0	3	0	0	5	0	0	15	0	0													
0	26	0	27	6	26	8	26	8	26	2	86	5	86	5	81	6	16	11	16	11	16	11	16	8	16	3	5	0	0	5	8	0	13	0	0													
11	24	11	27	6	25	0	25	11	24	13	92	5	92	5	92	5	17	13	17	13	17	0	17	5	17	5	4	0	0	5	0	0	13	0	0													
0	32	8	32	8	30	14	31	8	28	10	140	0	140	0	140	0	15	6	15	6	14	13	14	13	14	5	5	0	0	8	0	0	15	0	0													
13	32	8	32	8	30	3	29	5	28	13	201	11	201	11	201	11	18	6	17	8	19	5	18	0	16	10	5	10	0	5	0	0	13	0	0													
0	26	10	30	3	29	5	28	13	28	13	194	6	194	6	194	6	14	11	15	10	15	10	14	11	14	11	1	15	4	4	0	0	11	0	0													
8	36	3	39	5	28	0	29	11	29	11	97	3	97	3	97	3	17	13	17	13	17	0	17	0	17	0	4	0	0	6	8	0	19	0	0													
11	32	11	32	11	30	13	32	5	33	14	155	8	155	8	170	2	17	5	17	13	16	2	16	13	16	13	1	0	0	7	8	0	20	0	0													
13	40	5	32	8	37	6	38	5	42	11	70	0	70	0	81	10	18	11	18	11	18	5	18	5	18	5	6	4	0	6	0	0	14	0	0													
0	31	3	32	13	32	5	32	5	30	6	131	3	131	3	131	3	15	2	14	2	14	2	14	10	14	10	7	8	0	7	8	0	18	12	0													
10	21	10	20	3	23	8	24	11	20	11	161	13	161	13	121	8	13	0	13	0	11	0	12	0	11	0	8	0	0	8	0	0	27	0	0													
8	32	8	30	13	39	6	39	6	35	8	151	10	151	10	151	10	16	0	16	0	15	6	15	6	15	6	2	8	0	6	0	0	23	0	0													
10	17	10	22	0	22	3	22	3	21	3	111	13	111	13	116	10	15	6	15	6	11	0	14	11	14	11	7	8	0	7	8	0	21	4	0													
14	21	14	19	11	26	14	26	14	24	6	121	8	121	8	121	8	14	6	14	6	14	6	13	8	13	8	9	6	0	11	4	0	18	12	0													
Prices per md. of 40 seers.																																																
R a. p. R																																																

PRICES CURRENT OF FOOD-GRAINS THROUGH

DISTRICTS.	QUANTITIES PER RUPEE																	
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Hoieus Sorghum.			Bulrush Millet (Cumbou, Baira), Pennisetum Spines.		
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
<b>Central Districts.</b>																		
Alcutta . . . . .	14 0	14 4	14 0	20 0	19 6	26 8	10 5	10 5	10 0	16 0	16 0	20 0	...	...	20 0	20 0	20 0	...
4-Pergunnahs . . . . .	13 5	13 5	12 0	16 0	16 0	21 4	8 0	8 0	10 0	16 12	14 0	17 0	...	...	20 0	...	...	...
Judda . . . . .	14 8	14 8	14 8	...	22 15	26 0	15 4	15 4	17 4	16 13	17 4	20 0	...	...	...	...	...	...
Choolna . . . . .	...	...	...	...	...	...	17 0	17 0	16 0	25 0	25 0	22 0	...	...	...	...	...	...
essore . . . . .	14 8	14 8	16 0	...	...	...	16 0	16 0	18 12	22 12	22 12	24 8	...	...	...	...	...	...
Moorsheadabad . . . . .	15 0	17 0	16 0	...	...	...	15 0	16 0	17 12	19 0	19 0	25 0	...	...	...	...	...	...
Mungepore . . . . .	13 8	11 0	13 0	...	11 0	16 0	18 0	18 0	24 0	19 8	20 6	27 0	...	...	...	...	...	...
Najahaye . . . . .	16 8	16 8	to 13 8	30 0 30 0 48 12			to to to			to to to			to to to			...	...	...
Mungpore . . . . .	11 7	11 7	16 0	...	...	...	13 5	13 5	16 0	17 3	17 3	20 0	...	...	...	...	...	...
Mogra . . . . .	15 0	15 0	17 4	...	...	...	12 0	12 0	16 8	24 0	24 0	28 2	...	...	...	...	...	...
Mubna . . . . .	19 8	19 8	18 12	...	...	...	8 0	8 0	10 0	19 8	17 4	24 0	...	...	...	...	...	...
Marjeeling . . . . .	8 0	8 0	8 0	8 0	8 0	8 0	4 0	5 0	5 0	8 0	9 0	13 0	...	...	...	...	...	...
Malpigiuri . . . . .	10 0	10 0	9 0	20 0	20 0	20 0	11 8	13 4	16 0	16 0	18 0	24 0	...	...	...	...	...	...
<b>Eastern Districts.</b>																		
Dacca . . . . .	12 4	14 8	12 4	18 12	19 0	32 0	15 8	15 12	22 0	19 4	19 4	26 12	...	...	...	19 0	...	...
Durreddpore . . . . .	20 0	20 0	22 0	30 0	30 0	35 0	16 0	16 0	22 0	18 0	18 0	28 0	...	...	...	...	...	...
Dackergunge . . . . .	...	...	...	...	...	...	19 0	19 0	20 0	21 0	21 0	24 0	...	...	...	...	...	...
Dymensingh . . . . .	11 8	12 0	11 8	...	...	...	16 0	13 0	22 8	17 8	17 8	29 0	...	...	...	...	...	...
Tipperah . . . . .	11 6	12 12	11 8	...	...	...	18 8	17 8	22 0	19 4	20 0	28 8	...	...	...	...	...	...
Chittagong . . . . .	12 0	12 0	9 0	...	...	...	13 0	13 0	20 0	20 0	22 0	25 0	...	...	...	...	...	...
Donkhilly . . . . .	...	...	...	...	...	...	20 0	20 0	27 0	22 0	22 0	31 0	...	...	...	...	...	...
Chittagong Hill Tracts . . . . .	...	...	...	...	...	...	12 4	12 8	16 0	13 5	13 4	17 12	...	...	...	...	...	...
Hill Tipperah . . . . .	10 0	10 0	11 0	...	...	...	17 0	16 0	24 0	20 0	20 0	32 0	...	...	...	...	...	...
<b>Behar.</b>																		
Patna . . . . .	17 8	17 8	16 8	32 0	32 0	34 0	14 0	14 0	11 8	19 0	19 0	21 8	...	...	...	...	...	...
Gya . . . . .	20 8	20 0	17 0	26 0	27 0	28 0	12 0	12 0	12 0	15 0	16 0	20 0	...	...	...	...	...	...
Shahabad . . . . .	to 18 0	to 18 0	to 17 0	25 0 27 0 30 0			to to to			to to to			22 0 25 0 32 0			...	...	...
Darbhanga . . . . .	17 0	17 0	14 0	37 0	35 0	35 0	13 8	13 0	14 0	18 0	18 0	17 0	...	...	...	...	...	...
Mooserpore . . . . .	18 0	17 0	16 0	30 0	28 0	30 0	13 0	12 0	12 0	16 0	17 0	16 0	...	...	...	...	...	...
Barun . . . . .	17 0	17 0	15 8	27 0	27 0	30 0	10 0	10 0	10 0	18 0	18 0	21 0	30 0	29 0	32 0	...	...	...
Chumparun . . . . .	19 0	19 0	18 0	36 0	40 0	36 0	13 0	13 0	12 0	17 0	18 0	21 0	...	...	...	...	...	...
Monghyr . . . . .	18 10	18 14	16 12	27 14	31 8	34 9	13 14	14 10	15 12	15 12	16 12	19 15	...	...	...	...	...	...
Bhagalpur . . . . .	16 6	16 6	14 8	27 12	27 8	30 4	15 2	15 12	18 15	17 10	17 10	22 12	...	...	...	...	...	...
Purneah . . . . .	16 0	16 0	14 0	...	...	...	16 0	16 0	20 0	18 0	19 0	25 0	...	...	...	...	...	...
Maldah . . . . .	17 0	17 8	16 0	...	...	...	14 0	16 0	16 0	16 0	18 0	19 0	...	...	...	...	...	...
Southal Pergunnahs . . . . .	14 0	14 0	13 0	...	...	...	16 0	16 0	18 0	22 0	22 0	24 0	...	...	...	...	...	...
<b>Orissa.</b>																		
Cuttack . . . . .	13 2	11 13	14 7	...	...	...	13 2	14 7	17 1	22 5*	23 10	27 9	...	...	...	...	...	...
Pooree . . . . .	13 2	13 2	11 4	...	...	...	20 0	21 0	22 0	23 10	23 10	25 0	...	...	...	...	...	...
Balasore . . . . .	14 0	14 0	16 0	...	...	...	16 0	16 0	26 0	28 0	28 0	32 0	...	...	...	...	...	...
<b>CHOTA NAAGPORE.</b>																		
<b>South-Western Frontier Agency.</b>																		
Hazribagh . . . . .	16 0	16 0	16 0	18 0	22 0	24 0	10 0	10 0	10 0	16 0	16 0	19 0	...	...	...	...	...	...
Lohardugga . . . . .	16 0	17 0	18 0	22 0	22 0	26 0	18 0	18 0	22 0	22 0	22 0	25 0	...	...	...	...	...	...
Jingbhoom . . . . .	18 0	20 0	20 0	32 0	32 0	28 0	36 0	32 0	36 0	40 0	36 0	40 0	...	...	...	...	...	...
Manbhoom . . . . .	13 0	13 0	13 0	...	...	...	17 0	18 0	19 0	27 0	27 0	34 0	...	...	...	...	...	...

\* In the interior retail prices of common rice vary from 31-8 to 30-6 seers.  
 f In the sub-divisions retail prices of salt are as follow:—Baraset and Bussirhat 13 seers, Diamond Harbour 10-8 seers, Barrackpore 12-12 seers, and Dam-Dam 12 seers.  
 g In the sub-divisions retail prices of salt are as follow:—Kosulita 12-12 seers, Meherpore 12 seers and Choodanga 12-8 seers and Banaghat 13 seers.  
 h In the sub-divisions retail prices of salt are as follow:—Sarkhira and Bagirhat 11 seers.  
 i In the sub-divisions retail prices of salt are as follow:—Jhenidah, Magura and Narail 12 seers, and Bongong 13 seers.  
 j In the sub-divisions retail prices of salt are as follow:—Latbagh 11 seers, Jungipore 10 seers, and Kandi 11-8 seers.  
 k Retail prices of salt at Raingunge 11-8 seers and Neetpore 12 seers.  
 l In Nattore and Nowgong retail price of salt 12 seers.  
 m In the sub-divisions retail prices of salt are as follow:—Gaibanda 10 seers, Nilphamari 12 seers.  
 n In Serajgunge retail price of salt 12 seers.  
 o Retail price of salt at Kurseong 8 seers and Silligoree 10 seers.  
 p Retail Price of salt at Fallacotta in Alipore sub-division 10 seers.  
 q In the sub-divisions retail prices of salt are as follow:—Manickgunge 11 seers, Moonshogunge 10 seers 10-11 chittacks, and Naraingunge 13-4 seers.  
 r In the sub-divisions retail prices of salt are as follow:—Goolundo 10-8 seers, Madaripore 14 seers, Bhanga 11 seers, and Gopalgunge 12-12 seers.  
 s In the sub-divisions retail prices of salt are as follow:—Patuakhali 10-10 seers, Kerozepore 11 seers, and Bhola 9 seers.  
 t In the sub-divisions retail prices of salt are as follow:—Kishoregunge 10-10 seers, Aitca 12 seers, Jamalpore 11 seers, and Nitrokonu 12-5 seer.

## SEERS OF 80 TOLAHS.

SEERS OF 80 TOLAHS.															AVERAGE WAGES PE MONTH.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
For Millets, Ragi, &c. Savara, Veragu, Bawee, Jeena, Coraloo, Murh- e, Nagice, Panicum Hucum, &c.															Gram.			Firewood.			Salt.									Able-bodied Agricultural La- bourer.	Syce or Horse-keeper.	Common Mason Carpenter, or Blacksmith.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Wholesale prices per maund of 40 seers.			Retail.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	R				a.	p.	R	a.	p.	R	a.	p.	R	a.	p.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
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a In the sub-divisions retail prices of salt are as follow:—Brahmaberriah 12 seers and Chandpore 12-8 seers.

b Retail price of salt at Kumeriah 10 seers, and Hathazaree and Cox's Bazar 8 seers.

c In the interior retail prices of salt range from 8 to 12-4 seers.

d In Nowada retail price of salt 10 seers.

e In the sub-divisions retail prices of salt are 10-8 to 11 seers.

f In the sub-divisions retail prices of salt are as follow:—Madhubani 9 seers and Tajpur 12 seers.

g In the interior retail prices of salt range from 9 to 12 seers.

h In the sub-divisions retail price of salt are as follow:—Sewan 11-4 seers, and Gopalgunge 12 seers.

i In the interior retail prices of salt range from 10 to 12 seers.

j In the sub-divisions retail prices of salt are as follow:—Begusarai 10 seers and Janmuri 11 seers.

k In the sub-divisions retail prices of salt are as follow:—Banka and Soopole 11 seers and Muddehpooora 10 seers.

l In the sub-divisions retail prices of salt are as follow:—Kissengunge 8 seers and Arrarrah (at Rauegunge) 11 seers.

m In Khoorda retail price of salt 13 seers.

n Retail price of salt at Bhadrak 10 seers.

o Retail price of salt at Chuttra 10 seers and Khurnekdiha 11-8 seers.

p Retail price of salt at Razhnanthura 11 seers and Murehara 12-8 seers.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE																		
DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Zizua Sorghum.			Bairush Millet (Cumboo, Baira), Pennisetia Scariosa.		
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.
Sylhet . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cachar . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Góalpara . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Gáro Hills . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kámrúp . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Darrang . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nowgong . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sírhágar . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lakhimpur . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Khásí & Jaintía Hills . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nága Hills . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dehra Dún . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Saharanpur . . . . .	20 15 20 15 19 5 31 3 32 4 27 15	8 9 8 9 9 11 11 13 11 13 12 14	26 14 26 14 25 13 17 3 17 3 23 10	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Muzaffarnagar . . . . .	19 4 19 12 17 0 35 0 35 5 29 11	6 9 6 9 6 9 12 2 12 2 14 5	33 0 33 0 24 6 26 6 26 6 22 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Meerut . . . . .	18 0 18 8 18 0 30 0 30 0 24 0	7 0 7 0 6 0 14 0 14 0 16 0	29 0 29 0 25 0 20 0 21 0 21 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bulandshahr . . . . .	19 0 19 14 19 4 23 0 27 8 23 4	6 0 6 0 6 0 10 0 10 5 11 0	26 0 26 0 23 0 16 0 18 0 30 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Aligarh . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Farrukhabad . . . . .	15 0 15 0 17 0 18 0 18 0 17 0	10 0 10 0 10 0 12 0 12 0 13 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Garhwál . . . . .	22 0 22 0 23 8 23 0 23 0 25 0	9 0 9 0 9 0 15 0 15 0 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bijnor . . . . .	19 13 20 4 16 0 31 12 31 12 24 3	16 11 10 4 11 4 12 2 11 13 12 6	23 10 24 12 21 6 21 6 21 6 18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Moradabad . . . . .	19 11 20 5 18 12 30 10 31 4 25 0	10 10 10 10 9 6 13 12 13 13 13 12	23 2 23 2 23 12 14 6 14 6 18 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Budoun . . . . .	19 8 19 8 17 6 29 6 30 0 21 9	8 6 8 6 9 9 13 3 14 1 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bareilly . . . . .	18 2 18 2 16 14 25 10 26 4 25 0	7 8 7 8 8 2 13 2 13 12 13 12	23 12 23 12 20 0 18 12 18 12 20 10	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sháhjahanpur . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tarái Pergunnahs . . . . .	21 4 23 0 19 0 32 8 37 8 30 0	8 12 8 12 7 8 14 0 13 12 12 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Muttra . . . . .	17 0 18 0 16 12 24 8 25 8 21 8	7 0 7 0 7 0 12 0 12 0 14 8	22 0 22 0 22 0 20 0 20 0 18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Agra . . . . .	16 12 16 8 16 12 24 0 23 8 20 8	5 12 5 12 6 0 12 0 12 0 14 0	24 0 24 0 22 0 21 0 21 0 20 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Farrukhabad . . . . .	18 4 19 6 16 7 26 6 27 11 21 1	7 2 7 2 8 3 12 9 12 9 14 10	26 12 26 7 21 13 20 5 20 3 20 7	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mainpuri . . . . .	18 0 18 10 18 0 24 8 27 8 21 0	4 0 4 8 5 0 10 0 10 8 12 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Etáwná . . . . .	17 0 17 0 17 0 20 8 20 8 22 8	6 0 6 0 6 0 12 8 12 8 14 8	24 0 24 0 16 0 22 8 22 8 16 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Etah . . . . .	19 6 19 4 19 0 27 0 27 0 23 0	8 0 8 0 8 0 14 0 14 0 13 0	22 0 22 0 22 0 20 0 20 0 18 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jalaun . . . . .	18 0 19 0 19 0 20 0 22 0 20 0	10 0 10 0 10 0 11 0 11 0 13 0	25 0 25 0 28 0 22 0 23 0 22 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jhánsi . . . . .	21 9 23 0 21 4 38 14 40 0 33 3	10 0 10 0 8 8 17 0 17 0 15 0	33 6 35 0 27 21 20 10 20 10	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lalitpur . . . . .	21 0 22 0 21 8 40 0 40 0 37 0	9 0 9 0 10 0 10 0 13 0 13 0	12 0 12 0 12 0 10 0 10 0 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cawnpore . . . . .	18 4 18 8 17 8 26 8 26 0 24 8	10 0 10 0 10 0 10 8 14 8 15 8	16 0 16 0 16 0 16 0 16 0 16 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fatehpur . . . . .	16 10 17 6 16 2 25 0 26 0 21 10	11 4 11 4 11 4 15 0 15 0 15 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bánda . . . . .	23 0 23 0 17 8 34 0 34 0 25 0	8 0 8 0 9 0 14 8 14 8 16 8	33 0 34 0 30 0 33 0 33 0 30 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Allahabad . . . . .	17 10 18 2 16 10 28 8 29 8 22 0	10 8 10 0 11 8 16 0 17 8 17 8	32 0 32 0 28 0 31 0 30 0 8 27 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hamirpur . . . . .	18 4 19 2 15 0 17 0 22 0 10 0	9 0 9 0 10 0 9 0 10 0 10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jaunpur . . . . .	20 8 20 8 18 5 31 12 32 12 28 15	7 12 7 12 8 7 14 2 14 2 16 14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Gorakhpur . . . . .	18 14 18 14 18 0 25 3 27 0 27 3	13 1 12 9 14 6 16 3 16 3 18 13	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Basti . . . . .	18 0 19 0 18 0 32 0 36 0 23 0	13 12 13 12 16 0 16 0 16 0 17 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Azamgarh . . . . .	18 6 18 6 19 3 25 1 25 14 30 4	10 5 10 5 8 14 14 12 14 12 17 11	29 8 29 8 20 10 20 10 20 10	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mirzapur . . . . .	17 0 17 8 16 8 26 0 27 0 23 0	10 0 10 0 10 0 10 0 14 8 14 8	18 0 18 0 29 0 29 0 26 0 27 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Benares . . . . .	16 4 17 1 16 13 25 8 25 4 25 6	10 9 11 11 12 7 16 4 17 5 18 15	23 12 28 12 28 3 28 12 28 12 28 11	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Gházipur . . . . .	19 5 19 5 19 5 27 0 27 0 27 11	9 0 9 0 10 15 16 1 16 1 20 15	25 12 25 12 25 12 25 12 25 12 25 12	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Balia . . . . .	18 4 18 12 16 4 27 8 28 4 26 4	10 0 10 0 10 0 18 12 18 12 17 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Pilibhít . . . . .	20 8 21 2 17 10 35 8 36 4 29 12	15 0 15 0 14 8 16 4 16 8 16 4	18 12 18 12 18 12 18 12 18 12 18 12	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lucknow . . . . .	18 1 18 9 16 7 28 12 27 14 23 9	6 0 6 0 6 0 13 12 13 2 14 1	30 10 30 8 22 8 24 10 24 8 23 4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Unáo . . . . .	18 8 18 8 17 0 24 0 26 0 24 0	11 0 11 0 10 0 14 0 14 0 16 0	28 0 28 0 30 0 23 0 24 0 24 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bára Banki . . . . .	18 0 18 8 16 4 28 0 29 0 24 0	10 0 10 0 10 0 14 0 15 0 15 0	32 0 33 0 31 0 21 0 22 0 20 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sitapur . . . . .	21 14 22 4 20 0 36 0 35 0 27 2	8 0 8 0 8 0 16 0 16 0 17 0	32 0 32 0 20 0 26 0 26 0 19 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hardoi . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kheri . . . . .	22 8 24 0 19 0 35 0 36 0 28 0	7 0 7 0 7 0 14 0 16 0 15 0	45 0 45 0 30 0 30 0 30 0 30 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Fyzabad . . . . .	17 8 18 0 17 0 29 8 29 0 25 0	10 0 10 0 11 4 17 0 17 0 18 0	37 0 37 0 38 0 32 0 32 0 32 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bharnich . . . . .	19 0 19 0 17 0 42 0 42 0 38 0	10 0 10 0 9 0 17 0 17 0 18 0	36 0 38 0 32 0 32 0 32 0 32 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Gonda . . . . .	22 4 22 9 18 8 41 12 42 0	34 8 13 14 14 4 15 12 16 0	16 2 17 8 41 0 41 12 36 8 23 4	23 12 24 4 23 12 24 4 23 12 24 4	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rai Bareilly . . . . .	18 12 19 4 18 6 26 8 27 8	22 14 11 0 11 0 11 0 15 4	15 6 15 6 15 6 15 6 15 6 15 6	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bultánpur . . . . .	28 8 21 4 19 12 32 0 32 0	29 0 11 0 11 0 11 0 17 0	17 0 17 0 17 0 17 0 17 0 17 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partabgarh . . . . .	20 3 20 11 18 7 30 13 32 9	27 7 16 0 15 10 15 6 17 5	17 5 17 5 16 13 16 13 16 13 16 13	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delhi . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Gurgaon . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Karnal . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hissar . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rohtak . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sirsa . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Umballa . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ludhiana . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Simla . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jullundur . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hoshiárpur . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kangra . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...



[illegible]

nde for Blacksmith, e Stands for Carpenter, g Stands for Grasscutter, l Stands for labourer, p Stands for Ploughman. s Stands for Syce.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																																	
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), <i>Zizania Soryana</i> .			Bulrush Millet (Cumboo, Bajra), <i>Pennisetaria Spicata</i> .																		
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.													
	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.										
Amritsar . . . . .																																		
Siālkot . . . . .																																		
Gurdāspur . . . . .																																		
Lahore . . . . .																																		
Ferozepore . . . . .																																		
Gujranwāla . . . . .																																		
Rāwalpindi . . . . .																																		
Jhelum . . . . .																																		
Gujrat . . . . .																																		
Shahpūr . . . . .																																		
Mooltan . . . . .																																		
Jhang . . . . .																																		
Montgomery . . . . .																																		
Muzaffargarh . . . . .																																		
Dera Isma'il Khān . . . . .																																		
Dera Ghāzi Khān . . . . .																																		
Bahāwalpur . . . . .																																		
Peshāwar . . . . .																																		
Kohāt . . . . .																																		
Hāzara . . . . .																																		
Nāgpur . . . . .																																		
Bhandāra . . . . .																																		
Chanda . . . . .																																		
Wardha . . . . .																																		
Bālaghat . . . . .																																		
Jubbulpore . . . . .																																		
Saugor . . . . .																																		
Damoh . . . . .																																		
Seoni . . . . .																																		
Mandla . . . . .																																		
Betūl . . . . .																																		
Chhindwāra . . . . .																																		
Hoshangabad . . . . .																																		
Narsinghpur . . . . .																																		
Nimār . . . . .																																		
Itāpur . . . . .																																		
Sambalpur . . . . .																																		
Bilāspur . . . . .																																		
Arakan Division.																																		
Akyab . . . . .																																		
Northern Arakan . . . . .																																		
Kyaukpoo . . . . .																																		
Sandoway . . . . .																																		
Pegu Division.																																		
Rangoon Town . . . . .																																		
Tharrawaddy . . . . .																																		
Prome . . . . .																																		
Irrawaddy Division.																																		
Henzada . . . . .																																		
Bassein . . . . .																																		
Thonegwa . . . . .																																		
Thayetnyo . . . . .																																		
Tenasserim Division.																																		
Monlmein Town & Amherst . . . . .																																		
Tavoy . . . . .																																		
Mergui . . . . .																																		
Toungoo . . . . .																																		
Shwabygin . . . . .																																		
Salween . . . . .																																		
Secunderabad . . . . .	14	13	15	8	16	5	...	...	...	7	8	7	8	6	13	10	3	10	3	9	13	23	0	23	14	23	14	27	0	27	0	...		
Bolarum . . . . .	16	9	18	1	16	11	...	...	...	7	11	7	11	7	1	9	5	9	5	8	12	25	11	28	5	23	7	...	...	...	...			
Chuddorgbat . . . . .	14	0	14	0	13	0	...	...	...	7	6	7	8	6	0	9	8	9	8	8	0	25	0	24	0	24	0	33	0	33	0	...		
Anraoti . . . . .	16	0	16	0	16	0	10	8	10	8	10	0	8	0	8	0	10	0	10	0	10	0	26	0	25	0	26	0	15	0	15	0	...	
Akola . . . . .	17	0	17	0	16	0	...	...	...	7	0	7	0	8	0	13	0	13	0	12	0	25	0	28	0	30	0	31	0	21	0	24	0	...
Ellichpur . . . . .	15	0	15	0	14	0	12	0	12	0	12	0	8	0	8	0	10	0	10	0	8	0	23	0	22	0	22	0	21	0	22	0	...	
Buldana . . . . .	18	0	18	0	19	0	...	...	...	...	...	...	...	...	...	11	0	11	0	11	0	24	0	24	0	32	0	21	0	20	0	28	0	...
Wun . . . . .	19	0	19	0	14	0	...	...	...	9	0	9	8	7	0	13	8	13	8	10	8	29	4	31	4	30	0	...	...	...	...	...		
Basim . . . . .	21	0	21	0	20	0	...	...	...	6	0	6	0	5	0	13	0	14	0	13	0	28	0	27	0	32	0	...	...	...	...	...		





PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																							
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Holcus Sorghum.			Bulrush Millet (Cumbho, Bajra), Panicum Spicatum								
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Bangalore . . . . .	11 7	12 4	12 2	12 12	13 7	13 1	9 14	10 2	10 2	10 15	10 15	11 1	27 12	27 1	24 12	...	...	...	...	...	...	...	...	...
Kolar . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tumkur . . . . .	14 0	14 0	14 8	13 0	13 0	13 0	12 0	12 0	12 0	13 0	13 0	12 8	...	...	...	...	...	...	...	...	...	...	...	...
Mysore . . . . .	10 8	11 0	10 4	...	...	...	10 8	12 0	10 12	12 0	13 0	11 12	...	...	...	...	...	...	...	...	...	...	...	...
Hassan . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Shimoga . . . . .	14 11	14 11	12 10	16 13	16 13	14 11	11 9	11 9	10 8	15 12	15 12	12 10	34 10	34 10	27 5	...	...	...	...	...	...	...	...	...
Kadur . . . . .	14 0	14 0	16 0	15 0	15 0	15 0	14 0	14 0	12 0	16 0	16 0	14 0	...	...	...	...	...	...	...	...	...	...	...	...
Chitaldroog . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Coorg . . . . .	9 5	8 15	7 15	10 2	10 1	8 7	13 1	14 5	10 11	18 0	17 14	13 2	...	...	...	...	...	...	...	...	...	...	...	...
Jeypore . . . . .	16 8	16 8	16 8	23 0	23 0	22 0	6 0	6 0	6 0	9 0	9 0	9 0	22 0	24 0	20 0	19 0	20 0	19 0	19 0	19 0	19 0	19 0	19 0	19 0
Kishengurh . . . . .	17 8	15 12	15 8	22 8	23 8	22 0	11 0	8 0	7 0	12 0	9 8	8 0	23 0	24 0	22 0	17 0	18 4	19 0	19 0	19 0	19 0	19 0	19 0	19 0
Kerrowlee . . . . .	19 6	18 6	17 0	26 14	26 13	20 0	12 8	12 8	13 8	13 12	13 12	15 0	26 14	26 13	20 0	22 8	23 0	17 8	17 8	17 8	17 8	17 8	17 8	17 8
Ulwur . . . . .	19 3	19 7	17 0	26 9	26 11	21 8	8 10	8 10	8 0	10 10	10 10	11 11	23 7	24 12	22 2	14 23	8 16	8 16	8 16	8 16	8 16	8 16	8 16	8 16
Bhurlpore (City) . . . . .	18 1	19 8	17 8	23 4	29 12	22 8	7 12	8 0	6 8	9 6	9 13	11 0	27 4	27 8	23 8	22 12	21 8	19 8	19 8	19 8	19 8	19 8	19 8	19 8
Ajmere . . . . .	15 8	15 0	14 8	23 0	21 12	21 0	5 0	5 0	5 0	8 0	8 0	8 0	16 0	16 0	0 19	0 14	0 14	0 16	0 16	0 16	0 16	0 16	0 16	0 16
Deoli Cantonment . . . . .	19 4	19 2	16 0	25 6	25 4	19 5	...	...	...	13 0	13 0	10 8	23 0	23 4	20 0	18 0	18 0	16 1	16 1	16 1	16 1	16 1	16 1	16 1
Erinpura . . . . .	16 0	16 6	16 10	27 8	27 6	29 0	...	...	...	8 2	9 0	8 0	20 0	20 0	0 25	0 19	0 20	0 23	0 23	0 23	0 23	0 23	0 23	0 23
Sirohee . . . . .	13 4	14 0	17 0	25 0	25 0	28 0	7 0	7 0	7 0	8 0	8 0	8 4	18 0	18 0	0 17	0 18	0 18	0 21	0 21	0 21	0 21	0 21	0 21	0 21
Abu . . . . .	12 0	12 0	15 6	18 12	18 12	22 12	6 12	6 10	6 8	8 4	8 10	8 0	...	...	...	14 7	14 8	18 4	18 4	18 4	18 4	18 4	18 4	18 4
Anadra . . . . .	13 4	13 4	17 2	21 4	21 12	26 4	7 8	7 4	7 0	9 0	9 4	9 0	...	...	...	16 0	16 0	21 0	21 0	21 0	21 0	21 0	21 0	21 0
Hilly Tracts of Meywar . . . . .	20 0	20 0	18 8	26 0	26 0	26 0	...	...	...	16 0	15 0	17 0	...	...	...	...	...	...	...	...	...	...	...	...
Meywar (Oodeypore) . . . . .	13 10	13 4	14 1	17 15	16 12	18 5	10 2	10 8	10 15	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Banawara (Meywar Agency) . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Partabgarh ( " ) . . . . .	15 11	15 0	15 5	...	...	...	10 0	10 0	10 15	11 4	11 4	13 7	...	...	...	...	...	...	...	...	...	...	...	...
Marwar (Jodhpore) . . . . .	15 10	15 5	14 11	20 10	20 0	20 0	6 4	6 4	6 4	7 8	7 8	6 14	21 4	20 0	0 20	0 18	4 17	13 17	17 8	17 8	17 8	17 8	17 8	17 8
Bikaner . . . . .	11 11	11 11	12 0	...	...	...	3 8	3 8	3 1	6 4	6 4	6 8	...	...	...	19 12	19 12	17 10	17 10	17 10	17 10	17 10	17 10	17 10
Boondee . . . . .	21 0	21 4	16 8	30 8	30 0	25 8	10 0	10 0	9 8	11 0	10 8	10 0	25 0	...	26 0	...	...	...	...	...	...	...	...	...
Kotab . . . . .	20 0	20 0	16 4	25 0	25 0	21 0	10 0	10 0	8 12	13 0	13 0	11 0	26 0	26 0	0 20	0 15	0 15	0 16	0 16	0 16	0 16	0 16	0 16	0 16
Tonk . . . . .	19 0	19 0	13 14	25 4	26 0	19 6	7 8	7 0	7 0	8 8	9 12	10 0	25 8	26 0	0 20	...	...	...	...	...	...	...	...	...
Jhallawar . . . . .	18 8	19 14	15 4	23 9	23 9	15 2	...	...	...	8 13	8 13	8 13	23 7	23 7	16 4	17 2	18 5	13 5	13 5	13 5	13 5	13 5	13 5	13 5
Shahpoora . . . . .	17 7	17 2	17 12	23 4	30 0	21 0	13 12	13 15	10 0	16 3	17 0	13 8	18 3	19 0	0 18	0 17	0 16	4 17	4 17	4 17	4 17	4 17	4 17	4 17
Dholpur . . . . .	17 2	17 9	16 8	25 12	25 12	21 9	10 2	10 2	10 2	11 4	11 4	12 6	23 10	23 8	20 10	22 8	22 5	18 12	18 12	18 12	18 12	18 12	18 12	18 12
Indore . . . . .	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Gwalior . . . . .																								
Goona . . . . .																								
Baghelkhand (Sutna) . . . . .																								

BEERS OF 80 TOLAHS.

[illegible]

\* Not received.

† Ten pies per bundle.

† Eight pies per bundle.

D. BARBOUR,  
*Secretary to the Government of India.*

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

*Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first three months of the official year 1883-84, and of the twelve preceding years.*  
(IN THOUSANDS OF RUPEES.)

YEAR.	FOR THE THREE MONTHS, APRIL TO JUNE.																			YEAR.						
	BENGAL.				BOMBAY.				SINDH.				MADRAS.				BRITISH BURMA.				TOTAL BRITISH INDIA.					
	On Imports of Liquors.	On other Imports.	On Exports.	Total Reve. nue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Reve. nue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Reve. nue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Reve. nue.	On Imports of Liquors.	On other Imports.	Total Reve. nue.		On Imports of Liquors.	On other Imports.	Total Reve. nue.			
1-72 .	2,46	16,87	5,35	24,68	2,37	7,46	1,11	10,94	27	24	32	83	94	2,99	3,89	7,82	35	1,11	6,69	8,15	6,39	28,67	35,06	17,36	52,42	1871-72.
2-73 .	3,19	15,58	5,68	24,45	1,52	10,34	1,09	12,95	26	22	79	1,27	1,03	3,37	3,16	7,56	91	1,27	11,85	14,03	6,91	30,78	37,69	22,57	60,26	1872-73.
3-74 .	2,24	15,12	3,85	21,21	1,69	8,65	1,12	11,46	30	15	29	74	1,05	3,42	3,86	8,33	90	1,19	11,04	13,13	6,18	28,53	34,71	20,16	54,87	1873-74.
4-75 .	3,06	16,42	3,36	22,86	1,70	8,74	1,01	11,45	30	11	26	67	91	3,70	3,21	7,82	1,11	1,79	8,09	10,99	7,08	30,76	37,84	15,95	53,79	1874-75.
5-76 .	3,08	19,81	4,36	27,25	1,88	10,38	2,88	15,14	28	28	66	1,22	1,13	3,60	3,92	8,65	1,10	1,08	14,60	16,78	7,47	35,15	42,62	26,42	69,04	1875-76.
6-77 .	3,38	15,70	2,66	21,74	2,08	9,12	44	11,64	34	14	7	55	1,47	3,30	2,26	7,03	1,30	1,40	9,92	12,62	8,57	29,66	38,23	15,35	53,58	1876-77.
7-78 .	3,80	19,07	3,06	25,93	2,61	10,90	47	13,98	55	22	13	90	1,35	1,85	48	3,68	1,38	1,56	8,49	11,43	9,69	33,60	43,29	12,63	55,92	1877-78.
8-79 .	3,39	16,13	3,24	22,76	2,27	10,62	58	13,47	48	11	9	68	1,51	2,60	1,14	5,25	2,12	1,84	9,96	13,92	9,77	31,30	41,07	15,01	56,08	1878-79.
9-80 .	2,89	15,23	1,93	20,05	2,40	8,32	63	11,35	71	21	7	99	1,30	1,91	1,30	4,51	1,84	1,46	12,40	15,70	9,14	27,13	36,27	16,33	52,60	1879-80.
1-81 .	3,33	12,19	1,85	18,17	2,29	10,75	53	13,57	1,21	25	8	1,54	1,41	2,49	2,44	6,34	1,32	1,87	12,64	15,83	9,56	28,35	37,91	17,54	55,45	1880-81.
1-82 .	3,59	13,46	3,15	20,20	2,85	10,35	58	14,28	1,14	36	11	1,61	1,24	2,51	2,14	5,89	1,90	1,91	13,82	17,63	10,72	29,09	39,81	19,80	59,61	1881-82.
1-83 .	3,85	1	3,42	7,28	3,02	—68*	50	2,84	92	2	18	1,12	1,42	...	1,11	2,53	2,32	1	18,99	21,32	11,53	—64*	10,89	24,20	35,00	1882-83.
1-84 .	3,62	3	4,81	8,46	2,83	14	34	3,31	97	1	16	1,14	1,28	1	1,55	2,84	2,25	5	15,56	17,86	10,95	24	11,19	22,42	33,61	1883-84.

\* The amount refunded is greater than the duty collected.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXV of 1883.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 1st JULY 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 30th JUNE 1883.		TOTAL RECEIPTS FROM 1st APRIL TO 1st JULY 1882.		TOTAL RECEIPTS FROM 1st APRIL TO 30th JUNE 1883.		Total Increase in 1883-82.	Total Decrease in 1882-83.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
7th July 1883	Eastern Bengal . . .	172	96,394	560	207	1,12,365	543	9,66,272	428	12,01,243	446	2,34,971	...
7th ditto	Oudh and Rohilkhand . . .	547	1,10,009	201	547	1,06,779	195	14,78,914	206	17,36,301	244	2,57,387	...
7th ditto	Sind, Punjab & Delhi . . .	676	2,18,996	324	748	2,89,091	386	25,89,629	291	33,07,119	344	7,17,490	...
30th June 1883	Madras . . .	858	1,94,549	227	861	1,30,061	151	18,81,623	167	17,07,276	153	...	1,74,847
30th ditto	South Indian . . .	655	1,05,151	161	655	85,758	131	10,71,792	125	10,37,776	122	...	34,016
7th July 1883	Great Indian Peninsula . . .	1,458	4,89,385	336	1,458	5,37,004	368	1,07,89,029	566	1,17,13,414	618	9,24,385	...
30th June 1883	Bombay, Baroda and Central India . . .	461	3,06,309	664	461	1,74,085	378	35,13,198	580	38,22,698	638	3,09,500	...
	<b>TOTAL</b>	4,827	15,20,793	315	4,937	14,35,143	291	2,22,90,457	351	2,45,25,827	382	22,35,870	...
	<i>State.</i>												
7th July 1883	East Indian . . .	1,507	8,44,197	560	1,509	11,55,469	766	1,17,62,020	591	1,40,90,792	719	23,88,772	...
7th ditto	Calcutta and South-Eastern . . .	33	11,595	351	56	7,695	137	55,751	146	80,964	120	25,213	...
7th ditto	Nalhati . . .	27	1,582	59	27	1,397	52	18,708	53	21,491	61	2,783	...
7th ditto	Northern Bengal . . .	233	46,361	199	230	42,833	186	4,95,325	162	5,28,106	177	32,781	...
7th ditto	Tirhoot . . .	85	11,035	130	166	13,538	82	1,70,182	153	2,16,830	102	46,648	...
2nd June 1883	Patna-Gya . . .	57	9,477	166	...	(a)	...	(b)94,551	181	(c)93,015	181	...	1,536
7th July 1883	Muttra-Mathras . . .	29	2,746	95	29	2,287	79	31,453	83	34,493	91	3,040	...
7th ditto	Cawnpore-Furrakhabad . . .	87	10,190	117	87	7,506	86	89,601	78	90,223	80	622	...
7th ditto	Dildarnagar-Ghaziपुर . . .	12	1,039	87	12	817	68	14,888	94	15,691	101	803	...
7th ditto	Rajputana-Malwa . . .	1,117	3,61,944	324	1,117	2,76,200	247	31,08,867	212	36,07,200	248	4,98,333	...
7th ditto	Wardha Coal . . .	45	24,966	555	45	20,413	454	1,83,075	309	2,11,067	361	27,992	...
7th ditto	Nagpur & Chhattisgarh . . .	98	11,197	114	149	15,033	101	2,13,705	166	5,25,271	271	3,11,566	...
7th ditto	Rangoon and Irrawaddy Valley . . .	161	26,992	168	161	22,173	138	4,37,520	207	4,14,614	198	...	22,906
7th ditto	Sindia . . .	75	7,414	99	75	6,147	82	86,004	88	84,837	87	...	1,167
7th ditto	Punjab Northern . . .	412	88,853	216	419	58,159	139	8,08,918	155	7,85,237	143	...	23,681
7th ditto	Indus Valley and Kandahar . . .	660	1,15,715	175	660	2,16,312	328	11,34,439	131	22,23,025	259	10,88,586	...
7th ditto	Muttra-Achnera . . .	23	1,850	80	23	1,090	47	16,817	55	19,582	65	2,765	...
7th ditto	Kaunia-Dhurla . . .	32	1,188	37	32	1,673	52	21,026	50	25,256	61	4,230	...
7th ditto	Rewari-Ferozepore . . .	...	...	...	89	8,900	100	...	...	84,617	73	84,617	...
	<b>TOTAL</b>	3,186	7,34,144	230	3,377	7,02,173	208	69,80,830	167	90,61,519	203	20,80,689	...
	<i>Native States.</i>												
7th July 1883	Bhavnagar-Gondal . . .	194	12,978	67	193	15,846	82	3,25,672	127	3,67,270	146	41,598	...
7th June 1883	Nizam's . . .	121	33,553	277	121	15,117	125	2,38,883	150	1,98,693	126	...	40,190
7th ditto	Mysore . . .	86	18,341	213	...	(a)	...	(d)60,453	57	(e)60,829	59	576	...
7th July 1883	Jodhpore . . .	19	29	2	19	670	35	(f)35	...	10,056	41	10,021	...
	<b>TOTAL</b>	420	64,901	155	333	31,633	95	6,24,843	118	6,36,848	117	12,005	...
	<b>GRAND TOTAL</b>	9,940	31,64,035	318	10,156	33,24,418	327	4,15,98,150	319	4,83,14,986	361	67,16,886	...
	<b>GROSS ESTIMATED EXPENSES</b>	...	...	...	...	...	...	1,91,35,149	147	2,31,91,193	173	...	...
	<b>NET RECEIPTS</b>	...	...	...	...	...	...	2,24,63,001	172	2,51,23,793	188	26,60,792	...

(a) Return not received.

(b) Total receipts from 1st April to 3rd June 1882.

(c) Total receipts from 1st April to 2nd June 1883.

(d) Total receipts from 1st April to 24th June 1882.

(e) Total receipts from 1st April to 23rd June 1883.

(f) Total receipts from 24th June to 1st July 1882.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1883-84.  
*Areas leased for Irrigation up to the end of April 1883.*

Circle.	District.	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilized.	Approximate area under irrigation during month.	Approximate area of land under irrigation at same time.	DETAILS OF AREAS LEASED.										RAINFALL, 1882-83.		REMARKS.				
								ANNUAL LEASES.							RAINFALL, 1883-84.									
								Five years. All crops.	Five years. Khurreef.	Khurreef.	Rubbee.	Sugar-cane.	Bhadol.	Hot weather.	TOTAL.	GRAND TOTAL.	Inches.	Inches.	During end of month.		Up to end of month.			
Orissa.	Cuttack.	Kendrapara	C. ft.	248'50	88'06	190	746	Acres.	...	Acres.	48	...	Acres.	20	68	68	...	...	...	...	...	...	...	...
		Gabri	C. ft.	215'09	109'23	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Pattamonddee	C. ft.	27'99	20	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		High Level, Section I	C. ft.	158'50	13	5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Taldunda, 1st Reach	C. ft.	188'00	168	267	152	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Ditto, 2nd do.	C. ft.	44'00	44	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Balasore.	Matchong	C. ft.	650	98	21	886	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		High Level, Section II	C. ft.	727'16	...	16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Ditto	C. ft.	727'16	...	122	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Total	C. ft.	...	...	611	1,638	...	...	...	...	140	...	...	25	165	165	...	...	...	...	...	...	...
South-Western.	Midnapore.	Total of the corresponding period of last year.	C. ft.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Howrah	C. ft.	67	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Pandukoorah	C. ft.	19	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total	C. ft.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Total of the corresponding period of last year.	C. ft.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Shahabad	C. ft.	788	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Patna and Gya.	Buxar	C. ft.	71	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Arrah	C. ft.	44'2	387	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Eastern Main	C. ft.	71	59	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total	C. ft.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total of the corresponding period of last year.		C. ft.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Grand Total		C. ft.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Grand total of the corresponding period of last year.		C. ft.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	

G. F. E. S. NEILL, Major, M.S.C.,  
Under-Secy. to the Govt. of Bengal,  
P. W. Department.

The 2nd July 1883.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL KHARIF IN THE PUNJAB FOR 1883-84 UP TO 31st MAY 1883.

CANAL DIVISION.	WATER DISTRIBUTED DURING MAY 1883.				NAVIGATION RETURN CANAL.		LAND IRRIGATED (APPROXI- MATE).		RAINFALL.		CHIEF CROPS (APPROXIMATE).		REMARKS.				
	DEPTH IN CANAL AT REGULATING GAUGE.		GROSS CONSUMPTION, CUBIC FEET PER SECOND.		PRINCIPAL ITEMS OF TRAFFIC.		ZILA.	ACRES.	Average month.	During month.	NAME.	Area in acres					
	Full supply.	Actual through- out.	Estimated full supply.	Actual average throughout.	Up.	Down.											
1st Division { 2nd Division, Main Branch, Lower 2nd do., Lahore Branch Passed out of Escapes	4-9	4-5	{ 3,073-00 }	{ 1,071 996 635 110	...	...	Gurdáspur	7,017	1-0	0-5	Cotton	16,633	On the Bari Doab Canal the demand for water during the month was moderate, owing to the cultivators having been occupied in harvest operations. The prospects of the present crop are favorable. There is a decrease of 819 acres as compared with the corresponding period of last year.				
	4-6	4-0			...	...	...	...	Amritsar	17,003	1-1	2-0		Rice	933		
	3-35	3-1			...	...	...	...	Lahore	26,846	1-3	4-7		Sugarcane	8,969		
	...	...	...	...	...	...	...	...	...	...	Others	24,331					
	...	...	...	...	...	...	...	50,866	...	...	...	...		50,866			
TOTAL BARI DOAB CANAL	...	...	3,073-60	2,812	...	...	...	51,685	...	...	...	51,685					
Corresponding period of last year	...	...	3,073-60	2,451-88	...	...	...	...	...	...	...	...					
WESTERN JUMNA CANAL. { Karnal Division Delhi do. Hansi do. Do. Bulla Head. Passed out of Escapes	4-33	4-51	{ 2,546 }	{ 486 845 870 245 250	{ ... ... ... ... ...	{ 321,614 karnal bulha hansi bulla head 11,563 cubic feet wood.	Unballa	307	0-79	1-97	Cotton	13,879	The operations on the Western Jumna Canal during the month show a decrease of 15,417 acres as compared with those of May 1882; the difference averages nearly 3,100 acres for each of the five following districts: Karnal, Hissar, Jind, Rohtak, and Delhi. There is a total decrease of 13,377 acres of sugarcane in the whole Circle as compared with last year, which is attributed to the low price of sugar prevailing, owing to the large crop of last year.				
	5-70	5-83					...	...	...	...	Karnal	7,385		1-37	1-22	Rice	140
	9-00	7-78					...	...	...	...	Delhi	17,137		0-60	0-90	Sugarcane	31,278
	8-80	7-41	...	...	...	...	Rohtak	16,004	0-45	1-10	Others	7,117					
	...	...	...	...	...	...	...	Hissar	8,601	0-50	1-00	...		...			
...	...	...	...	...	...	...	Jind	2,904	0-20	0-80	...	...					
...	...	...	...	...	...	...	Bikaner	298	...	...	...	...					
...	...	...	...	...	...	...	Kalsia State	78	...	...	...	...					
TOTAL WESTERN JUMNA CANAL	...	...	2,546	2,696	...	321,614	...	52,714	...	...	...	52,714					
Corresponding period of last year	...	...	2,546	2,612	...	109,024	...	68,131	...	...	...	68,131					
INUNDATION CANALS. { Upper Sutlej Division Lower Sutlej and Chenab Division Indus Canals Muzaffargarh Canals	...	...	...	...	...	...	Lahore	600	...	...	Detail not obtainable for want of establishment.	...	On the Inundation Canal there is a decrease of 100,816 acres as compared with the corresponding period of the previous year, which is wholly due to the low state of the rivers during the month.				
	...	...	...	...	...	...	Montgomery	1,600	...	...		...		...			
	...	...	...	...	...	...	Mooltan	34,565	0-4	1-5		...		...			
	...	...	...	...	...	...	De-ra Ghazi Khan	4,143	0-54	...	...	...					
	...	...	...	...	...	...	Muzaffargarh	52,344	...	...	...	...		...			
TOTAL INUNDATION CANALS	...	...	...	...	...	...	...	93,252	...	...	...	93,252					
Corresponding period of last year	...	...	...	...	...	...	...	194,968	...	...	...	194,068					
CENTRAL CANALS, GRAND TOTAL	...	...	...	...	...	...	...	103,580	...	...	...	103,580					
	...	...	...	...	...	...	...	119,816	...	...	...	119,816					
	...	...	...	...	...	...	...	...	...	...	...	...					
	...	...	...	...	...	...	...	...	...	...	...	...					
	...	...	...	...	...	...	...	...	...	...	...	...					
Do. corresponding period of last year	...	...	...	...	...	...	...	...	...	...	...	...					

J. E. CATTON,

Offg. Asst. Secy. to Govt., Punjab, P. W. D., Irrigation Branch.







# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 31.}

SIMLA, SATURDAY, AUGUST 4, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 31.

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—MEDICAL.

*Simla, the 2nd August 1883.*

**No. 278.**—Deputy Surgeon-General A. J. Payne, M.D., Officiating Surgeon-General and Sanitary Commissioner with the Government of India, is granted two months' privilege leave of absence from the date on which Surgeon-General J. M. Cunningham, M.D., resumes charge of his appointment, or any subsequent date on which he may avail himself of the leave.

##### JUDICIAL.

*The 2nd August 1883.*

**No. 1102.**—The services of Surgeon T. R. Mulroncy, M.D., are placed temporarily at the disposal of the Government of the Punjab for appointment as Officiating Superintendent of the Jail at Mooltan.

##### SANITARY.

*The 28th July 1883.*

**No. 229.**—*Appointment.*—Brigade-Surgeon J. Fairweather, M.D., to officiate as Sanitary Commissioner of the Punjab during the absence on three months' privilege leave of Deputy Surgeon-General H. W. Bellow, C.S.I., or until further orders.

#### PATENTS.

*The 30th July 1883.*

**No. 726.**—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

**No. 171 of 1882.**—Guilford Lindsay Molesworth, of Simla, India, Civil Engineer, for an improved railway sleeper.

**No. 172 of 1882.**—Edward J. Mallett, Junior, of the City, County and State of New York, United States of America, for improvements in, and connected with, boiler and other furnaces.

**No. 181 of 1882.**—Paul Philippe Francois Michea, Indigo Manufacturer, at present residing at Peeragunge Factory, Purneah, Bengal, for the complete utilization of split up indican and its derivatives, and also other indigo-producing compounds in the plant for the formation of indigo blue in the presence of ammonia and other alkalies and oxygen.

**No. 2 of 1883.**—Robert Jacob Guleher, of Bialar, near Bielitz, in the Empire of Austria, Electrical Engineer and Manufacturer, for improvements in magneto and dynamo electric machines.

No. 15 of 1883.—Schuyler-Bliss Steers, of New Orleans, in the State of Louisiana, United States of America, Gentleman, for certain improvements in cotton compressors.

No. 29 of 1883.—Edward J. Mallett, Junior, of the City, County and State of New York, United States of America, for improvements in, and connected with, boiler and other furnaces.

No. 45 of 1883.—Edmund Thomas Sealy, Civil Engineer, and Charles Still, Indigo Planter, both of Motcharre, in the District of Champaran, in Bengal, for an improved dehattee plough.

No. 48 of 1883.—Robert Wrigley, of Rosa, North-Western Provinces, for an improved three-roller double-feed vertical cane mill.

No. 66 of 1883.—Alexander Ritchie Leask, of 15, Holborn Viaduct, in the City of London, for improvements in the method or process of manufacturing incandescent lamps and in tools or apparatus therefor.

No. 72 of 1883.—Henry Defries, of the Firm of J. Defries and Sons, of 147, Houndsditch, in the City of London, England, for improvements in railway carriage roof lamps.

No. 74 of 1883.—Ebenezer Farie MacGeorge, of St. James's Park, Hawthorn, in the Colony of Victoria, Gentleman, for an improved clinometer compass and an improved apparatus for reading its indications.

No. 79 of 1883.—Robert Hudson, Engineer and Iron Founder, of Gildersome, near Leeds, in the County of York, Kingdom of Great Britain and Ireland, for improvements in metallic and other wagons.

No. 82 of 1883.—Johann Wilhelm Jahn, Gustav Adolph Schulze, Samuel Gottfried Theodor Jahn, and Julius Wilhelm Gottlob Jahn, all of Sommerfeld, in the Empire of Germany, for improvements in the manufacture of cloth having sides of different colours.

No. 87 of 1883.—Percy Ruskin Allen, of Victoria Works, Belvedere Road, Lambeth, in the County of Surrey and Kingdom of England, for improvements in apparatus for lighting, heating and communicating by electricity applicable in part to other purposes.

No. 96 of 1883.—Fleeming Jenkin, of Great Stuart Street, Edinburgh, Scotland, for improvements relating to mechanism for transporting goods and passengers by the aid of electricity, and the regulation of the speed of machinery driven by electricity.

#### FORESTS.

*The 3rd August 1883.*

No. 640 P.—Mr. I. E. O'Callaghan, Deputy Conservator of Forests of the 1st Grade in the North-Western Provinces and Oudh, is appointed to act, until his retirement from the service on the 27th September 1883, as Conservator of Forests of the Central Circle in those provinces during the absence of Mr. G. Greig, on three months' privilege leave, with effect from the 3rd instant, or any later date on which Mr. Greig may avail himself of the leave.

From the date of Mr. O'Callaghan's retirement, Mr. C. Bagshawe, Officiating Deputy Conservator of the 2nd Grade in the North-Western Provinces and Oudh, will act as Conservator of the Central Circle during the remaining period of Mr. Greig's absence on privilege leave, or until further orders.

A. MACKENZIE,

*Secy. to the Govt. of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—POLITICAL.

*Simla, the 31st July, 1883.*

No. 1901 G.—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Jacob Steiner as Acting Consul for the Netherlands, at Bombay, *vice* Mr. C. T. Meili, resigned.

*The 1st August, 1883.*

No. 1911 G.—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Henry Beer as Vice-Consul for Portugal, at Calcutta.

No. 1915 G.—With reference to Foreign Department Notification, No. 1596 G., dated the 13th June, 1883, the Governor-General in Council is pleased to recognise the appointment of M. Albert de Guigné, Acting Vice-Consul for France, at Madras, as Consular Agent for France, at Madras.

*The 2nd August, 1883.*

No. 1921 G.—With reference to Foreign Department Notification, No. 28 G. P., dated the 20th January, 1882, the Governor-General in Council is pleased to recognise the appointment of Mr. J. Woodtli as Consul for Germany, at Ader.

No. 1932 G.—With reference to Foreign Department Notification, No. 1427 G., dated the 16th May, 1883, the recognition of the appointment by the Government of India of M. A. Zunini as Acting Consul-General for Italy, at Calcutta, has been confirmed by Her Majesty's Government.

#### GENERAL.

No. 1925 G.—With reference to Foreign Department Notification, No. 1105 G., dated the 14th May, 1883, the following promotion is made in the Berar Commission, with effect from the 8th April, 1883:—

Mr. R. D. Hare, Officiating Assistant Commissioner of the 2nd Class, to officiate as Assistant Commissioner of the 1st Class.

C. GRANT,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

*Simla, the 31st July 1883.*

**No. 2412.**—Mr. E. R. Douglas, C.I.E., Deputy Director General of the Post Office of India, is placed on special duty under the Director General of the Post Office of India.

Mr. Philip Sheridan, Assistant Director General of the Post Office of India, will conduct the duties of the Office of Deputy Director General, in addition to his own duties, during Mr. Douglas's deputation on special duty.

**No. 2430.**—Mr. C. E. Crawley is appointed to officiate as Deputy Comptroller General and in Class II of the Enrolled List of the Financial Department during the deputation of Mr. E. W. Kellner to act as Accountant General, Bengal.

Mr. T. H. S. Biddulph is appointed to officiate until further orders as Deputy Accountant General, North-Western Provinces and Oudh, and in Class III of the Enrolled List of the Financial Department.

*The 3rd August 1883.*

**No. 2469.**—In exercise of the powers conferred by Section 7 of the Indian Salt Act, 1882, and in modification of Notification No. 1449, dated 10th March 1882, the Governor-General in Council directs that, on and after the date of this Notification, the duty to be paid on salt manufactured in Aden shall be one rupee per seven *railahs*.

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 3rd August, 1883.*

### APPOINTMENTS.

#### **No. 429.**—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Raleigh Gilbert Egerton, Leicestershire Regiment, Wing Officer, (Queen's Own) Corps of Guides,—1st November, 1881.

Lieutenant William Giles, Suffolk Regiment, Wing Officer, 21st Native Infantry,—1st July, 1882.

Lieutenant Clement George Parsons, Cheshire Regiment, Officiating Wing Officer, 1st Native Infantry,—4th July, 1882.

**No. 430.**—The undermentioned officers, appointed by the Secretary of State probationers for the Indian Staff Corps, are placed at the disposal of the Government of Bombay, in view to their appointment to the Staff Corps of that Presidency, with effect from the date of their arrival in India:—

Lieutenant C. H. U. Price, Welsh Regiment.  
Lieutenant J. Jones, Welsh Regiment.

#### **No. 431.**—PUNJAB FRONTIER FORCE—

*2nd Punjab Infantry.*

Lieutenant J. T. Evatt, Dorsetshire Regiment, a candidate for the Bengal Staff Corps, to officiate as Wing Officer, on probation, with effect from the 14th July, 1883.

#### **No. 432.**—HYDERABAD CONTINGENT—

*No. 1 Field Battery.*

Lieutenant F. J. Winter, R.A., to be Officiating Subaltern.

*No. 4 Field Battery.*

Lieutenant C. Wood, R.A., to be Officiating Subaltern.

*3rd Cavalry.*

Lieutenant J. W. B. Meade, Squadron Officer, to be Adjutant, *vice* Captain C. E. Gubbins, who vacates on promotion.

### FURLOUGH AND LEAVE.

**No. 433.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major H. Paterson, Bengal S. C., Wing Commander and 2nd-in-Command, 23rd Native Infantry, (p. a.) for one year and 151 days, under rule IX of the regulations of 1868.

Surgeon-Major J. C. Shaw, (p. a.) for one year and 14 days, under rule IX of the regulations of 1868.

**No. 434.**—Surgeon-Major G. S. Sutherland, M.D., is granted furlough for two days, with effect from the 22nd November, 1882, under rule IX of the regulations of 1868, in extension of that allowed in G. G. O. No. 108 of 1881. (This cancels G. G. O. No. 235 of 1882.)

**No. 435.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel F. F. Rowcroft, Bengal S. C., (m. c.) for 121 days.

Lieutenant-Colonel F. Coddington, Bengal S. C., (p. a.) for 27½ days.

Lieutenant E. Glennie, R.E., (p. a.) for 65 days.

Surgeon M. D. Moriarty, M.B., (p. a.) for 15 days.

First Class Apothecary T. Lyons, (m. c.) for six months.

### LONDON GAZETTE.

**No. 436.**—The following extract is published for general information:—

*"London Gazette," dated the 29th June, 1883, page 3322.*

*"INDIA OFFICE;  
29th June, 1883.*

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Services made by the Governments in India:—

### BENGAL STAFF CORPS.

*To be Lieutenant-Colonels.*

Major Edwin Colnett Corbyn. Dated 6th May, 1883.

Major and Brevet Lieutenant-Colonel Henry Bathurst Hanna. Dated 12th May, 1883.

\* \* \* \* \*

## BREVET.

*To be Colonels.*

Lieutenant-Colonel Jackson Muspratt Williams, Madras Infantry (since retired). Dated 27th October, 1879.

Lieutenant-Colonel Richard Campbell Stewart. Dated 22nd December, 1881."

## RETIREMENTS.

**No. 437.**—Lieutenant-Colonel Richard Fisher Angelo, Bengal S. C., is permitted to retire from the service, with effect from the 1st August, 1883, subject to Her Majesty's approval.

## REWARDS.

**No. 438.**—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer good service pensions on the undermentioned officers, with effect from the dates specified:—

From the 10th December, 1882, in the room of Colonel J. Michael, C.S.I., succeeded to the Colonel's allowance.

LIEUTENANT-COLONEL (BREVET COLONEL) HOWARD CODRINGTON DOWKER, MADRAS STAFF CORPS.

*Dates of Commissions.*

Ensign	...	...	10th June, 1848.
Lieutenant	...	...	20th April, 1852.
Captain	...	...	19th June, 1860.
Major	...	...	10th June, 1868.
Lieutenant-Colonel	...	...	10th June, 1874.
Brevet Colonel	...	...	13th June, 1875.

*Appointments.*

Adjutant, 22nd Regiment, Native Infantry,—17th December, 1852.  
Adjutant, 4th Cavalry, Hyderabad Contingent,—28th November, 1855.  
Adjutant, 1st Cavalry, Hyderabad Contingent,—30th May, 1856.  
2nd-in-Command, 4th Cavalry, Hyderabad Contingent,—4th March, 1859.  
Officiating Commandant, 4th Cavalry, Hyderabad Contingent,—7th April, 1868.  
Commandant, 3rd Cavalry, Hyderabad Contingent,—7th October, 1868.

*War services.*

Served at Aurungabad in May, 1857; served as 2nd-in-Command, 1st Cavalry, Hyderabad Contingent, during the campaign in Central India, 1857-58. Was present at the battles of Mundisore and Godariah, 21st, 22nd, 23rd and 24th November, 1857; forcing the pass of Dhamoone by the Contingent troops under Colonel Orr, C.B., at Barowlee, 19th February, 1858; general action at the pass of Mudampore, 3rd March, 1858, Talbhet, 12th March, Chundeyree, 17th March; the investment and capture of Jhansi from 21st March to 5th April; pursuit of the Rance of Jhansi, 5th April (severely wounded, sabre cut right shoulder); at Kotah, May 1st (charger wounded); the general action of Koonch, 7th May; taking of Calpee, 23rd May, and the various affairs before Calpee during the previous eight days; the action at Bilowah, 31st May; affairs of outposts with the enemy's cavalry and artillery before Gwalior, 18th and 19th June. Commanded the regiment in all actions subsequent to Jhansi and until the end of the campaign, the fall of Gwalior. Served in the Cavalry Brigade under Major Abbott, C.B., that assisted in repelling the threatened invasion of the Deccan by Tantia Toppe in November and December, 1858, and January, 1859. (Brevet majority; medal and clasp for

Central India). Afghan War, 1880, with the Kandahar Field Force.

From the 29th December, 1882, in the room of Colonel A. R. Clephane, succeeded to the Colonel's allowance.

LIEUTENANT-COLONEL (BREVET COLONEL) THOMAS SPENCE HAWKS, MADRAS STAFF CORPS.

*Dates of Commissions.*

Ensign	...	...	5th February, 1846.
Lieutenant	...	...	16th March, 1853.
Captain	...	...	21st December, 1859.
Major	...	...	5th February, 1866.
Lieutenant-Colonel	...	...	5th February, 1872.
Brevet Colonel	...	...	5th February, 1877.

*Appointments.*

Acting Quartermaster and Interpreter, 37th Regiment Native Infantry,—14th November, 1853.  
Adjutant, 37th Regiment, Native Infantry,—13th January, 1854.  
Acting Quartermaster and Interpreter, 37th Regiment, Native Infantry,—4th May, 1860.  
Probationary Assistant Superintendent of Police and Officiating Superintendent,—11th October, 1860.  
Probationary Superintendent of Police,—1st March, 1861.  
Acting Quartermaster and Interpreter, 21st Regiment, Native Infantry,—20th March, 1863.  
Doing Duty Officer, 6th Regiment, Native Infantry,—1st November, 1865.  
Doing duty under the orders of the Officer Commanding Vellore,—9th February, 1866.  
Officiating Junior Wing Commandant, 6th Regiment, Native Infantry,—16th May, 1866.  
Officiating Wing Officer, 27th Regiment, Native Infantry,—2nd April, 1867.  
General duty, Mysore Division,—20th December, 1867.  
Wing Officer, 37th Regiment, Native Infantry,—25th February, 1868.  
Officiating 2nd-in-Command and Wing Officer, 37th Regiment, Native Infantry,—28th October, 1868.  
Wing Officer, 23rd Regiment, Native Infantry,—14th March, 1873.  
Wing Officer, 37th Regiment, Native Infantry,—13th June, 1873.  
Officiating 2nd-in-Command and Wing Officer, 36th Regiment, Native Infantry,—30th September, 1874.  
Officiating 2nd-in-Command, 37th Regiment, Native Infantry,—15th April, 1875.  
2nd-in-Command and Wing Officer, 32nd Regiment Native Infantry,—21st December, 1875.  
Officiating Commandant, 13th Regiment, Native Infantry,—29th June, 1877.  
Wing Commander (2nd-in-Command), 2nd Regiment, Native Infantry, 22nd February, 1878.  
Commandant, 36th Regiment, Native Infantry, 12th September, 1878.  
Commandant, 26th Regiment, Native Infantry,—9th March, 1880.

*War services.*

Commanded the field force at Keonjhar in 1868 for the suppression of a rebellion amongst the hill tribes, and received the approbation of the Right Hon'ble the Governor General and the Commander-in-Chief in India for the manner in which the service was carried out.

From the 18th January, 1883, in the room of Colonel C. E. Bates, succeeded to the Colonel's allowance.

DEPUTY SURGEON-GENERAL COLVIN SMITH, M.D., C.B., INDIAN MEDICAL SERVICE, MADRAS.

*Dates of Commissions.*

Assistant Surgeon	...	...	3rd November, 1851.
Surgeon	...	...	14th December, 1864.
Surgeon-Major	...	...	3rd November, 1871.
Acting Deputy Surgeon-General	...	...	20th September, 1878.
Deputy Surgeon-General	...	...	5th August, 1879.

*Appointments.*

Doing duty, 2nd Battalion, European Artillery,—14th December, 1851.  
Doing duty, Madras Artillery,—28th February, 1852.  
Doing duty, 4th Regiment, Native Infantry,—29th February, 1856.

Medical charge, 40th Regiment, Native Infantry, Staff and Civil Dispensary,—15th March, 1856.

Civil Surgeon, Kurnool,—8th July, 1857.

33rd Regiment, Native Infantry,—2nd September, 1857.

6th Regiment, Light Cavalry,—8th March, 1858.

Madras Rifles,—4th January, 1859.

Temporary Civil Surgeon, Chittoor,—21st February, 1862.

Attached 40th Regiment, Native Infantry,—10th April, 1862.

Medical Officer, Coonoor,—31st March, 1863.

Medical Officer, Ootacamund,—23rd June, 1863.

Presidency Surgeon, 2nd District,—18th September, 1866.

Garrison Surgeon, Bangalore,—27th May, 1875.

Acting Deputy Surgeon-General, Presidency and Northern Districts,—13th September, 1878.

Officiating Surgeon-General, Madras,—October to November, 1878.

Officiating Surgeon-General, Madras,—February to March, 1879.

Acting Surgeon-General, Madras,—April to May, 1879.

Deputy Surgeon-General, Presidency and Northern Districts,—19th September, 1879.

Deputy Surgeon-General, Nagpore Force and Central India Regiments,—23rd March, 1880.

Deputy Surgeon-General, Hyderabad Subsidiary Force and Hyderabad Contingent,—17th March, 1881.

Principal Medical Officer, Indian Division, Egypt Expeditionary Force,—9th August, 1882.

#### *War services.*

Served during the second Burmese War of 1852-53. Present during the operations before Rangoon in April, 1852; capture of the White House Stockade, 12th April; attack and capture of Shoedagoung Pagoda, 14th April; and occupation of Prome, 9th October, 1852 (medal). In medical charge of the Kamptee Movable Column from November, 1857, till February, 1858, when it was broken up, and then joined the Saugor Field Division, and was appointed to the medical charge of the 6th Regiment Light Cavalry, and served with that regiment in the North-West. Present at the affair at Khonee Pass on 27th December, 1857, when a large body of rebels were defeated; also at other affairs at Narampore, Neemkaira, Budgam,

and at other minor affairs on the Great Deccan Road. In medical charge of the sick and wounded from Sir Colin Campbell's Force, Lucknow to Darjeeling sanitarium, April 1858. Served with the Madras Rifles in the Palamow district, and marched with them to Jubbulpore; rejoined the Saugor Field Division, with which he served until it was broken up in January 1860. Was present at several minor engagements (medal and clasp). Principal Medical Officer, Indian Division, Egypt Expeditionary Force (medal and C.B.; 3rd Class of the Order of the Osmanieh).

G. CHESNEY,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

### NOTIFICATIONS.

*Simla, the 30th July 1883.*

**No. 178.**—Mr. C. E. Gael, Executive Engineer, 2nd Grade, Central India, is temporarily transferred to Madras for employment on railway surveys.

*The 2nd August 1883.*

**No. 179.**—Mr. P. Rainier, Assistant Traffic Superintendent in Class IV of the Superior Revenue Establishment, is appointed to act in Class III during the absence of Mr. E. F. Jacob, District Traffic Superintendent, Rajputana-Malwa State Railway, on two months' privilege leave.

W. S. TREVOR, *Colonel, R.E.,*

*Secy. to the Govt. of India.*







# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 4, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[ Third publication. ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th July, 1883, and is hereby promulgated for general information :—

#### ACT NO. X OF 1883.

*An Act to confirm and give effect to an award made by His Excellency the Viceroy and Governor General regarding certain matters in dispute between Sardár BIKRÁMA SINGH and the Kapúrthhala State.*

WHEREAS Sardár BIKRÁMA SINGH, in recognition of his services, received from the British Government a grant of land in Oudh forming part of the Akúna Estate; and that land was, with his consent, settled in the name of the Rájá of Kapúrthhala;

and whereas the Rájá of Kapúrthhala took possession of that land, and Sardár BIKRÁMA SINGH was unable to recover possession thereof by process of law;

and whereas His Highness Rájá Kurruck Singh of Kapúrthhala and Sardár BIKRÁMA SINGH agreed that all claims preferred by Sardár BIKRÁMA SINGH to and on account of the said land should be referred to Sir Henry Davies, the then Chief Commissioner of Oudh, for decision as arbitrator, and those claims were referred to Sir Henry Davies accordingly;

and whereas Sir Henry Davies, on the sixth day of January, 1871, delivered the following award, hereinafter called the first award (namely) :—

"My award is that Rájá Kurruck Singh of Kapúrthhala, his heirs, executors or assigns, shall pay, within six months of the present date, in trust to the Chief Commissioner and to the Financial Commissioner of Oudh for the time being, and to the Commissioner of the Faizábád Division for the time

being, jointly, on behalf of Sardár BIKRÁMA SINGH and the heirs male of his body (if any), the sum of five lákhs of rupees, to be invested, as early as practicable, by the aforementioned trustees in the purchase of land within the Province of Oudh. Such land, when purchased, shall be immediately delivered into the possession of Sardár BIKRÁMA SINGH, and shall be held by him and by the heirs male of his body, if any, in proprietary right. But in the event of Sardár BIKRÁMA SINGH dying without heirs male of his body, the proprietary right in all such land shall revert unconditionally to the Rájá for the time being of Kapúrthhala.

"If the Rájá of Kapúrthhala, his heirs, executors or assigns, fail to pay to the trustees the sum of five lákhs of rupees within six months from the present date, possession of the fifty-five hadbast circles detailed in the list hereto appended shall be given to Sardár BIKRÁMA SINGH; and all these hadbast circles shall be held by him as mortgagee until the whole sum of five lákhs of rupees shall have been paid to the trustees.

"Furthermore, the Rájá of Kapúrthhala, his heirs, executors or assigns, shall pay to Sardár BIKRÁMA SINGH, within one month from the present date, the sum of fifty thousand rupees in full liquidation of all claims to the mesne profits of past years. On the expiry of one month, such sum, if still unpaid, will bear interest at the rate of 12 per cent. per annum.

#### *Addendum to award.*

"To obviate doubts, I declare that, firstly, the words 'heirs male' mean only the sons of a woman belonging to the ahl-i-birádír of Sardár BIKRÁMA SINGH; secondly, Sardár BIKRÁMA SINGH shall, prior to the birth of an heir male of his body, have no power to mortgage or sell his interest in the estate purchased for him by the trustees without offering it in the first instance to the Rájá of Kapúrthhala for the time being.

"This addendum shall be read as part of my award;"

and whereas doubts arose as to the meaning of that award, and, with the consent of the parties concerned, the matters in dispute were submitted to His Excellency the Viceroy and Governor General of India for decision;

and whereas, in accordance with this submission, His Excellency the Viceroy and Governor General considered those matters, and on the third day of March, 1881, made the following award, hereinafter called the second award (namely) :—

"My award is that the estates already purchased and to be purchased shall (the aid of the legislature being invoked if necessary) be so settled that they shall be the property of BIKRÁMA SINGH, subject to the following conditions and restrictions :—

"First.—No alienations of, or right (other than a right of tenancy subject to rent, or a right incidental to such a

tenancy) created over, the estates or any part thereof by Bikráma Singh shall be valid for any period beyond his life.

"*Secondly.*—If Bikráma Singh at his death leaves a male heir of his body surviving him, the succession to the estates shall take place according to the proper law of inheritance; but the estates shall not be chargeable with, or liable to be applied in satisfaction of, any debts incurred by Bikráma Singh, nor shall any person succeeding under this clause be liable, by reason of such succession, for any such debt.

"*Thirdly.*—If Bikráma Singh at his death leaves no male heir of his body surviving him, the estates shall pass to the then Rájá of Kapúrthala.

"*Fourthly.*—If any lease or other contract fixing rent is granted to, or made with, a tenant by Bikráma Singh for a term, and Bikráma Singh dies before the expiration of such term, or if any such lease or contract is so granted or made in perpetuity, the rent of such tenant shall, notwithstanding anything contained in such lease or contract, be subject on the death of Bikráma Singh to enhancement from time to time on the same grounds, subject to the same conditions and according to the same procedure as if such tenant were a tenant with a right of occupancy; but if the rent is enhanced under this clause, the tenant may at any time thereafter rescind such contract;"

and whereas it is expedient to confirm the second award and give effect to the same;

and whereas, in obedience to the first award, the sum of five lákhs of rupees was paid by the said Rájá Kurrick Singh to the then Chief Commissioner and Financial Commissioner of Oudh and the then Commissioner of the Faizábád Division, and has been by them or by their successors in office

invested in the lands specified in the schedule hereto annexed;

and whereas it is expedient to settle the said lands in accordance with the terms of the second award;

and whereas the first award, in so far as it has not already been executed, will be superseded by the second award and this Act, and it is therefore expedient to rescind the first award; It is hereby enacted as follows:—

1. This Act may be called Bikráma Singh's Estates Act, 1883, and shall come into force at once.

2. The first award is hereby rescinded; the trusts created thereunder shall be deemed to have been fully executed and determined; and the trustees thereunder shall be deemed to have been discharged.

Confirmation of second award. The second award is hereby confirmed.

3. The lands specified in the schedule hereto annexed shall vest in Sardár Bikráma Singh, and shall be deemed to be settled as required by the second award.

Lands in schedule to be deemed settled in accordance with second award.

### SCHEDULE.

#### LANDS VESTED IN SARDÁR BIKRÁMA SINGH.

(See section 3.)

District.	Tahsil.	Pargana.	Hadbast number.	Name of village.
Sitapur	Sitapur	Sitapur	34	Aithalia.
			23	Arhbanian.
			37	Amypur.
			627	Victoria.
			463	Clarknagar.
			25	Alsia.
			75	Barabhari.
			412	Aishbagh.
			558	Mirnagar.
			190	Pitampar.
	Misrikh	Maholi	136	Beadounpur.
			187	Pragpur.
			410	Isanagar.
			208	Tulshipur.
			341	Rahmatpur.
			29	Bichia Abadi.
			56	Baruáhar.
			59	Bandaie.
Rae Bareli	Dalman	Misrikh	57	Bahadurpur.
			208	Dariapur.
			171	Rampur Kalan.
			257	Rewari Pasia Khera.
			314	Saidapur.
			381	Frozpur.
			366	Kanjia.
			365	Kulehgaon with Chak.
			413	Lakhaugaon with Chak.
			480	Haibatpur Khurd.
			477	Hilauli.
			476	Hathnasa.
	Rae Bareli	Rae Bareli	8	Aiendhi.
			452	Malpur.
			28	Balehpur.

D. FITZPATRICK,

Secretary to the Government of India.

## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th July, 1883, and is hereby promulgated for general information :—

## ACT NO. XI OF 1883.

*An Act to give power to reduce port-dues in the port of Bombay.*

WHEREAS the rate of port-dues leviable under the Indian Ports Act, 1875, on vessels entering the port of Bombay cannot, consistently with the entry in the third column of the first schedule of

that Act in respect of the said port, be fixed at less than two annas per ton, and whereas, having regard to the present receipts and charges on account of that port, the rate of two annas per ton is unnecessarily high, and it is not expedient that a limit should be placed to the reduction of port-dues in the said port; It is hereby enacted as follows :—

In the Indian Ports Act, 1875, first schedule, XII of 1875. for the first entry in the third column in respect of the port of Bombay, the following shall be substituted :—

“ Not exceeding four annas per ton for each class of vessels as the Trustees incorporated under the Bombay Port Trust Act, 1879, may, from time to time, direct.”

D. FITZPATRICK,

*Secretary to the Government of India.*





# The Gazette of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 18th July, 1883:—

No. 18 of 1883.

#### THE BURMA LOCAL SELF-GOVERNMENT BILL, 1883.

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*Note.*—"B. B." in the margin means the draft Bill submitted by the Chief Commissioner with his letter No. 387, dated 16th November, 1883.

*A Bill to amend the law relating to Local Self-government in British Burma.*

WHEREAS it is expedient to amend the law relating to local self-government in British Burma; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Burma Local Self-government Act, 1883.  
 Short title.  
 (2) It extends to the territories under the administration of the Chief Commissioner of British Burma.  
 Local extent.

(3) And it shall come into force on the first day of November, 1883.

2. In this Act, unless there is something repugnant in the subject or context,—

"Municipality" means any local area constituted a municipality under Chapter II.

"Prescribed" means prescribed by rules made by the Local Government under this Act.

## CHAPTER II.

## CONSTITUTION OF MUNICIPALITIES.

3. The Local Government may, from time [B. B. ss. 3 & 6.] to time, by notification in the official Gazette, declare [Act VII of 1874, ss. 3 & 4] its intention to constitute any town or group of towns, and any tract of country adjoining the same, a municipality under this Act:

Provided that a notification under this section shall not, without the previous sanction of the Governor General in Council, comprise any military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Secretary to the Local Government within six weeks from the publication of the notification, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by like notification, constitute the local area a municipality.

5. The Local Government may, by notification in the official Gazette, constitute any local area comprised in a municipality established under the British Burma Municipal Act, 1874, a municipality under this Act. [B. B. s. 3.] [Act VII of 1874.]

6. The Local Government shall, within three months from the date on which this Act comes into force, constitute the local area

*Burma Local Self-government Bill, 1883.**(Chapter III.—Organization of Municipal Boards.)*

comprised in every municipality established under the British Burma Municipal Act, 1874, a municipality under this Act, unless before the expiration of that period—

- (a) it has been included in some local area which has been constituted a municipality under this Act; or
- (b) the Local Government has declared, by a notification in the official Gazette, that it is unfit to be constituted a municipality under this Act.

## CHAPTER III.

## ORGANIZATION OF MUNICIPAL BOARDS.

*Constitution of Boards.*

B. s. 9, 15.]  
t VII of  
1 ss. 5 and  
174.]  
B. s. 9, 15.]  
t VII of  
1 ss. 5 and  
174.]

7. There shall be established for each municipality a municipal board to consist of elected and appointed members.

- (a) so many inhabitants of the municipality as may, from time to time, be determined by the Local Government, elected in manner next hereinafter prescribed, to represent wards of the municipality or particular classes of the inhabitants; and
- (b) such person or persons (if any) not exceeding in number one-fourth of the board, as the Local Government may, from time to time, appoint in this behalf:

Provided that the Local Government may appoint all the members of the board of any municipality for which it considers that a suitable system of election cannot be devised.

B. s. 9.]  
t VII of  
4, s. 5.]  
B. s. 9.]  
t VII of  
4, s. 5.]

8. (1) The Local Government, shall for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

- (a) the division of the municipality into wards, or of the inhabitants into classes, or both;
- (b) the number of representatives proper for each ward or class;
- (c) the qualifications of electors and of candidates for election;
- (d) the registration of electors;
- (e) the nomination of candidates, the time of election and the mode of recording votes; and
- (f) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal board has come into existence as hereinafter provided, from time to time amend, after consulting the board, the rules made under this section, but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the board shall be elected in accordance with the rules made under this section and for the time being in force.

B. s. 9.]  
t VII of  
4, s. 5.]  
B. s. 9.]  
t VII of  
4, s. 5.]

9. (1) The term of office of a member of a municipal board shall, subject to the provisions of sections 10, 11 and 12, be two years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

10. A member of a municipal board may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

11. The Local Government may, from time to time, remove any member of a municipal board who ceases to reside within the limits of the municipality, or refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than six consecutive months to be present at the meetings of the board.

12. If any member of a municipal board is appointed to a salaried office under the board, he shall forthwith cease to be a member:

Provided that—

- (a) if the board allots a salary to its president or vice-president, he shall not for that reason cease to be a member; and
- (b) fees allowed under section 29 to members of a board shall not be deemed to be a salary within the meaning of this section.

13. (1) When the place of an elected member of a municipal board becomes vacant by the resignation or removal of the member under section 10 or section 11, or by reason of his appointment to a salaried office under section 12, or by his death, a new member shall be elected in manner prescribed to fill the place.

(2) When the place of an appointed member of a municipal board becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

14. Every municipal board shall be a body corporate by the name of the municipal board of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a board shall not purchase or transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.



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**15.** A municipal board shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

**16.** When a municipal board comes into existence under section 15 for a municipality constituted under this Act, and that municipality comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

- (a) the said Act shall cease to apply to the local area;
- (b) the municipal committee (if any) constituted under that Act for the local area shall cease to exist;
- (c) all property vested in that committee shall vest in the municipal board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;
- (d) every contract entered into by the committee, may be enforced by and against the board in like manner as it might have been enforced by and against the committee if this Act had not been passed;
- (e) a Government officer employed by the committee at the time the board comes into existence shall be deemed to be similarly employed by the board, and shall not be dismissed from that employment without the sanction of the Local Government.

*President and Vice-president.*

**17.** A municipal board shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of this section, the president shall, from time to time, be appointed by the Local Government.

**18.** A president or vice-president shall hold office for one year, and on the expiration of that period may be again elected or appointed.

**19. (1)** If a president elected by the board or a vice-president dies, ceases to be a member of the board, resigns his office or becomes incapable of acting, the board shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, resigns his office or becomes incapable of acting, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

*Notification of elections, appointments and removals.*

**20.** All elections or appointments of presidents and vice-presidents, and all elections, appointments and removals of members of municipal boards, shall be notified in the local official Gazette.

*Joint Committees.*

**21. (1)** A municipal board may, from time to time, concur with any other municipal board, or with more than one such board, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the committee, and in delegating to any such committee any power which might be exercised by either or any of the boards, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

(2) If any difference of opinion arises between boards acting under this section, the decision thereon of the Commissioner of the division if the areas under the authority of the boards are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

*Conduct of Business.*

**22. (1)** A municipal board shall meet for the transaction of business at least once in every month, on such day as may, from time to time, be fixed by the rules made under section 30.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-third of the members of the board, convene a meeting at any other time.

**23. (1)** A meeting of a municipal board shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**24. (1)** The quorum necessary for the transaction of business at a special meeting of a municipal board shall be one-half of the whole board:

Provided that, when the board consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal board shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 30:

Provided that, if at any meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

**25. (1)** At every meeting of a municipal board the president, if present, shall preside as chairman.

(2) If, when any meeting is held, the office of

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the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

18(b) 26. (1) Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal board shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

s. 18 27. Every resolution passed by a municipal board at a meeting shall be recorded and published. Resolutions to be recorded and published. recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may, from time to time, direct.

s. 18 28. The discussions and proceedings of a municipal board shall be conducted and recorded either in English or in Burmese, as the board at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings are conducted and recorded in English, the board shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

47.] 29. A municipal board may, if it thinks fit, allow to each member thereof for attendance at meetings of the board, or at meetings of committees of the board, fees to such amount and subject to such conditions as the Local Government may, from time to time, approve:

Provided as follows—

(1) the fees paid under this section shall not exceed ten rupees for each attendance; and

s. 28 29. (2) no fee shall be paid under this section to a member who is a servant of Government on active duty and in receipt of a salary exceeding Rs. 3,000 a year.

8(c).] 30. (1) A municipal board may, from time to time, at a special meeting, make rules consistent with this Act and any rules made under this Act by the Local Government as to—

(a) the time and place of its meetings;

29.] (b) the manner in which notice thereof is to be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings, and the adjournment of meetings;

(e) the appointment of committees of the board, and the division of duties among them and individual members of the board;

(f) the persons by whom receipts may be granted on behalf of the board for money paid under this Act; and

(g) any other similar matters.

(2) A rule made under this section shall not take effect until it has been confirmed by the Local

Government and published in such manner as the Local Government may, from time to time, direct. [B. B. s. 16.] [Act VII of 1874, s. 8.]

*Officers and Servants.*

31. (1) A municipal board shall, from time to time, at a special meeting, appoint one of its members, or some other person, to be its secretary, and may at a like meeting remove any person so appointed. [New.]

(2) If a secretary is a member of the board, he shall receive no remuneration in respect of his services. If he is not a member of the board, the board may, with the previous sanction of the Commissioner, assign to him any such pay, leave-allowance, gratuity or pension as it thinks fit. [B. B. ss. 28 & 29.]

32. (1) Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal board may employ, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay, leave-allowances, gratuities or pensions as it thinks fit.

(2) In the case of an officer whose services are lent wholly or in part by the Government, the board may contribute to any leave-allowance, gratuity or pension to which he may become entitled in accordance with the rules for the time being in force.

*Contracts and Transfers of Property.*

33. (1) When a contract made by or on behalf of a municipal board exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president, and at least one other member of the board. [B. B. ss. 35 & 38.] [Act VII of 1874, ss. 24 & 31.]

(2) A transfer of immoveable property belonging to the board must be made by an instrument in writing, executed by the president and vice-president and by at least two members of the board.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the board.

CHAPTER IV.

TAXATION AND FUNDS.

*Taxation.*

34. Subject to any general rules or special orders which the Governor in Council may, from time to time, make in this behalf, a municipal board may, for the general purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 35, any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

(a) a tax on houses, buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the houses, buildings and lands;

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- (b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;
- (c) a tax on houses situate as aforesaid according to the number of posts in each, at rates not exceeding the following, namely:—

	Rs. A.
For a house having not more than 2 posts ...	0 8 per annum.
For a house having not more than 3 posts ...	1 8 "
For a house having not more than 4 posts ...	2 8 "
For a house having not more than 5 posts ...	4 0 "
For a house having not more than 6 posts ...	7 0 "
For a house having not more than 7 posts ...	10 0 "
and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven:	

- (d) a tax on carriages, carts, boats, horses, ponies and elephants, or any of them, throughout the municipality or any part thereof:

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

- (1) only one of the taxes mentioned in clauses (a), (b) and (c) shall be imposed in respect of the same property, and

- (2) in assessing a house to the tax mentioned in clause (c), only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row, measured lengthwise, shall be counted.

[B. B. s. 20.]  
[Act VII of 1874, s. 11.]

**35. (1)** A municipal board may resolve, at a special meeting, to propose the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1), the board shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax, and objecting to the same, may, within a fortnight from the publication of the notice, submit his objection in writing to the board, and the board shall, at a special meeting, take his objection into consideration.

(4) If no objection is submitted within the said period of a fortnight, or if the objections received, having been considered as aforesaid, are deemed insufficient, the board may submit its proposals to the Local Government, with the objections (if any) which have been sent in under sub-section (3).

(5) The Local Government, on receiving proposals under sub-section (4), may sanction the same, or refuse to sanction them, or return them to the board for further consideration.

(6) When the Local Government sanctions under sub-section (5) any proposals which, under section 34, sub-section (2), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the board; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal board in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the board may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

**36. (1)** To provide for the lighting of the public streets, a municipal board may, under a resolution passed at a special meeting and sanctioned by the Local Government, impose, in addition to any taxes imposed under the foregoing sections, an annual lighting-rate on all houses, buildings and lands situate in the municipality or any part thereof not exceeding two per centum of their annual value.

(2) To provide for the supply of water, a municipal board may, under a resolution passed and sanctioned as aforesaid, impose, in addition to any taxes imposed as aforesaid, an annual rate on all houses and buildings situate in the municipality or any part thereof not exceeding two per cent. of their annual value.

(3) It shall be at the option of the board, when either of the rates mentioned in this section has been imposed, to levy in lieu thereof on any native house an annual rate not exceeding one pie for every three square feet of the ground covered by the house.

(4) Every tax leviable under this section in respect of any house, building or land shall be payable by the occupier of the same.

**37.** A municipal board, by a resolution passed at a special meeting and confirmed by the Local Government, or the Local Government, with the previous sanction of the Governor General in Council, may abolish or reduce any tax imposed under the foregoing sections.

**38.** The Local Government may, from time to time, make rules for the assessment and collection of taxes leviable under this Act:

Provided that, in the case of a tax imposed under section 35, every such rule shall be consistent with the proposals sanctioned in respect of the tax under that section.

**39.** All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal board having authority over that local area comes into existence under this Act, shall be deemed to have been imposed and assessed under this Act.

[B. B. s.  
Act VI  
1874, s. 1]

[B. B. s.  
Act VI  
1874, ss.  
& 25.]

[B. B. s.  
Act VI  
1874, s. 1]

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(Chapter V.—Duties of Municipal Board.)

*Municipal Fund.*

[B. B. ss. 39, 40, 42].  
[Act VII of 1874, s. 7] Municipal fund constituted. 40. There shall be formed for each municipality a municipal fund, and there shall be credited there-  
to—

(a) the proceeds of all taxes levied under this Act and all other money received by the board under this Act, except the proceeds of taxes levied under section 36;

(b) the proceeds of the cesses and tax levied on lands and houses in the municipality under sections 4, 5 and 6 of the Burma District Cesses and Rural Police Act, 1880, except such portions of those proceeds as may, under section 9 of that Act, be appropriated by the Local Government for the maintenance of rural police or for the maintenance of a local postal service;

(c) the surplus accruing in the municipality under section 18 of the Cattle-trespass Act, 1871;

(d) the income yielded by any public ferries in the municipality, and, in the case of a ferry on a river forming the boundary of a municipality, such share (if any) of the income of the ferry as the Local Government may assign in this behalf;

[Act VII of 1874, s. 28.] (e) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its opinion a just and reasonable contribution towards the expenditure rendered necessary by the visits to the municipality of seamen from ships lying in the port;

(f) all rents and profits accruing from property belonging to or managed by the board;

(g) all sums contributed to the fund by the Local Government or by private persons; and

(h) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the municipal board came into existence.

41. The municipal fund shall, subject to the Application of municipal fund. provisions of this Act, be applicable at the discretion of the municipal board to all the purposes of this Act within the limits of the municipality, and, with the previous sanction of the Local Government, to like purposes beyond those limits when such application of the fund is for the benefit of the inhabitants of the municipality.

*Lighting and Water-supply Funds.*

[B. B. s. 39.]  
[Act VII of 1874, s. 27.] 42. In every municipality in which a tax is levied under section 36 for Lighting and water-supply funds constituted. the purposes of lighting or water-supply, there shall be established a separate fund to be called the lighting fund or water-supply fund, as the case may be, and there shall be credited to it the proceeds of that tax, all other sums received by the board in connection with the purposes for which the tax is levied, and, when there has been included within the limits of the muni-

cipality a municipality constituted under the British Burma Municipal Act, 1874, in which a like tax has been levied, the balance (if any) standing to the credit of the separate account of that tax at the time when the municipal board comes into existence.

43. The lighting fund or water-supply fund shall, subject to the provisions of this Act, be applicable at the discretion of the municipal board to the lighting of, or supply of water to, the local area in which it is raised (as the case may be), and to no other purpose.

*Custody of, and Disbursements from, Funds.*

44. (1) The balances standing to the credit of the funds established under sections 40 and 42 shall, if there is a Government treasury or sub-treasury situate within the municipality, be kept in that treasury or sub-treasury. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury, and such funds as may be required for current expenditure shall be kept by the board in a strong box in such place and under such precautions as the board may, from time to time, direct.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the board.

CHAPTER V.

DUTIES OF MUNICIPAL BOARD.

*General Improvement, Conservancy and Education.*

45. The following matters shall, subject to the provisions of this Act and to such exceptions or conditions as the Local Government may, from time to time, make or impose, be under the control and administration of the municipal board within the municipality, namely:—

(a) the construction, repair and maintenance of roads, streets, river-channels, ferries and other means of communication, and of drains, tanks and water-courses;

(b) the establishment, maintenance and administration of schools, hospitals, dispensaries, markets, wharves and resthouses, and the construction and repair of buildings connected with such institutions;

(c) the improvement, extension and purification of the local supply of drinking-water for men and animals;

(d) the planting and preservation of trees on public ground;

(e) the cleansing, watering and lighting of the streets in towns;

(f) the maintenance, repair and management of any buildings or other immoveable property vested in the board under this Act or made over to the board by the Local Government for management; and

(g) the construction, establishment, maintenance and carrying out of any other local works, institutions or measures likely to promote the health, safety, comfort or convenience of the public.

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(Chapter V.—Duties of Municipal Board.)

40 46. A municipal board may, from time to time, undertake beyond the limits of the municipality the control and administration of any of the matters mentioned in section 45, if its undertaking that control and administration is for the benefit of the inhabitants of the municipality.

46.] 47. A municipal board shall, so far as its funds available for educational purposes permit, make grants-in-aid of schools in accordance with such rules as the Local Government, with the sanction of the Governor General in Council, may, from time to time, prescribe.

*Prevention of Nuisances.*

38. 30 48. (1) A municipal board may, from time to time, at a special meeting, make rules—  
[11 of 19, 20] Power of board to make rules regarding nuisances.

(a) declaring that such acts or omissions within the municipality as may in its opinion cause or tend to cause any common injury, danger or annoyance to the public, or to people in general who dwell or occupy property in the vicinity, or any injury, obstruction, danger or annoyance to persons who may have occasion to use any public right, shall be deemed, within the meaning of the Indian Penal Code and for the purposes of this Act, to be public nuisances; and

(b) defining the cases, manner and times in and at which officers of the board may enter on private property for the detection and abatement of public nuisances.

(2) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

38. 33.] 49. (1) Subject to any orders which the Local Government may, from time to time, make in this behalf, a municipal board may order any person not to do, or not to omit to do, within the municipality, anything the doing of, or omission to do, which is a public nuisance.

(2) An order under this section shall be deemed to be, for the purposes of section 291 of the Indian Penal Code, an injunction by a public servant.

38. 31.] 50. (1) The Local Government may invest, within the limits of the municipality, a municipal board with the powers of a Magistrate of a district as described in section one hundred and thirty-three of the Code of Criminal Procedure, and with powers to make conditional orders of the nature referred to in that section, in respect of all or any of the acts or omissions which may have been declared to be public nuisances under clause (a) of section 48 of this Act.

(2) Sections one hundred and thirty-three to one hundred and forty-two (both inclusive) of the Code of Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers.

(3) The Local Government may, whenever it thinks fit, withdraw the powers with which it has invested a board under this section.

51. A municipal board may, with the previous sanction of the Local Government, at a special meeting, delegate to one or more committees of its members, or to one or more of its members, any of the powers vested in the board by section 49, or with which the board may have been invested under section 50. [B.B. s. 34.]

52. Every police-officer in a municipality shall be bound, subject to such instructions as may, from time to time, be issued by the Inspector-General of Police in this behalf, to assist in the prevention of any public nuisance defined to be such by any rule made under this Act.

*Additional Powers.*

53. (1) A municipal board may, from time to time, at a special meeting, make rules— [B.B. ss. 27, 30, 31, 32 and 21 (f).] [Act VII of 1874, s. 16.]

(a) rendering licenses necessary for the proprietors or drivers of carriages, carts or boats plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) for regulating markets, wharves and slaughter-houses within the limits of the municipality, and rendering licenses necessary for the construction or establishment within those limits of new markets, wharves and slaughter-houses, or the keeping of lodging-houses within those limits for the accommodation of persons not being natives of British Burma, and for the holding or keeping open of markets, wharves and slaughter-houses constructed or established within those limits after the date on which this Act or the British Burma Municipal Act, VII of 1874, came into force therein, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(c) for securing a proper registration of births, marriages and deaths occurring within the municipality; and

(d) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, a municipal board may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues. [B.B. s. 57.] [Act VII of 1874, s. 42.]

(3) A rule made under this section shall not come into force until it has been confirmed by the Local Government, and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

(4) Notwithstanding anything contained in the foregoing portion of this section, the municipal board of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under sub-section (1) with respect to any vehicles to which that Act applies. XIV of 1879.

*Burma Local Self-government Bill, 1883.**(Chapter VI.—Control.)*

## CHAPTER VI.

## CONTROL.

Control by Commis- 54. (1) The Commissioner  
sioner and Magistrate. of the division or the  
Magistrate of the district may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property within the limits of the division or district respectively occupied by any municipal board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any book or document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(2) When the Magistrate of the district is a member of a board or joint committee, he shall not exercise, in respect of that board or committee, the powers conferred upon him by sub-section (1).

55. (1) The Commissioner of the division or the Magistrate of the district may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal board or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Magistrate makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

56. (1) In cases of emergency, the Magistrate of the district may provide for the execution of any work, or the doing of any act, which a municipal board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balances of the board's funds to pay the expense, or as much thereof as is, from time to time, possible, from the appropriate balance in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

57. (1) If at any time it appears to the Local Government that a municipal board has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Magistrate of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate by the board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balances of the board's funds to pay the expense, or so much thereof as is from time to time possible, from the balance of the appropriate fund in priority to any or all other charges against the same.

58. (1) If a municipal board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare that board to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a board is so superseded, the following consequences shall ensue:—

- (a) All members of the board shall, as from the date of the order, vacate their offices as such members.
- (b) All powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that behalf.
- (c) All property vested in the board shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the board shall be re-constituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified from being members.



*Burma Local Self-government Bill, 1883.**(Chapter VII.—Supplementary.)*

[s. 50.]  
VII of  
s. 31.] **59.** (1) A municipal board shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, and a report of all works executed, or proceedings taken, by it under this Act during that period.

VII of  
s. 31.] (2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government, from time to time, prescribes.

**60.** (1) A municipal board shall submit, before Annual estimates of such dates in each year and receipts and expenditure. in such form as may be directed by the Local Government, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure.

(2) An abstract of the estimate and proposals shall, on being so submitted, be published in such manner as the Local Government, from time to time, directs.

B. s. 51.]  
VII of  
s. 35.] **61.** (1) No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal board, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof has been approved by the board at a meeting.

(2) If the estimated cost of any such new work exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Moulmain, Bassein, and Akyab, or

ten thousand rupees in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to the Local Government, and sanctioned by it in an order published in the official Gazette.

## CHAPTER VII.

## SUPPLEMENTARY.

B. s. 56.]  
VII of  
s. 41.] **62.** If any member, officer or servant of a board is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the board, he shall be deemed to have committed an offence under section one hundred and sixty-eight of the Indian Penal Code :

Provided that no person shall, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the board.

B. s. 55.]  
t VII of  
s. 40.] **63.** In respect of every suit instituted against a municipal board, or against any officer or servant of the board in respect of an act

purporting to be done by him in his official capacity, the board, officer or servant shall have, as nearly as may be, all the privileges which the Secretary of State for India in Council or a public officer respectively has under Chapter XXVII of the Code of Civil Procedure.

XIV of 1882.

**64.** Every member of a municipal board shall be liable for the loss, waste or misapplication of any money or other property belonging to the board, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the board or by the Secretary of State for India in Council.

[B. B. s. 54.]  
[Act VII of  
1874 s. 39.]

**65.** The Local Government may, from time to time, by notification in the official Gazette, direct that any property, moveable or immovable, which is vested in Her Majesty and is situate in the territories administered by the Local Government, shall vest in any municipal board ; and thereupon the property shall vest in that board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, the property.

[B. B. s. 38.]

**66.** Where any land whether within or without the limits of a municipality is required for the purposes of a municipal board, the Local Government may, at the request of the municipal board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870 ; and, on payment by the board of the compensation awarded under that Act, the land shall vest in the board.

[B. B. s. 52.]  
[Act VII of  
1874, s. 36.]

X of 1870.

**67.** (1) The authority empowered to make rules under sections 8, 38, 47, 48 and 53 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration ; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct ; and such publication shall be conclusive evidence that the rule has been made as required by this section.

**68.** Prosecutions under this Act for infringement of rules may be instituted by the municipal board, or any person authorised by it in this behalf, and not otherwise.

[B. B. s. 58.]  
[Act VII of  
1874, s. 43.]

**69.** All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal board, and all arrears of taxes imposed under this Act, may be recovered as if they were arrears of land-revenue.

[B. B. s. 59.]  
[Act VII of  
1874, s. 44.]



## STATEMENT OF OBJECTS AND REASONS.

THE Government of India has for some time had under consideration the question of amending the law relating to municipalities in British Burma, so as to bring it more completely into harmony with the principles of local self-government which have recently been laid down by the Government of India, and are now being generally adopted in other Provinces.

2. The present Bill has been prepared for the purpose of making such amendments in the existing Municipal Act (VII of 1871) as are needed, in order to give effect to this object. It has been thought convenient that it should repeal the existing Act, and the opportunity has been taken to introduce many improvements in matters of minor detail, in arrangement and in drafting, which the experience gained since the year 1871 has suggested. It will, however, be sufficient here to notice such of the proposed amendments as are of substantive importance.

3. Passing over the first chapter of the Bill, which contains preliminary matter, it will be found that Chapter II, relating to the constitution of municipalities, requires the Chief Commissioner (section 6) to bring every existing municipality under the new law within three months from the date on which it comes into force, unless he is in a position to declare by notification in the Gazette that it is unfit to be constituted a municipality under that law.

4. Section 3, it will be observed, enables the Chief Commissioner, subject to the usual procedure of issuing notice and hearing objections, to include within the limits of a municipality not merely a town but also any tract of country adjoining a town. This provision has been inserted on the advice of the Chief Commissioner (Mr. Bernard) and the Officiating Chief Commissioner (Mr. Crosthwaite), in order to meet the requirements of certain rural tracts, until such time as it may be found possible to establish a system of local boards for rural districts.

5. The most important alteration of the existing law proposed in Chapter III, relating to the organization of municipal boards, will be found in section 7, which, instead of leaving it absolutely in the discretion of the Chief Commissioner (as the present Act does) to determine whether the committee, or as it is now to be called, the board, should be appointed or elected, requires that at least three-fourths of the members shall be elective, except where the Chief Commissioner considers that a suitable system of election cannot be devised for them.

6. The only other provisions of this chapter which appear to call for notice are section 12, which requires a member of a board appointed to a salaried office under the board, to vacate his seat on the board; section 28, which empowers the board to determine whether their proceedings shall be conducted in English or Burmese, and provides that, when they are conducted in English, arrangements must be made for translating them into Burmese for the benefit of the native members; and section 29, which provides for the payment of small fees to the members of the board for attendance at meetings of the board or of committees.

7. The only alteration of the law proposed in Chapter IV which seems of sufficient importance to call for notice is in section 40, which provides that the following shall be credited to the municipal fund, namely:—

- (b) the proceeds of the cesses and tax levied on lands and houses in the municipality under sections 4, 5 and 6 of the Burma District Cesses and Rural Police Act, 1880, except such portions of those proceeds as may, under section 9 of that Act, be appropriated by the Chief Commissioner for the maintenance of rural police or for the maintenance of a local postal service;
- (c) the surplus accruing in the municipality under section 18 of the Cattle-trespass Act, 1871;
- (d) the income yielded by any public ferries in the municipality, and, in the case of a ferry on a river forming the boundary of a municipality, such share (if any) of the income of the ferry as the Chief Commissioner may assign in this behalf.

These sources of income, it need hardly be said, will, as a rule, be of little or no importance except when a considerable rural area is included in the municipality. When such an area is included, they will represent the chief contribution from it to the municipal fund.

8. It will be observed that there is nothing in the Bill corresponding to section 32 of the existing Act, which requires the municipality to provide from its funds in the first place such sums as the Chief Commissioner may from time to time fix for the maintenance of the town police. This charge will now be borne by the Government, and thus a considerable amount will be set free for expenditure on general purposes of improvement.

9. The list of duties of a municipal board contained in the first section of Chapter V is necessarily somewhat more extensive than the corresponding list in the existing Act, as under the new system some of the boards will have under them considerable rural areas, entailing duties somewhat different from those arising in connection with towns.

10. Section 47 requires a board, so far as its funds available for educational purposes will permit, to make grants-in-aid of schools in accordance with such rules as the Chief Commissioner, with the sanction of the Governor General in Council, may from time to time prescribe.

11. Section 25 of the existing Act gives the Chief Commissioner absolute power to cancel, suspend or limit any of the acts, proceedings or rules of any municipal committee. For this Chapter VI of the Bill proposes to substitute a carefully moderated system of control similar to that established by the Local Self-government Bills recently introduced for other provinces.

12. The last section of the chapter relating to the sanction requisite for undertaking works corresponds to section 35 of the existing Act, but instead of leaving it, as that section does, to the Chief Commissioner to determine the limit of the powers of the committee or board, it directly provides that the four largest municipalities may, on their own authority, undertake works the estimate for which does not exceed Rs. 20,000, and that the others may similarly undertake works the estimate for which does not exceed Rs. 10,000.

13. Section 67, though new as applied to Burma municipalities, has of late become a usual provision in Acts conferring a power to make rules. It provides that, before any rules are made under certain sections of the Act, they shall be published, that a certain time shall be allowed for the public or those concerned to put forward objections to them, and that any objections received shall be duly considered.

*The 17th July, 1883.*

C. P. ILBERT.

D. FITZPATRICK,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 31st JULY 1883.

GENERAL REMARKS.—The rainfall of the past week has been deficient over the southern districts of the Madras Presidency. In Bombay rain is urgently wanted in parts of the Southern Mahratta Country; elsewhere the fall has been light, but sufficient for present wants. The Indus river has again fallen below its normal level in Sind, and a scarcity of water is felt in consequence. Throughout Rajputana and Central India the weather is generally favourable, but more rain is much needed in Marwar where the tanks continue empty. In Hyderabad also the tanks are not yet quite full, but the *khariif* crops are doing well. In British Burma the rainfall up to date in the Arakan and Tenasserim divisions is below that of the previous year, but so far appears to have been sufficient. In the Irrawaddy delta it exceeds the average. In parts of Assam and in two divisions of Bengal a deficiency in the rainfall is retarding the rice crop, but prospects are on the whole satisfactory. Except in Jubulpore and Sambalpur, light rains have been generally prevalent in the Central Provinces during the week under report, and the weather continues cloudy and seasonable. In the North-Western Provinces and Oudh hot westerly winds are reported from Meerut, and rain is urgently wanted in that district and in Saharanpore. In most other districts rain averaging from one to two inches fell during the week. The Punjab has been practically rainless, and rain is urgently required.

The standing crops in Madras and Mysore, except in two districts where the rainfall has been deficient, promise well, and are being harvested in some places. Rice is still being transplanted in Bombay. Some damage has resulted from excessive wet in Dharwar, and locusts are becoming more numerous in the Deccan. *Khariif* sowings have for the most part been completed in Hyderabad, Central India, Rajputana, the North-Western Provinces and Oudh, and the Central Provinces, and the young crops which are generally in good condition are being weeded. In the Punjab ploughing and sowing are still going on.

Transplanting of rice is being pushed forward in Assam and Bengal wherever the weather is favourable; and harvesting of early rice and jute has commenced. Ploughing is nearly finished in Burma, and transplanting and sowing are in progress.

Cattle-disease and cholera are generally more prevalent.

Prices continue to fluctuate, and are rising in parts of the North-Western Provinces and Punjab.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Aug. 1st)</b>		
Bellary ...	·97 (average of five stations).	Standing crops generally good; harvest paddy, yield average.
Kurnool ...	1·69 (average of nine stations).	Standing crops thriving; cattle-disease in six taluks.
Ganjam ...	2·8 (average of nineteen stations).	Standing crops red gram, gingelly, and sugarcane thriving; cattle-disease slight.
Kistna ...	1·07 (average of twelve stations).	Standing crops good; small-pox, guinea-worm, and cattle-disease slight.
Chingleput (Madras) ...	·39 (average of five stations).	Standing crops good where water available; harvest <i>khar</i> , paddy, &c., yield half; small-pox, measles, and cattle-disease slight in parts.
Coimbatore ...	·8 (average of eight stations).	Standing crops good, except dry crops suffering from want of rain, in parts of three taluks, and from insects in parts of three taluks; harvest <i>cholum</i> , <i>ragi</i> , and <i>soaboo</i> in parts; cholera in four taluks. 18 deaths; fever in two taluks.
Tanjore ...	·21 (average of five stations).	Standing crops generally good, except in parts of two taluks where they are not flourishing for want of sufficient rain; 23 deaths from cholera.
Madura ...	.....	Standing crops fair in four taluks; harvest paddy and dry crops in parts; cholera slight in one village.
Malabar ...	9·93 (average of fourteen stations).	First crop progressing in all taluks; small-pox slight in all taluks; fever and cattle-disease in parts, latter slight; cholera slight; Palghat, 3 deaths.
Travancore ...	7·61	Paddy in good condition; 1 death from small-pox, fever prevails.
<b>Bombay—(Aug. 1st)</b>		
Kurrachee ...	<i>Nil</i> ; average of five stations 1·0.	Strong monsoon winds; river at Kotri on 30th 17 feet 5 inches against 18 feet 10 inches last year; small-pox in five villages in districts, 8 fresh cases, no deaths, 4 remain sick; <i>khariif</i> transplanting in progress and seed being sown; fever in five talukas wheat, red rice, and <i>bajri</i> in Kurrachee 26, 32 and 36, in Kotri 32 and 32, in Ghoraburi 20, 32 and 40, and in Jati 20, 32 and 44 lbs per rupee, respectively.
Hyderabad ...	In Kandhari 1·10 on 15th.	River fallen, was 1 foot 5 inches lower on 30th July 1883 than on same date last year; small-pox in six and cattle-disease and fever in two talukas; prices of food-grains remain unchanged.
Ahmedabad ...	·14	Total rainfall 11·91; sowings continue; transplantation commenced wheat 26½ and <i>bajri</i> 29½ lbs. per rupee.
Baroda ...	·06	Total rainfall 32·22; sowing of <i>khariif</i> continues; health good; <i>bajri</i> 27 and rice 24 lbs. per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Surat ...	54	Total rainfall 37·90; sowing operations continue; fever in Jalalpur and Pardi; cholera in Surat, 9 cases, 6 deaths and at Balsar 13 cases, 6 deaths; <i>juari</i> 36½ and <i>nagli</i> 42¼ lbs. per rupee.
Nasik ...	Igatpuri, 6·81; Peint, 2·39; slight elsewhere.	Cholera in ten talukas, but abating, deaths 111; <i>kharif</i> sowings continue; young locusts in six talukas, old in a few; wheat 27, <i>bajri</i> 28, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	Very little rain—total of week 59.	Total rainfall to date 53·98, being 8·24 above average; abnormal temperature 1° to 2° warm; vapour in air normal; abnormal wind northerly.
Poona ...	Rainfall in six talukas—maximum 6·0 at Mawal; minimum 1·1 at Indapur.	Young crops good; cholera cases 734, fatal 196; <i>bajri</i> 37 and <i>juari</i> 46 lbs. per rupee; in Poona <i>bajri</i> 32 and <i>juari</i> 41 lbs. per rupee.
Ahmednagar ...	Very slight rain in Sanganner, Akola, and Newasa talukas; <i>nil</i> in others.	Sowing of <i>kharif</i> completed in Shrigonda, Kopergaon, and Akola; cholera 1,089 attacks, 599 deaths; <i>juari</i> —maximum 66 lbs. per rupee in Jamkhed, minimum 45 lbs. in Kopergaon; <i>bajri</i> —maximum 54 lbs. per rupee in Jamkhed, minimum 33 lbs. in Kopergaon.
Sholapur ...	31	Total rainfall 14·02; <i>kharif</i> sowings completed; <i>juari</i> 64 and <i>bajri</i> 53 lbs. per rupee; cholera 723 cases, 300 deaths.
Dharwar ...	Maximum in Hangal, 3·32; minimum in Navalgund, 1·09	Rain badly wanted in Navalgund and Gadag talukas, including the two pettas Nargund and Mundargi and in Ron taluka, where sowing is hindered; standing young crops rice, <i>ragi</i> , <i>sawar</i> , and sugarcane good in other talukas, except in Hangal and Kalghatgi, where they have been slightly injured owing to excessive moisture and where therefore break is desired; <i>juari</i> sowing partly finished; slight fever in Mugud and Mundargi; two cholera cases in Ron; <i>juari</i> 57 and rice 33 lbs. per rupee.
Kanara ...	Karwar, 5·61; Kumpta, 11·43; Sirsi, 14·70; Hallial, 4·80.	Total rainfall 101·29; transplanting almost completed; weeding continues; rice plants and garden crops healthy; small-pox subsiding; slight fever throughout the district; cattle-disease in Siddapur; common rice in Karwar 12½ seers per rupee, in district average 13½ seers per rupee.
Rajkot ...	<i>Nil</i>	Weather cool and cloudy; general health fair; sowing operations completed; cholera in some villages of Halar; <i>bajri</i> 29 and <i>juari</i> 36 lbs. per rupee. <i>General Remarks.</i> —Slight rain in all districts, except Sind owing to the river being low; want of water is generally felt in Sind; rain urgently wanted in parts of the Southern Mahratta Country; sowing and transplanting of rice still in progress; locusts in Nasik, Khandedh, Tanna, Colaba, Satara, and Ratnagiri; cholera in all districts of the Deccan and Konkan; small-pox, fever, and cattle-disease in a few districts.
<b>Bengal—(Aug. 1st)</b>		
Chittagong ...	4·84	Weather rainy and hot; prospects of crops fair; transplanting of <i>amun</i> commenced; prices steady; cholera and cattle-disease not yet ceased.
Dacca ...	3·50	Paddy being sown; <i>aus</i> paddy and jute being harvested; prospects good.
24-Pergunnahs (Calcutta) ...	5·17	Prospect of <i>aus</i> and <i>amun</i> crops satisfactory; transplanting of <i>amun</i> going on briskly; public health good; rivers rising.
Moorsshedabad ...	1·70	Rain has done good to standing crops; transplanting of <i>amun</i> continues; public health generally good.
Rajshahye ...	·83	Moderate rain in north of district; crops doing well, but more rain will be required soon.
Burdwan ...	1·68	Rainfall generally sufficient; transplanting in progress; prospects fair; fever has begun to show itself.
Rungpore ...	1·03	Weather hot; more rain generally wanted for transplanting of <i>amun</i> rice; <i>aus</i> rice and jute still being cut; cholera reported from Kali-gunge.
Bhagalpur ...	2·86	Prospects of crops good.
Purneah ...	1·06	Prospects of crops fair, but more rain now wanted; farming operations normal; health fair; rivers rising.
Patna ...	1·83	Prospects of crops good; transplanting of rice seedlings commenced; public health good.
Durbhunga ...	1·78	Prospects good; transplanting going on well; prices rising slightly; health good.
Hazaribagh ...	2·43	Weather cloudy and showery; transplanting operations commenced; prospects generally good; health good.
Cuttack ...	1·58	<i>Sarad</i> rice being transplanted; state of crops reported favourably; price of rice stationary; public health good. <i>General Remarks.</i> —The rainfall of the week has been generally moderate; in Calcutta and its neighbourhood there has been heavy rain for the last two days; want of more rain is still complained of in parts of Rajshahye and Bhagalpur Divisions and in Singbhoon, elsewhere cultivation of <i>amun</i> rice is proceeding well; prospects of all early crops and of sugarcane are generally reported to be favourable; harvesting of <i>aus</i> rice and jute is proceeding in some districts; in Gya cholera is still very prevalent, and in Lohardugga it is spreading, it also still lingers in some other districts; fever is said to be making its appearance in a few districts.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>		
Benares (July 31st)	2·1; Chandansi, 1·5; Gangapur, 3·0.	All <i>kharif</i> sowings, except of <i>aghani</i> rice, completed; no sickness of men or cattle; prices steady.
Allahabad (Aug. 1st)	Average 1·4	Weather still cloudy; more rain wanted in Bara; <i>kharif</i> crops generally doing well; cholera much diminished; prices slightly fallen.
Gorakhpur (July 30th)	Fair rain	Cloudy sky; <i>kharif</i> sowings completed; a little cholera and some cattle-disease.
Jhansi ( " " )	No rain for the last five days.	Weather cloudy; weeding of cotton and <i>jaari</i> commenced; sowing of <i>til</i> in progress; transplanting of rice postponed for want of sufficient rain; prices fluctuating; health good.
Agra ( " 31st)	1 to 1·5 in four parganas.	<i>Kharif</i> sowings continue; fever and small-pox in one pargana; sporadic cholera in two parganas; prices steady.
Bareilly ( " " )	Sufficient rain	Sowings continue; prices nearly stationary; cattle-disease has appeared in north and south-east of districts; health of people continues good.
Meerut ( " " )	Hapur, 1·9; Mowana, 1·4; slight drizzle at Sardhana.	Westerly wind, hot and dry; rain much wanted; irrigation from canals and wells being resorted to; <i>kharif</i> all sown and <i>rabi</i> ploughing commenced; health good; prices show a tendency to rise.
Kumaun ( " " )	Less rain than last week.	Crops fair; general health good, except fever in one or two places; cattle-disease continues; prices unchanged.
Lucknow ( " " )	Tahsil Lucknow, 4·8; Malabad, 2·1; Mohanlalganj, 2·5.	<i>Kharif</i> sown; prospects very favourable; condition of the people and cattle good; prices of food-grains steady.
Partabgarh ( " " )	Sadr, 2·0; Kunda, 1·8; Patti, 1·7.	Prices stationary; <i>jarhan</i> being planted; outcrops doing well; general health good.
Sitapur ( " " )	Average 2·9	<i>Kharif</i> prospects good; health good.
Fyzabad ( " " )	Sadr, 1·7; Akbarpur, 1·8; Bikapur, 2·5; Tanda, 2·1.	Prospects of crops good; public health good.
Rae Bareilly ( " 30th)	General rain throughout the district; Sadr, 2·8.	<i>Kharif</i> sowings in progress; health of men and condition of cattle good; prices steady.
Cawnpore ( " 31st)	Average in nine parganas 2·4.	General health and prospects good; prices almost stationary.
Farukhabad ( " )	.....	Weather warm; sky slightly overcast; a good break in the rains has done much good; health good.
<b>General Remarks.</b> —In most districts there has been a fair fall of rain during the week, and the prospects of the crops appear to be good; in Jhansi, however, the transplanting of rice has been postponed for want of rain, and in Meerut and Saharunpore more rain is urgently wanted; general health is good, and cholera seems to be disappearing; prices are rising in Meerut and Saharunpore, but are as a rule stationary.		
<b>Punjab—(July 31st)</b>		
Delhi ...	No rain	Rain wanted; health good; <i>kharif</i> ploughings continue; slight rise in prices.
Hissar ...	No rain	Health good; <i>kharif</i> sowings continue; prices rising.
Umballa ...	40	More rain wanted; health fair; <i>kharif</i> sowings in progress; prices rising.
Jullundur ...	No rain	Rain much wanted; health fair; crops backward; prices rising.
Amritsar ...	No rain	Health good; rise in prices.
Sialkot ...	No rain	Rain much wanted; health good; prices rising.
Ferozepore ...	No rain	Health good; <i>kharif</i> ploughings and sowings in progress; prices rising.
Lahore ...	Slight rain	More rain much wanted; health good; crop prospects uncertain; prices rising.
Rawalpindi ...	2·5	Health good; <i>kharif</i> prospects favourable; fall in prices.
Mooltan ...	No rain	Health and crop prospects good; prices steady.
Dera Ismail Khan ...	No rain	Health good; <i>kharif</i> sowings in progress; prices stationary.
Peshawar ...	No rain	Health good; prices stationary.
<b>General Remarks.</b> —Slight rain in a few districts, but much more is wanted throughout the province; health good, except in the Umballa and Jullundur districts; <i>kharif</i> sowings in progress; prices of food-grains have risen in many districts.		
<b>Central Provinces—(Aug. 1st)</b>		
Nagpur ...	1·21	Weather cloudy; prospects good; 780 cases of cholera, 319 deaths in the district; prices steady.
Jubbulpore ...	5·62	Weather cloudy and rainy; sowings approaching completion; weeding continues; cotton and other crops thriving; cholera in places; wheat 21 and rice 14 seers per rupee.
Saugor (July 31st)	1·4	Rain deficient; weeding of cotton and other crops in progress; prospects favourable; prices steady; health good.
Seoni ...	59	Weather cloudy; 10 deaths from cholera; wheat 22½ and rice 15½ seers per rupee.
Hoshangabad ...	.....	Weather cloudy and hot; weeding continues; small-pox 25 cases, 1 death; wheat 15 and rice 9 seers per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—</b> <i>contd.</i>		
Khandwa ...	26	Weather cloudy ; prospects good ; cholera prevalent in Barhanpur, 257 cases, 96 deaths ; wheat 16½, <i>juari</i> 18½, and rice 16 seers per rupee.
Raipur ...	2.27	Prospects favourable ; price of rice falling, of wheat rising.
Sambalpur (July 28th)	5 2	Weather stormy and rainy ; prospects good ; fever increasing ; common rice 45 seers per rupee.
<i>General Remarks.</i> —Weather cloudy, with showers ; prospects favourable ; prices steady ; cholera is still severe in some places.		
<b>British Burma—</b> (Aug. 1st)		
Akyab ...	11.84	Total rainfall up to date 106.84 ; 4 deaths from cholera in town, 8 in district ; 63 deaths of cattle in three townships ; in other townships health of plough cattle good ; ploughing nearly completed ; sowings partly commenced.
Rangoon ...	8.32	Total rainfall up to date 44.55 ; public health good ; price of paddy from Rs. 95 to Rs. 101 per 100 baskets.
Bassein ...	9.27	Total rainfall up to date 55.28 ; 2 deaths from small-pox in Bassein township, otherwise public health good ; 82 deaths of cattle in five townships ; ploughing much advanced ; transplanting progressing.
Prome ...	86	Total rainfall up to date 27.35 ; 5 deaths from small-pox in Shwaylay, otherwise public health and health of cattle good ; 42,100 acres have been ploughed ; seedlings in excellent condition.
Amherst (Moulmein) ...	11.67	Total rainfall up to date 93.05 ; public health in Moulmein and district good ; 200 deaths of cattle in two townships ; about 95 per cent. of fields ploughed ; health of plough cattle generally good ; sowing progressing ; about 60 per cent. of fields sown broadcast ; prospects of crops favourable ; transplanting not begun ; nurseries healthy ; in Moulmein town high water prevents much progress in ploughing, sowing, and transplanting ; 2 deaths of cattle reported ; nurseries good ; state of supply of seedlings for transplanting fair.
Toungoo ...	6.12	Total rainfall up to date 41.62 ; public health good ; 2 deaths of cattle in Myoma township ; ploughing progressing ; health of plough cattle good.
Tharrawaddy ...	15.90	Total rainfall up to date 58.92 ; public health good ; 25 deaths of cattle in Minhla townships, in all other township health of plough cattle good ; ploughing and sowing progressing ; price of paddy from Rs. 88 to Rs. 102 per 100 baskets.
Henzada ..	7.72	Total rainfall up to date 46.85 ; public health good ; 11 deaths of cattle in Zalleon township ; ploughing and transplanting progressing ; supply of seedlings and general appearance of young plants good.
Thayetmyo ..	60	Total rainfall up to date 20.10 ; public health good ; 20 deaths of cattle in Rama township ; ploughing continues ; transplanting going on.
Shwaygyin ...	15.08	Total rainfall up to date 81.83 ; public health good ; 122 deaths of cattle in four circles of the Bedin township ; ploughing progressing, except in some low lands which have been flooded ; sowing and transplanting progressing ; price of paddy Rs. 70.
Kyaukpoo ..	15.07	Total rainfall up to date 93.59 ; public health good ; 212 deaths of cattle in four circles of the Myaybone township ; cattle-disease has abated in all but the Daingbone Circle, where the greatest number of deaths occurred ; two-thirds of the district ploughed, and about half sown ; prices of paddy from Rs. 20 to Rs. 25 per 100 baskets ; rise in price expected.
Sandoway	29.42	Total rainfall up to date 124.53 ; public health good ; ploughing progressing ; ploughing wages from Rs. 4.8 to Rs. 6 per acre.
Hanthawaddy ..	...	Public health and health of cattle good, except slight foot-and-mouth disease among the cattle in the Twantay township ; ploughing and sowing progressing ; ploughing wages from 60 to 70 baskets of paddy per man ; price of paddy from Rs. 95 to Rs. 105 per 100 baskets.
Pegu ...	16.76	Total rainfall up to date 71.17 ; public health and health of cattle fair ; sowings well forward ; price of paddy from Rs. 85 to Rs. 90 per 100 baskets.
Tavoy ..	18.72	Total rainfall up to date 110.08 ; public health and health of cattle good ; ploughing progressing ; general appearance of plants good.
Mergui (14th July)	12.80	Total rainfall up to date 69.29 ; public health and health of cattle good ; ploughing and sowing progressing ; price of paddy Rs. 75 per 100 baskets.
Mergui (21st ..)	6.45	Total rainfall up to date 75.74 ; public health and health of cattle good ; ploughing and sowing progressing ; price of paddy Rs. 75 per 100 baskets.
<i>General Remarks.</i> —Rainfall in the Irrawaddy delta in excess of last year up to date ; in Arakan and Tenasserim rather below last year up to date ; public health good ; cattle-disease somewhat abated and nowhere severe ; ploughing nearly completed ; sowings and transplanting well forward ; appearance of young crops favourable ; price of paddy fairly steady.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Assam—(Aug. 1st)</b>		
Gauhati ...	2·46 for week ending 31st ultimo.	Weather hot and sultry; public health fairly good; cattle-disease still in the interior; <i>ahu</i> paddy being reaped; transplanting of <i>sali</i> paddy retarded for want of rain.
Sylhet ...	3·62	State and prospects of crops continue good; some damage done by insects in the Sunamgunj sub-division; small-pox still prevalent in Karimganj.
Cachar ...	1·62	Weather very hot; transplanting of <i>aus</i> crops not altogether finished, and that of <i>sali</i> crops continue; 2 deaths from cholera, 2 deaths from small-pox reported from Katigora, 1 from Lakkhipur, and 1 from Sadr.
Dibrugarh ...	8·19	Weather seasonable; transplanting of <i>sali</i> crop vigorously pushing on; public health good.
<b>Mysore and Coorg—(Aug. 1st)</b>		
Bangalore ...	·65	Standing crops in good condition; prospects favourable; public health good.
Mysore ...	·53	Standing crops in good condition; prospects and health good.
Mercara ...	11·74	Crops getting on well; prices of food-grains stationary; public health good, though fever is slightly prevalent.
		<i>General Remarks.</i> —Bright rain in Kolar district and a good fall in the other districts; standing crops in good condition; prospects favourable; public health generally good; average ruling prices—rice 13, <i>ragi</i> 32, and horse-grain 33 seers per rupee.
<b>Berar &amp; Hyderabad—(Aug. 1st)</b>		
Amraoti ...	·49	Crops in good condition; prospects good; wheat 16 and <i>juari</i> 26 seers per rupee.
Akola ...	·22	Crops thriving; prospects good.
Hyderabad ...	Average 1·16	Total rainfall from 1st July 13·40; <i>khari</i> crops prospering and being weeded; water-supply in tanks not yet sufficient for <i>ali</i> crops; cholera prevails in two talukas in a mild form; no cattle-disease; prices of wheat 15, coarse rice 19½, white <i>juari</i> 22½, yellow <i>juari</i> 28½, and <i>tur</i> 22 seers per current sicca rupee.
<b>Central India States—(Aug. 1st)</b>		
Indore ...	·03	Weather seasonable; a few cases of cholera in the Indore city and Residency limits; agricultural prospects favourable.
Morar (Gwalior) ...	·38	Health good; crops flourishing.
Sutna ...	6·10	Prospects favourable; health good.
Rutlam ...	.....	No report received.
Nemuch ...	·41	<i>Makka</i> crops in progress; general health good.
Goona ...	1·7	Health and crops good; wheat 24 seers per rupee.
Bhopal ...	.....	No report received.
Agar ...	1·89	Seventy-six cases of cholera at Agar, of which 42 proved fatal; agricultural prospects good.
Sehore ...	2·70	Crops and public health good.
Nowgong ...	2·92	<i>Khari</i> prospects good; cholera prevalent in parts; prices steady.
Bhopawar ...	·90	Weather seasonable.
<b>Rajputana—</b>		
Abu (Aug. 1st)	·51; rain slight	Weather cloudy and windy.
Sirohi (July 29th)	No rain	Tanks and wells full; health and crop prospects good; weather seasonable.
Marwar ( „ 27th)	No rain	Rain much needed; tanks all empty; water obtained from wells with difficulty; health good, crop prospects much improved by last rain; winds sharp; prices stationary.
Meywar ( „ 29th)	No rain	More rain wanted; tanks, wells, and crop prospects good; health very good.
Harowti ( „ 28th)	Deoli, ·25; Tonk, ·16; Shahpura, ·12; Kotah, ·49.	Cholera continues, but confined to city, 18 deaths during week; crops progressing favourably; weather close; 14 cases, 1 fatal from choleraic diarrhoea in Shahpura, elsewhere health good.
Jhallawar ( „ 27th)	Rainfall partial; Patan, 2·89; Chaoni, ·89.	Health good; prospects fair.
Ajmere ( „ 31st)	No rain	Bright clear weather; high winds; health fairly good.
Jeypore ( „ „ )	·12	Sowings completed; cholera abating; prices falling.
Bhurlpore ...	.....	No report received.
Ulwur (July 31st)	Average 1·06	Cholera decreasing.
<b>Nepal—(July 27th)</b>		
Katmandu ...	4·49	Agricultural prospects good; weather seasonable.







# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 4, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

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E. J. DEAN,

*Publisher, Gazette of India.*

### BANK OF BENGAL.

#### NOTICES.

*Calcutta, the 1st August 1883.*

The Directors have made the following change in the Bank's Establishment:—

Mr. W. D. McKewan has been appointed to act as Agent at Delhi, *vice* Mr. J. W. Russell, has been granted three months' leave.

*The 2nd August 1883.*

Mr. R. L. Biss, Cashier, has been authorized to sign for the Bank until further orders.

By Order of the Directors,

R. HARDIE,  
*Secretary & Treasurer.*

### SURVEY OF INDIA.

#### NOTIFICATIONS.

*Simla, the 24th July 1883.*

No. 368.—Mr. R. Todd, Surveyor, 4th Grade, is reduced to the bottom of the list of Assistant Surveyors, 1st Grade, with effect from the 21st July 1883.

*The 26th July 1883.*

No. 369.—Mr. E. C. Ryall, Assistant Superintendent, 1st Grade, Survey of India, is granted privilege leave for one month under Section 136, Chapter X, of the Civil Leave Code, with effect from the forenoon of the 15th June 1883.

G. C. DEPRÉE, Colonel,  
*Offg. Surveyor General of India.*

### SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

#### NOTIFICATION.

*Mussooree, the 26th July 1883.*

No. 4.—Privilege leave, under Section 136, Chapter X, of the Civil Leave Code, is granted to the undermentioned Assistant Surveyors:—

Mr. P. F. Prunty, Assistant Surveyor, 2nd Grade, for one month, with effect from 10th

July 1883, or from such date as his services can be spared.

Mr. R. W. Senior, Assistant Surveyor, 3rd Grade, for two months, with effect from 25th July 1883, or from such date as his services can be spared.

J. B. N. HENNESSEY,  
*Offg. Depy. Surveyor General,  
in charge Trigonometrical Surveys.*

AGENT, GOVERNOR GENERAL, FOR  
CENTRAL INDIA, P. W. D.  
Establishment.

#### NOTIFICATIONS.

*Indore, the 27th July 1883.*

No. 2 R.—Mr. E. I. Shadbolt, Executive Engineer, temporary, 4th Grade, Nerbudda Division, Bhopal State Railway, has been granted furlough for two years with effect from 26th July 1883, or from such date as he may avail himself thereof.

*The 30th July 1883.*

No. 7.—Mr. H. E. Grant, Assistant Engineer, 3rd Grade, passed the examination prescribed in the Public Works Department Code, Chapter II, paragraph 17, on the 7th instant.

By Order,

H. F. WHITE, M.I., C.E.,  
*Offg. Secy. to Agent, Govr. Genl.,  
for Central India, P. W. D.*

AGENT, GOVERNOR GENERAL, FOR  
RAJPUTANA.

#### NOTIFICATIONS.

*Mount Abu, the 25th July 1883.*

No. 2551 G.—Captain W. Loch, Assistant to the Resident, Western Rajputana States, and Boundary Settlement Officer in Marwar, availed himself on the afternoon of the 14th July 1883 of the three months' privilege leave granted him in this Office Notification No. 1521 G., dated 17th May 1883.

*The 26th July 1883.*

No. 2561 G.—Major P. W. Smith, Officiating 2nd-in-Command, Eriupura Irregular Force, returned to duty on the 19th July 1883, from the privilege leave granted him in this Office Notification No. 1001 G., dated 9th April 1883.

*The 30th July 1883.*

No. 2607 G.—Lieutenant W. H. Cornish, Officiating Adjutant, Meywar Bhil Corps, returned to duty, on the 23rd July 1883, from the privilege leave granted him in this Office Notification No. 1765 G., dated 4th June 1883.

By Order,

E. A. FRASER,  
*1st Asst. Agent to the Govr. Genl.*

### CHIEF COMMISSIONER OF AJMER-MERWARA.

#### NOTIFICATION.

*Mount Abu, the 26th July 1883.*

No. 594.—Mr. E. J. Kitts and Mr. R. Bignell, respectively made over and received charge of the office of District Superintendent of Police, Ajmer, on the afternoon of the 7th of July 1883.

The unexpired portion (two days) of the privilege leave granted to Mr. Bignell in Notification No. 468, dated 18th June 1883, is hereby cancelled.

By Order,

E. A. FRASER,  
*1st Asst. to the Chief Commr.*

### MILITARY WORKS DEPARTMENT.

#### NOTIFICATION.

*Sirhind & Lahore Command.*

*Lahore, the 25th July 1883.*

No. 133.—Lieutenant H. Finnis, R.E., Temporary Executive Engineer, transferred to the Sirhind-Lahore Command, Military Works, reported his arrival at Ferozepore, on the 20th July 1883.

T. C. MANDERSON, Major, R.E.,  
*Supdg. Engr., Sirhind & Lahore Command,  
Military Works.*

### DIRECTOR GENERAL OF RAILWAYS.

#### NOTIFICATION.—ESTABLISHMENT.

*Simla, the 24th July 1883.*

No. 35.—The sixteen months and twenty days' furlough granted to Mr. W. H. P. Sherman, Executive Engineer, 2nd Grade, under Director General's Notification No. 30, dated 6th April 1882, has been extended, on medical certificate, by three months, by Her Majesty's Secretary of State for India.

H. F. HANCOCK, Col., R.E.,  
*Offg. Director General of Railways.*

*Report of a Deserter from the 2nd Battalion, Derbyshire Regiment of Foot, dated at Lucknow, this 29th day of July 1883.*

Number, Rank, and Name,—	Date of Enlistment,—
No. 256—83, Private Percival St. George Freeland.	4th January 1883.
Age,—18 years 6 months.	Place of Enlistment,—
Size,—5 feet 9 inches.	Lucknow.
Colour of—	Parish where Born,—Roor-kee.
Complexion, dark and pock-marked; Hair, black; Eyes, dark grey.	County,—Roorkee, East Indies.
Peculiar Marks by which his Identity may be ascertained,—Mole to the left nipple, little finger of right hand, has end joint bent from old injury.	Former Trade or Occupation,—None.
Date of Desertion,—26th July 1883.	Dress at the time of Desertion,—
From whence Deserted,—Lucknow.	Coat or Jacket,—
	Waistcoat,—
	Breeches or Trowsers,—
	REMARKS, stating any particular circumstances attending his Desertion,—

J. N. CREALOCK, Colonel,  
*Comd. 2nd Bn. Derbyshire Regt.*

*Soc'y. & Treasurer.*

*STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st July 1883.*

PARTICULARS.	3½ PER CENT. TRANS. LOAN OF 1863-64.	4 PER CENT. LOANS						4½ PER CENT. LOANS				TRANSFER LOAN OF 1879, SEVEN PER CENT. OF PORTION.	5 PER CENT. DEBT-TURE LOAN OF 1867-68.	6 PER CENT. LOAN OF 1866-67.	GRAND TOTAL.		
		Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-56.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1870.	Of 1873.					TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.
Balance of 16th July 1883 . . . . .	54,100	13,02,720	29,73,300	2,43,69,900	1,02,59,100	2,55,09,837	2,71,09,800	...	9,13,24,457	45,67,600	1,00,96,700	10,02,39,400	11,58,03,700	1,26,500	2,000	60,200	20,78,70,857
Stock transferred to London . . . . .	...	...	...	...	...	21,200	...	...	21,200	...	...	...	...	...	...	...	21,200
<b>Add—</b>																	
Amount enfaced at Madras between 16th and 31st July 1883 . . . . .	...	...	...	3,000	...	...	...	...	3,000	...	...	...	...	...	...	...	3,000
Amount enfaced at Bombay between 16th and 31st July 1883 . . . . .	...	...	...	32,000	...	12,000	...	...	44,000	...	...	5,000	5,000	...	...	...	49,000
Amount enfaced at Calcutta between 16th and 31st July 1883 . . . . .	...	...	...	1,28,000	11,500	47,000	22,000	...	2,08,500	...	2,000	32,000	34,000	...	...	...	2,42,500
<b>Deduct—</b>																	
Amount written off in the London Registers . . . . .	54,100	13,02,720	29,73,300	2,45,32,900	1,02,70,600	2,58,90,037	2,71,31,600	...	9,21,01,157	48,67,900	1,06,98,700	10,02,78,400	11,58,42,700	1,26,500	2,000	60,200	20,81,66,657
	...	...	...	35,000	2,200	2,40,500	1,10,500	...	3,83,500	40,000	100	3,07,000	3,47,100	...	...	...	7,35,600
Balance on 31st July 1883 . . . . .	54,100	13,02,720	29,73,300	2,44,97,900	1,02,65,400	2,56,49,537	2,70,30,800	...	9,17,12,657	48,27,600	1,06,98,600	9,98,69,400	11,54,95,600	1,26,500	2,000	60,200	20,74,51,057

Norm.—From 9th June 1867 to 31st May 1883, enfaced from India 4,731 lakhs; re-transferred from London, 4,008 lakhs.

" 1st June 1867 to 15th June "	" "	" "	3 "	" "	20 "
" 16th " " to 30th "	" "	" "	8 "	" "	28 "
" 1st July " to 15th July "	" "	" "	4 "	" "	20 "
" 16th " " to 31st "	" "	" "	3 "	" "	7 "
			4,799 lakhs.		4,079 lakhs.
			4,079 "		
			770 lakhs.		
			Balance against India		

PUBLIC DEBT OFFICE,  
BANK OF BENGAL;  
Calcutta, the 2nd August 1883.

R. HARDIE,  
Secretary and Treasurer.

**Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.**

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1883	R	R	R	R	R	R
July 23	2,015	...	2,18,301	2,237	33,79,331	20,77,215
" 21	...	...	...	2,237	33,79,331	20,77,215
" 25	...	...	230	2,015	33,79,576	20,77,457
" 26	...	...	...	2,015	33,79,576	20,77,457
" 27	...	...	...	2,015	33,79,576	20,77,457
" 28	...	...	1,897	48	33,81,513	20,79,391

CALCUTTA MINT,  
The 30th July 1883.

J. F. TENNANT, Major-Genl., R.E.,  
Mint Master.

**CURRENCY NOTES.**

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

**Calcutta Circle.**

NOTES WHOLLY LOST OR DESTROYED.				
Regd. No.	No. of Notes.	Value.	Name of Claimant.	
		R		
111	O 96—99590	100	Babu Ram Das Chandra.	
113	—93594	50	Babu Srish Chandra Vidya-ratna.	
114	P 11—67752	500	} Inspector O. C. Banerjee, Section G, Burro Bazar Thannah, Calcutta.	
	P 43—80743	100		
	P 39—01197	50		
	„ —01514	50		
115	P 9—91466	50	Abdul Jalil.	
117	P 9 —74215	50	Babu Parbutty Churn Coommar.	
120	P 11—63911	500	Etwari Ram.	

CALCUTTA,  
The 3rd August 1883.

J. TAYLOR,  
Asst. Comptlr. Genl., in charge, Paper Currency.

**Madras Circle.**

NOTES WHOLLY LOST OR DESTROYED.				
Regr. No.	No. of Notes.	Value.	Name of Claimant.	
		R		
16	B 61—67095	50	V. Seenevassa Pillay, Madras.	
	B 65—78414	50		
	" —89164	50		
	" —89813	50		
	" —90362	50		
	" —90560	50		
	" —93400	50		
	" —96661	50		
	" —96664	50		
	" —97538	50		
	B 71—51219	100		
	" —80076	100		
	B 73—10656	100		
	" —64536	100		
	" —74103	100		
	" —87660	100		
17	B 65—98321	50		

FORT SAINT GEORGE,  
The 23rd July 1883.

G. W. CLINE, LL.D.,  
Assistant Accountant General,  
in charge of Paper Currency Dept.,  
for Commissioner.

**TREASURE TROVE.**

It is hereby notified, under Section 5 of the Indian Treasure Trove Act VI of 1878, that about the 25th November 1882, the undermentioned articles, valued at about Rs 39-6, were found in the puttah land of one Ganudappan, a ryot of Pachinampolayam, hamlet of Mulathorai Mehtoopolliem Division, Coimbatore Taluq, Coimbatore District.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector, at his office, on Monday, the 10th December 1883, at 10 A.M., in order that the matter may be enquired into and determined in accordance with the provisions of the Act :—

	R	a.	p.
70 Gold Veerarayan fanams .	21	14	0
1 Gold ear ornament for females .	3	8	0
2 Gold ear ornaments for females .	7	0	0
1 Gold flat tali .	7	0	0
	39	6	0

G. D. LEMAN,  
Collector.

COIMBATORE COLLECTOR'S OFFICE,  
The 18th July 1883.

**POST OFFICE.**

**NOTIFICATIONS.**

Simla, the 27th July 1883.

The rate of commission for Money Orders drawn upon Canada has been reduced from 2 per cent. to 1 per cent. as shown below, viz. :—

	£	s.	d.
On sums not exceeding	£2	0	0
" exceeding	£2	but not exceeding	£5
" "	£5	"	£7
" "	£7	"	£10

L. G. WAIT,

Asst. Director General of the Post Office of India,  
Foreign Post Branch.

Unclaimed Letters held in the Calcutta General Post Office on 2nd August 1883.

Allison, B. E.	Dufresne, M. Pedro.	Showell, G. W.
Balytrent, G.	Fenn, Capt E. H.	Therpe, R.
Benton, H. D.	Fardell, G. W.	Trotter, Hon'ble J. F.
Burrows, H. B.	Harvey & Co.	Turner, Davies & Co.
Campbell, S.	Hunt, F. V.	Wells, W.
Delver, Henry.	Hutchins, D. E.	

**Letters marked "Care of Post Office."**

Agist, John.	Franklin, Mrs. S.	Perrins, C. H.
A. Q. R.	Field, Miss Fanny.	Phillips, C.
B. B.	Gelseid, Lean.	Pine, Arol.
Binnie, George.	Gow, J. F.	Rains, —
Bradshaw, D. E.	Grove, H. F.	Ross, J.
Buckle, Henry.	Hallewell, J. A.	Ryan, J. H.
Burlington, Charles.	Haly, J. J.	Saidman, H.
Burton, Mrs. M.	Hay, Arthur.	Salvator, Madame
C. P.	Harris, Lord.	Anelie.
Camar, Madame A.	Heller, Miss.	Sanford, E. C. Aysh-
" Chaperone."	Hillary, W.	ford.
Cass, T. B.	Horridge, Charles	Schulze, William.
Chase, J.	Hunter, H. C. D.	Simpson, A. B. A.
Cotton, F.	Ingels, H. V.	Specht, Otto.
Cray, Martin O.	Jones, H.	Stewart, C. S.
Crispini, C. Umberta.	Jones, John.	Tancovici, Mendel.
Crowther, John.	Kavanagh, P.	Thompson, Mrs.
Dalyell, Mrs. R. F.	L. S.	Tucker, Mrs.
David, Jacob.	Labonato, T.	Vaughan, Percy.
D'Cruz, Mrs. Bella.	Laugley, Manly G.	White, Mrs. S.
Donovan, John.	Matteo, Raffalle.	Williamson, W. F.
Dyett, B. H. R.	McClure, A.	Wilkes, H.
Ertel, Frau. Merrie.	Moore, William.	Wilkinson, J. R.
" Felis."	Mosse, W. Forbes.	Windemar, Mrs.
Francis, G.	Nordt, Miss Minnie.	

**Registered Letters.**

Angelo, Col. R. F.	Moyle, W.	Nardini, Sig. Raffael.
Carpenter, A. E.	Savi, F. T.	Webber, Madame Mar-
Munch, M.	Stevenson, R. H.	tha.
Menzies, Charles.		

	R	a.
52. <i>Susruta Samhita</i> , (Eng.) fasci. I . . . . .	1	0
53. <i>Taittiriya Aranyaka</i> , (Sans.) fasci. I—XI, at annas 10 each . . . . .	6	14
54. <i>Taittiriya Bráhmaṇa</i> , (Sans.) fasci. I—XXIV, at annas 10 each . . . . .	15	0
55. <i>Taittiriya Samhitá</i> , (Sans.) fasci. I—XXXII, at annas 10 each . . . . .	20	0
56. <i>Taittiriya Prátisákhyá</i> , (Sans.) fasci. I—III, at annas 10 each . . . . .	1	14
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E. N. BAKER,

Offg. Under-Secy. to the Govt. of Bengal.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, AUGUST 4, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Lost or Destroyed.

The lower half of the Government Promissory Note No. 094817, of the 4 per cent. of 1865, for Rs. 500, originally standing in the name of the Officer in charge of the Treasury, Indore, and last endorsed to Resident, Gwalior, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate in favor of the proprietor.

#### Stolen.

The Government Promissory Note, No. 017039, of the 4 per cent. loan of 1835-36, for Rs. 500. Payment of the above Note and interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicate.

For the Oriental Bank Corporation, Calcutta,

H. P. CAMPBELL.





SUPPLEMENT TO  
**The Gazette of India.**

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N<sup>o</sup> 31.} CALCUTTA, SATURDAY, AUGUST 4, 1883.

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OFFICIAL PAPERS.

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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## MANAGEMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF MAY 1883 AND 2nd HALF OF JUNE 1883 PUBLISHED IN PAGES 1176, 1177, 1330, 1361, 1364, 1265, 1366, 13-7, 1308 AND 1369 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 9th JUNE AND 28th JULY 1883.

[illegible]





GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1883-84.

Areas leased for Irrigation up to the end of May 1883.

Circle.	District.	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilized.	DETAILS OF AREAS LEASED.										RAINFALL, 1882-83.	REMARKS.		
						Approximate area of land under irrigation during month.	Approximate area of land under irrigation last year at same time.	Five years. All crops.	Five years. Khurreef.	ANNUAL LEASES.					GRAND TOTAL.			During end of month.	Up to end of month.
										Khurreef.	Rubbee.	Sugar-cane.	Bhadol.	Hot weather.					
Orissa.	Cuttack.	Kendrapara	1,269	...	...	...	...	...	48	...	...	...	...	20	68	508	...	...	
		Gobri	372 82	...	...	...	...	...	...	...	...	...	...	...	...	6	...	...	
		Parmanoodde	1,042	...	...	...	...	...	...	67	...	...	...	...	...	68	...	...	
		Talardua, 1st Reach	675	...	...	...	...	...	...	...	...	...	...	...	...	23	...	...	
		Ditto, 2nd do.	1,340	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Balsore.	Maehzung	650	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		High Level, Section II	727-16	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Ditto	72-16	...	...	...	...	...	...	...	...	...	...	...	...	129	...	...	
		Total	...	...	...	...	...	...	...	140	...	...	...	...	25	284	734	...	
		Total of the corresponding period of last year.	...	...	...	...	...	...	...	111	...	...	...	...	...	119	123,942	...	
South-Western.	Midnapore.	...	1,411	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
		Howrah	...	522	37	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total	...	...	10	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Sone.	Shahabad.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Grand Total.	Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Total of the corresponding period of last year.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

The 10th July 1883.

C. W. ODLING,  
Under-Secy. to the Govt. of Bengal,  
P. W. Department.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

COMPARATIVE RETURN OF TRAFFIC CARRIED ON THE UPPER AND LOWER GANGES CANALS FOR THE HALF-YEARS ENDING 30th SEPTEMBER 1882 AND 1881.

1	DEMANDS.		CORRESPONDING PERIOD OF PREVIOUS YEAR.		CURRENT HALF-YEAR.		CORRESPONDING PERIOD OF PREVIOUS YEAR.		TONNAGE.		TON MILEAGE.		VALUE OF GOODS.		NUMBER OF PASSENGERS.	
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Tollage.	Private boats	Government boats	Rafts	Balance from previous half-year.	For current half-year.	Collections during current half-year.	Balance uncollected.	Demands.	Collections.	Nature of cargo.	Up.	Down.	Total.	Up.	Down.	Total.
1	781	6,400	7,095	87	6,892	6,859	87	6,892	6,859	Grain	35,286	78,308	113,594	24,534	29,053	53,591
	..	588	588	..	415	415	..	415	415	Cotton	249	9,665	9,914	10	4,245	4,255
	..	..	..	..	1,932	1,932	..	1,932	1,932	Oil-seeds	17,308	53,454	70,762	314	28,642	28,956
	..	2,261	2,261	..	..	..	..	..	..	Salt	2,627	88,314	90,941	1,729	75,117	76,846
	..	..	..	..	..	..	..	..	..	Metals	11,947	5,353	17,300	21,631	3,108	24,734
	..	..	..	..	..	..	..	..	..	Miscellaneous goods	47,687	29,449	77,136	49,451	59,483	108,934
	..	..	..	..	..	..	..	..	..	Building materials.	151,407	113,620	265,027	130,725	169,810	300,535
	..	284	234	..	557	557	..	557	557	Firewood	28,147	86,654	114,801	9,900	62,182	72,082
	..	134	134	..	48	48	..	48	48	Bamboos	248,520	248,571	974	141,170	142,144	142,144
	..	193	193	..	185	185	..	185	185	Timber	2,447	94,909	97,356	3,665	100,232	103,897
	..	..	..	..	..	..	..	..	..	Miscellaneous timber.	1,095	2,558	3,653	2,991	782	3,776
	781	9,810	10,505	87	10,029	9,996	87	10,029	9,996	TOTAL	208,251	810,804	1,019,055	245,931	678,819	919,750
	Upper Ganges Canal.	404	6,146	6,505	45	6,208	45	6,208	6,191							
	Lower ditto	377	3,664	4,000	42	3,821	42	3,821	3,805							
	TOTAL	781	9,810	10,505	87	10,029	87	10,029	9,996							

W. P. V. HÖRST,  
Offg. Asst. Secy. to Govt., N. W. P. and Oudh, P. W. D., I. B.









# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 32. } SIMLA, SATURDAY, AUGUST 11, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers; Postal, Telegraphy and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

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*Nothing for publication.*

SUPPLEMENT No. 32.

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—SANITARY.

*Simla, the 8th August 1883.*

**No. 240.**—The services of Deputy Surgeon-General A. J. Payne, M.B., are replaced at the disposal of the Government of Bengal, with effect from the afternoon of the 30th July 1883.

##### POLICE.

*The 9th August 1883.*

**No. 225.**—The services of Mr. L. St. John Brodrick, Officiating Assistant Superintendent of Police, Sarun, are placed at the disposal of the Chief Commissioner of Assam.

##### EDUCATION.

*The 7th August 1883.*

**No. 267.**—Mr. A. W. Croft, M.A., Director of Public Instruction, Bengal, on special duty with the Education Commission, is granted privilege leave for three months, with effect from the 17th instant, or such subsequent date as he may avail himself of it.

*The 10th August 1883.*

**No. 271.**—The affiliation of the Prince of Wales' College, Moratuwa, Colombo, to the University of Calcutta up to the F. A. Standard, authorised in the Home Department Notification No. 38, dated the 2nd February 1883, will take effect from 1st January 1882 instead of from 1st January 1883.

**No. 276.**—Under Section 12 of Act II of 1857, the Governor General in Council is pleased to authorise the affiliation of St. Thomas' College, Murree, to the University of Calcutta up to the First Arts Standard, with effect from the 1st January 1882.

A. MACKENZIE,  
*Secy. to the Govt. of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—POLITICAL.

*Simla, the 6th August, 1883.*

**No. 1946 G.**—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Alberto Pogliani as Acting Vice-Consul for Italy, at Aden, during the absence of Mr. Victor Bienenfeld.

*The 7th August, 1883.*

**No. 1961 G.**—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Johann Frame as Consul for Germany, at Bassein.

##### GENERAL.

*The 8th August, 1883.*

**No. 1980 G.**—Captain W. H. C. Wyllie, C.I.E., Political Agent of the 3rd Class, and 2nd Assistant to the Resident at Hyderabad, is granted privilege leave for two months and 25 days, with effect from the 12th August, 1883, or any subsequent date on which he may avail himself of the same.

## PART I.—General Acts—continued.

1.	2.	3.	4.
Number and year.	Title or short title.	Extent of application.	Modifications.
I of 1868— <i>contd.</i>	The General Clauses Act, 1868— <i>contd.</i>	.....	In section 2, <i>for</i> clause (10) <i>read</i> "Local Government shall mean the person or persons authorised to administer Executive Government in the Civil and Military Station of Bangalore, and shall include the Resident in Mysore;" and <i>for</i> clause (11) <i>read</i> "High Court shall mean the highest Civil Court of appeal in the Civil and Military Station of Bangalore."
VII of 1870 ...	The Court-fees Act, 1870	The whole Act. ...	In section 15, <i>for</i> "plaint or memorandum of appeal" <i>read</i> "application;" and, in Schedule I, read Number two as if "or memorandum of appeal" were omitted.
X of 1870 ...	The Land Acquisition Act, 1870.	Ditto.	.....
XXIII of 1870	The Indian Coinage Act, 1870.	Ditto	.....
XXVII of 1870	Indian Penal Code Amendment.	Ditto	.....
I of 1871 ...	The Cattle-trespass Act, 1871.	Ditto	.....
XXIII of 1871	The Pensions Act, 1871 ...	The preamble and sections 1, 3, 4, 5 (except the words "subject to the general control of the Local Government"), 6, 7 [clause (1)], 8 to 13 (both inclusive) and 14 (except the words "with the consent of the Local Government").	<i>For</i> "Local Government," "Chief Revenue Authority" and "Chief Controlling Revenue Authority," <i>read</i> "Resident in Mysore."
XXVI of 1871	The Land Improvement Act, 1871.	The preamble and sections 1 (paragraph 1) and 3 to 18 (both inclusive).	<i>For</i> "Local Government" <i>read</i> "Resident in Mysore."
I of 1872 ...	The Indian Evidence Act, 1872.	The whole Act	.....
IX of 1872 ...	The Indian Contract Act, 1872.	Ditto ...	<i>For</i> the explanation to section 265 <i>read</i> "The Court in this section shall be taken to mean a Court not inferior to the Court of the Civil Judge."

PART I.—*General Acts*—continued.

1.	2.	3.	4.
Number and year.	Title or short title.	Extent of application.	Modifications.
XV of 1872 ...	The Indian Christian Marriage Act, 1872.	The preamble, sections 2 to 7 (both inclusive), 9 [except the words "or (so far as regards any Native State) the Governor General in Council"], 10 to 27 (both inclusive), 37 to 42 (both inclusive), 44, 45 and 46 (except those expressions which refer to the jurisdiction of a Judge of the High Court), 48 (except the last three clauses and such expressions as refer to the jurisdiction of a Judge of the High Court), 49 to 53 (both inclusive), 57 to 83 (both inclusive), 85, 87 and 88, and Schedules I, II and V; but only so far as regards marriages between persons one of whom is a Native Christian subject of Mysore and neither of whom is a Christian British subject.	<i>For "Local Government" read "Resident in Mysore."</i>
XVIII of 1872	The Indian Evidence Act Amendment Act.	The whole Act	.....
XIX of 1872 ...	Indian Penal Code Amendment. (Definition of "Coin.")	Ditto	.....
V of 1873 ...	The Government Savings Banks Act, 1873.	Ditto	.....
X of 1873 ...	The Indian Oaths Act, 1873.	Ditto	... In section 7, <i>for "High Court" read "Chief Judge of Mysore."</i>
XXI of 1876 ...	To amend the Land Improvement Act, 1871.	Ditto	... <i>For section 1 read "This Act shall be read with and taken as part of the said Land Improvement Act, 1871."</i> In section 2, <i>for "one" read "three."</i> In section 4, <i>after "advanced under this Act" insert "or chargeable on account of interest according to the rules made hereunder."</i> In section 5, <i>for "Local Government" read "Resident in Mysore."</i>
I of 1877 ...	The Specific Relief Act, 1877.	The preamble, sections 1 to 14 (both inclusive) and the Schedule.	.....
III of 1877 ...	The Indian Registration Act, 1877.	The whole Act	.....

PART I.—*General Acts*—continued.

1.	2.	3.	4.
Number and year.	Title or short title.	Extent of application.	Modifications.
<b>XV of 1877 ...</b>	The Indian Limitation Act, 1877.	The whole Act ...	<p>For “first day of October, 1877,” read “first day of January, 1878.”</p> <p>For “High Court” read “Court of the Chief Judge of Mysore.”</p> <p>For “Court of a District Judge” read “Court of the Civil Judge.”</p> <p>For “British India” read “the Civil and Military Station of Bangalore.”</p> <p>In the Second Schedule, No. 171A (added by Act XII of 1879, section 108), for “The date of the plaintiff’s death” read “The sixtieth day from the date of the plaintiff’s death.”</p>
<b>I of 1878 ...</b>	The Opium Act, 1878 ...	The preamble and sections 1, 3 (except, in the definition of “Magistrate,” the words “in the Presidency-towns, a Presidency Magistrate, and elsewhere”), 4 to 11 (both inclusive), 12 (except, in the third paragraph, the words “Collector of the District or”), 13 to 18 (both inclusive), 19 (except the words “Collector of the District”), 20, 21, 22 (except the last paragraph), 23, 24 (except the words “Collector of the District,” “Collector” and “Collector, Deputy Collector or other”) and 25.	<p>For “the Local Government,” “any Local Government,” “the same Local Government,” “such Government” and “such Local Government,” read “the Resident in Mysore.”</p> <p>For the last two clauses of section 1 read “And it shall come into force in the Civil and Military Station of Bangalore on the 1st day of April, 1880.”</p> <p>In section 6, for “British India” read “the Civil and Military Station of Bangalore.”</p>
<b>XI of 1878 ...</b>	The Indian Arms Act, 1878	The preamble, sections 1 [except the first paragraph, clause (a), and in clause (b) the words “import, export”], 3 to 5 (both inclusive), 10 (except the <i>Explanation</i> ), 12, 13, 14 (except the words “to Her Majesty”), 15, 16 (except the words “to Her Majesty”), 17 [except, in clause (d), the words “or section 6”], 18 (except the words “or Commissioner of Police in a Presidency-town”), 19 [except clause (c)], 20 [except the reference to clause (c) of section 19], 21 to 28 (both inclusive), 29 (except the words “or, in a Presid-	<p>For “British India” read “the Civil and Military Station of Bangalore.”</p> <p>For “Local Government” read “Resident in Mysore.”</p> <p>In section 18, for “Magistrate or Commissioner” read “or Magistrate,” and for “its” read “his.”</p>

## PART I.—General Acts—continued.

1.	2.	3.	4.
Number and year.	Title or short title.	Extent of application.	Modifications.
XI of 1878— <i>contd.</i>	The Indian Arms Act, 1878— <i>contd.</i>	ency-town, of the Commissioner of Police"), 30 (except the words "or the Presidency Magistrates Act, 1877" and "or Act") and 31 to 33 (both inclusive), and Schedule I.	
I of 1879 ...	The Indian Stamp Act, 1879.	Sections 1 (except the last clause), 2 to 72 (both inclusive), Schedule I, Schedule II [except, in No. 15 (c), the words " (in the Presidencies of Fort St. George and Bombay)"] and Schedule III.	For "British India" read "the Civil and Military Station of Bangalore." For "Local Government" read "Resident in Mysore." In section 5, clause (c), for "April" read "June." For section 16 read "The Chief Controlling Revenue Authority may state any case referred to it under section 45, or otherwise coming to its notice, and refer such case, with its own opinion thereon, to the Court of the Chief Judge of Mysore or other Court exercising the functions of a High Court in the Civil and Military Station of Bangalore." In sections 47, 48 and 49, for "High Court or Chief Court" read "Court of the Chief Judge of Mysore or other such Court as aforesaid."
IV of 1879 ...	The Indian Railway Act, 1879.	The preamble, sections 1 (except the second paragraph), 2 (except the third paragraph), 3 to 49 (both inclusive), 50 (except the words "a Presidency Magistrate and") and 51 to 54 (both inclusive), and the Schedules.	.....
XII of 1879 ...	To amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877.	Sections 104 to 108 (both inclusive).	.....
XIV of 1880 ...	The Indian Census Act, 1880.	The preamble and sections 1 to 4 (both inclusive), 5 [except (1) in clause (a) the words "or naval," in both places in which they occur, and the words "or of any vessel of war" and (2) in the last paragraph but one the words "or, in the towns of Calcutta, Madras and Bombay, by such officer as the Local Government may appoint	For "British India" read "the Civil and Military Station of Bangalore." For "Local Government" read "Resident in Mysore." For section 6 read— "The Magistrate may, by an order, written, printed or lithographed, call upon all owners and occupiers of land, tenure-holders, farmers and assignees of

PART I.—*General Acts*—concluded.

1.	2.	3.	4.
Number and year.	Title or short title.	Extent of application.	Modifications.
XIV of 1880— <i>contd.</i>	The Indian Census Act, 1880— <i>contd.</i>	in this behalf” and the words “or officer”], 6 to 11 (both inclusive), 12 (except, in the last paragraph, the words “in the towns of Calcutta, Madras and Bombay” and the words “before a Presidency Magistrate, and elsewhere”) and 13 (except the words and figures “or chapter eighteen of the Presidency Magistrates Act, 1877”).	land-revenue in the Civil and Military Station of Bangalore, or their agents, to give such assistance as he needs towards the taking of a census of the persons who are at the time of taking the census on the land of such owners, occupiers, holders, farmers and assignees. “Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers and assignees, or their agents, shall be bound to obey it.”

PART II.—*Bombay Acts.*

1.	2.	3.	4.
Number and year.	Title or short title.	Extent of application.	Modifications.
I of 1865 ...	Bombay Survey and Settlement Act.	The preamble and sections 1 to 19 (both inclusive).	For “Governor in Council” read “Resident in Mysore.”
IV of 1868 ...	Act for City Surveys and amendment of Bombay Survey and Settlement Act, 1868.	The whole Act	.....

PART III.—*Bengal Act.*

1.	2.	3.	4.
Number and year.	Title or short title.	Extent of application.	Modifications.
I of 1869 ...	For the prevention of cruelty to animals.	The preamble and sections 1 to 5 (both inclusive) and 7.	In section 7, for “Calcutta” read “the Civil and Military Station of Bangalore.”

C. GRANT,

Secretary to the Government of India.

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

*Simla, the 10th August, 1883.*

**No. 2533.**—Mr. A. H. Anthony having been appointed to officiate as Assistant Accountant General, Bengal, during the absence on privilege leave of Mr. F. J. Atkinson, or until further orders, Mr. Anthony received charge of the duties of his appointment after noon on the 28th July 1883.

**No. 2543.**—In supersession of so much of the orders contained in the Notification by the Government of India, Department of Finance, No. 407, dated 25th January 1883, published at page 40 of Part I of the *Gazette of India*, dated 27th idem, as directs that all notifications and applications on the part of the subscribers to, or beneficiaries under, the Provident Branch of the

Bombay Civil Fund shall be given and made by subscribers or annuitants in India to the Accountant General, Bombay, the Governor General in Council is pleased to direct that in future all such notifications and applications shall be given and made to the Comptroller of Indian Treasuries, Calcutta, who is *ex-officio* Examiner of Fund Accounts.

2. Applications for advances under the Rules of the Fund shall continue to be made to the Accountant General, Bombay.

**No. 2597.**—Mr. H. F. Clogston, M.C.S., having returned from privilege leave, resumed charge of his duties as Accountant General, Madras, and Commissioner of Paper Currency for Madras before noon on the 3rd August 1883.

Messrs. W. Donald and H. S. Groves, B.A., resumed charge of their respective appointments as Deputy Accountant General and Assistant Accountant General, Madras, before noon on the 3rd August 1883.

The following Resolution is published for general information:—

### No. 2599.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

In the Financial Statement for 1882-83 (paragraphs 258-264) it was stated that the question of whether it would not be possible to devise some means for borrowing from *bond fide* local investors the amount required annually for Productive Public Works had for long occupied the attention of Government. Conflicting opinions, both official and non-official, had at various times been expressed as to the feasibility of adopting any such project. The Government was of opinion that the only satisfactory way of solving the question was to bring it to the test of actual experiment. Stock Notes were, therefore, issued under conditions which were set forth in the Government Resolution of March 8th, 1882. Up to the present time, the sale of these notes has not been large; the people have not as a rule become familiar with them; they complain of the difficulty which they must experience in attempting to recover the value of lost notes; there is no ready sale when a holder of stock notes wishes to dispose of them; and they can only be got rid of at a sacrifice.

2. Since the introduction of the scheme, the Governor General in Council has had under consideration, from time to time, various objections to, and suggestions regarding, stock notes (see Financial Statement for 1883-84 paragraph 231). Some of these objections and suggestions of minor importance have already been dealt with. There are still several matters which require consideration.

3. One of the chief objections to stock notes is that the holder of them can only find a purchaser at a discount when he wishes to sell. This is admittedly a great drawback to their popularity, and it becomes necessary to consider whether anything can be done to enable the holder to obtain the full value of a stock note promptly when he requires money.

4. It has been suggested that stock notes should be receivable in payment of Government demands. This suggestion cannot however be adopted as Government could not run the risk of having a large portion of the total issue of stock notes returned upon its hands at any moment, the cash balance of the public Treasury being proportionately reduced. If this course were adopted stock notes would not essentially differ from Savings Banks deposits.

5. It is possible that in time stock notes will be freely bought and sold in the interior of the country, but for the present it has been suggested that a market might be created by authorising the sale of stock notes to the public at the Presidency towns, and by making the interest payable there. Capitalists might then find it worth their while to deal in them, and in time of pressure the holder of a stock note would find a ready market for them at a trifling discount; and although it may be said that stock notes were intended for the people, and not for speculators, the course suggested would not involve in any



way their circulation among the people, but would probably have a contrary effect.

6. If a market for stock notes were created at the Presidency towns, it is possible that there might be interference with the ordinary promissory notes of Government. Stock notes, however, are at a considerable disadvantage as compared with promissory notes. The interest coupons cannot be enfaced for payment in England, the denominations of the notes are small, and the interest is payable only once a year. It is believed by some that these disadvantages are sufficient to prevent the competition of stock notes with the ordinary 4 per cent. stock of Government.

7. If, however, by authorising the sale of stock notes in Presidency towns a market should be established, in anything approaching the same sense in which there is a market for Government promissory notes, it is possible that there would be interference with the ordinary stock of Government; there are many purposes of temporary investment which would then be served by stock notes equally as well as by promissory notes and so long as Government offered to persons entrusted with the sale of stock notes a discount of one per cent., part at least of the demand for promissory notes would be removed. Any market thus established must necessarily be a market for buyers as well as for sellers; and as the selling price must always necessarily be below the Treasury price, the inevitable result would be that there would be fewer demands upon the public treasuries than if no such market were in existence. It would follow from these arguments that the creation of a market for stock notes at the Presidency towns might not be desirable in the interest of Government Loans or of the stock note scheme itself.

8. It has been also suggested that a limit might be placed on the total issue of stock notes from year to year. This suggestion is of doubtful value.

9. Another objection to stock notes is that the interest payable on a note of one Circle is not payable in another Circle; the Governor General in Council is of opinion that this objection can be easily overcome by ruling that on payment of a trifling fee the holder of a note of Circle A may obtain a note of Circle B in exchange on presenting the A Circle note at any Treasury in Circle B.

10. It has also been objected that stock notes are liable to be lost or destroyed and that their value can then be obtained only with great difficulty, and after a long time has elapsed.

To meet this objection it has been suggested that Government might undertake the custody of the notes: thus, a note might be received from A B and registered as belonging to him, a *non-transferrable* receipt being given in exchange. This procedure would, however, in all probability impose a considerable amount of additional work on Treasury officers, and, so far as the holder of the note is concerned, it would be better for him to have recourse to the ordinary Savings Bank. It could, however, be ruled that notes aggregating less than Rs. 250 should not be deposited in this way, while the existing rules which govern the case of lost or destroyed stock notes might be somewhat relaxed in the case of notes of small value.

11. Stock notes are payable to bearer, and there are many objections to a relaxation in the case of stock notes of the rules regarding the repayment of lost or destroyed currency notes. It has, however, been urged that should Government be prepared to accept a small amount of risk, the rules might be relaxed, (1) when the amount at stake is small; and (2) when satisfactory evidence is given to show that the note has been destroyed. For instance, if the amount of the claim did not exceed Rs. 250, and the District Officer and the Comptroller General were satisfied from the evidence produced that the note had been destroyed, payment might be made at once, a bond being given by the claimant with two sureties. It has also been suggested that if the note were lost under circumstances which rendered it improbable that it would ever be presented for payment, and if its amount did not exceed Rs. 100, the value of the note might be paid after the lapse of one year; if the amount of the claim exceeded Rs. 100 but did not exceed Rs. 250, the amount might be paid after the lapse of two or three years; and if the amount lay between Rs. 250 and Rs. 500 payment might be made after the lapse of three or five

years. In all other cases the ordinary procedure would be followed. Appendix A to the Resolution shows the rules now in force.

12. Government however cannot overlook the fact that there is considerable danger in relaxing the rules regarding the repayment of lost or destroyed stock notes. It has been urged that an indemnity is really worthless; that every attempt to realise it would cost ten times as much as allowing it to drop; and that there will not be in ordinary cases the least chance of recovering anything from the debtor. It is also said that the holder of a stock note who has lost it has no more moral claim against the State than the holder of a rupee who has lost it; that he is responsible for taking care of his own property and should bear his own loss; and that the only ground on which the State undertakes to make good losses in some cases is, that the holder of the lost note has borne the loss, while the State has made a gain, and can therefore afford to make up his loss, provided, of course, absolute or practical immunity can be secured. It is further argued that the people who will have to be chiefly dealt with in the matter of stock notes lost or destroyed are people to whom the holding of a small sum as a permanent investment is a matter of importance and who presumably occupy a humble position in life,—people who cannot probably write, and who in all probability cannot keep anything in the way of accounts, and who can, therefore, never be in a position to produce satisfactory evidence to prove the absolute destruction of a particular stock note during the time it has been in their possession; that it is the tax-payer's not the loser's interest which the State should consult; and that no terms on which the State can offer to make good losses will be the slightest encouragement to purchasers, unless they are such as to lay it open to easy frauds, and involve it in losses which it ought not to bear.

13. The Governor General in Council cannot but admit that a person who loses a stock note has no claim on Government; but the ultimate object of Government is not to remedy the effects of carelessness or accident by an individual holder, but to introduce such rules as, without causing loss to the State, will not prove a bar to persons who wish to invest money in stock notes. If Government can satisfy the public that they have a good chance of getting their money back in case of loss, it will have gained its object; and when it is said that the money could never be recovered from the sureties or the debtor, the great collateral advantage which Government obtains by insisting on sureties is apparently overlooked. The bond of the two sureties is the strongest possible evidence to the fact that the claim is made in good faith. What Government has to fear is fraud; and if two respectable men who know the claimant will put their names to a bond agreeing to pay in case the note said to have been lost is found, Government obtains a very good guarantee that the note has really been lost.

14. A fourth objection to stock notes is, that interest is not payable on a divided note; the Governor General in Council is of opinion that there could be no objection to pay interest on a divided note, provided that the pieces making up the whole note were produced.

15. It is also worth considering whether private individuals might not be licensed as vendors of stock notes.

16. Before arriving at any final decision on the various questions referred to in this Resolution, the Governor General in Council would be glad to be favoured with the views of the several Local Governments and Administrations.

The Governments of Madras, Bombay, and Bengal are particularly requested, before submitting their final report, to consult the local Chambers of Commerce and the principal local Banks with reference to the points discussed in this Resolution.

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 10th August, 1883.*

## APPOINTMENTS.

**No. 439.—STAFF CORPS—**

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Frederick George Pollock, South Yorkshire Regiment, Squadron Officer, 8th Bengal Cavalry,—9th August, 1880.

Lieutenant William Hunter Cornish, West Riding Regiment, Officiating Wing Officer, Meywar Bheel Corps,—22nd June, 1882.

**No. 440.—BRIGADE STAFF—**

Colonel C. J. East, half pay, to the Brigade Staff of the Army, with the rank of Brigadier-General, *vice* Brigadier-General R. J. Hughes, c.b., resigned. Dated 30th July, 1883.

**No. 441.—COMMISSARIAT DEPARTMENT—**

Lieutenant C. C. St. E. Lucas, Sub-Assistant Commissary General, 2nd class, on probation, is confirmed in his appointment, with effect from the 21st July, 1882.

**No. 442.—HYDERABAD CONTINGENT—**

*4th Cavalry.*

Surgeon C. Mallins, M.B., Medical Officer, 4th Infantry, to be Officiating Medical Officer, *vice* Brigade Surgeon G. A. Burn, M.D., proceeding on furlough.

*4th Infantry.*

Surgeon H. Greany, M.D., Indian Medical Service, Madras, to be Officiating Medical Officer, *vice* Surgeon C. Mallins, M.B.

## FURLOUGH AND LEAVE.

**No. 443.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel (Brevet Colonel) B. R. Chambers, Bengal S. C., (p. a.) for two years, under rule IX of the regulations of 1868, with effect from the 13th April, 1883. (This cancels G. G. O. No. 122 of 1883.)

Lieutenant-Colonel (Brevet Colonel) A. E. Campbell, Bengal S. C., Deputy Commissioner, 2nd grade, Officiating 1st grade, Assam, (p. a.) for one year and 121 days, under rule IX of the regulations of 1868.

Deputy Surgeon-General, local Surgeon-General Punjab, S. C. Townsend, c.b., (m. c.) for one year,—the period up to the 18th December, 1883, under G. G. O. No. 872 of 1876, and the remaining period under rules IX and XV of the regulations of 1868.

Honorary Lieutenant and Assistant Commissary E. J. Fleming, Hyderabad Contingent, (m. c.) for one year, under rule VI of the regulations of 1875, with effect from the 22nd April, 1883.

**No. 444.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Lieutenant-Colonel (Brevet Colonel) T. W. Rutherford, Bengal S. C., (m. c.) for 91 days.

Captain C. A. R. Sage, Bengal S. C., (p. a.) for three months.

Lieutenant F. P. L. White, Bengal S. C., (p. a.) for three months.

## LONDON GAZETTE.

**No. 445.**—The following extract is published for general information :—

*"London Gazette," dated the 10th July, 1883, page 3482.*

"INDIA OFFICE ;  
10th July, 1883.

The Queen has approved of the retirement of the undermentioned Officers of Her Majesty's Indian Military Forces :—

Lieutenant-Colonel and Brevet Colonel William Augustus Gillespie, of the Bombay Staff Corps. Dated 5th July, 1883.

Major Charles John Farquharson, of the Half-Pay List, Bengal Staff Corps. Dated 3rd May, 1883.

Major Thomas Price, of the Madras Staff Corps. Dated 16th April, 1883.

Major William Granville Sharp, of the Madras Staff Corps. Dated 24th May, 1883.

Major Walter Raleigh Trevelyan, of the Bombay Staff Corps. Dated 20th May, 1883.

Surgeon-Major John James Durant, of the Bengal Army. Dated 1st July, 1883.

## BREVET.

The undermentioned Officers are granted a step of honorary rank on retirement :—

*To be Major-General.*

Lieutenant-Colonel and Brevet Colonel William Augustus Gillespie, of the Bombay Staff Corps. Dated 5th July, 1883.

*To be Lieutenant-Colonels.*

Major Charles John Farquharson, of the Half-Pay List, Bengal Staff Corps. Dated 3rd May, 1883.

Major Thomas Price, of the Madras Staff Corps. Dated 16th April, 1883.

Major William Granville Sharp, of the Madras Staff Corps. Dated 24th May, 1883.

Major Walter Raleigh Trevelyan, of the Bombay Staff Corps. Dated 20th May, 1883.

*To be Surgeon-General.*

Deputy Surgeon-General Annesley Charles Castriot de Renzy, c.b., of the Bengal Army. Dated 9th December, 1882.

*To be Deputy Surgeon-General.*

Brigade Surgeon John Piethall, M.D., of the Bengal Army. Dated 1st December, 1882.

*To be Brigade Surgeons.*

Surgeon-Major George William Jameson, of the Bengal Army. Dated 1th April, 1882.

Surgeon-Major Lindsay Frederick Dickson, M.D., of the Bengal Army. Dated 27th November, 1882.

Surgeon-Major John Bilderbeck, of the Madras Army. Dated 17th May, 1883.

Lieutenant-Colonel Jackson Muspratt Williams, of the Madras Army, who was permitted to retire from the Service on 31st December, 1879, and received the honorary rank of Colonel thereon (*London Gazette*, 19th March 1880) having

since been promoted to the Brevet rank of Colonel from the 27th October, 1879, is granted the honorary rank of Major-General, with effect from the 31st December, 1879.

The retirement and promotion in honorary rank of Colonel Christopher James Godby and Lieutenant-Colonel Gerard Noel Money, c.b., of the Bengal Staff Corps, notified in the *London Gazette* of the 1st December, 1882, are antedated to 1st July, 1882."

NAMES AND DESIGNATIONS.

No. 446.—The Christian name of Lieutenant A. Montanaro, of the Bengal Staff Corps, is *Alfred*, and not *Alfredo* as stated in G. G. O. No. 422 of 1878.

PENSIONS.

No. 447.—Sub-Conductor Charles George Bradbury, Adjutant General's Office, is transferred to the Pension establishment.

PROMOTIONS.

No. 448.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

- Major George Scott Hills,—4th August, 1883.
- Major Charles James Durand,—4th August, 1883.
- Major Henry Gordon Waterfield,—4th August, 1883.

To be Major.

Captain Robert John Humphrey Wylie,—4th August, 1883.

BENGAL ARMY.

Cavalry.

To be Lieutenant-Colonel.

Major (Brevet Lieutenant-Colonel) Robert Morris,—4th August, 1883.

No. 449.—ORDNANCE DEPARTMENT—

Sub-Conductor James Hewson, on probation, is confirmed in his present grade from the 13th January, 1883.

No. 450.—NATIVE ARMY—

In G. G. O. No. 362 of 1883, promoting Subadar Khoodayar Khan and Jemadar Nubbee Bux, of the 17th Native Infantry, for "16th May, 1883," read "14th May, 1883."

No. 451.—VOLUNTEER CORPS—

East Indian Railway Volunteer Rifle Corps.

Volunteer William Anthony Morgan Partridge, to be Lieutenant, vice Lieutenant V. Pont, promoted.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 37.—The services of Mr. W. S. Downing, Staff Officer, Bombay Dockyard, are placed at the disposal of the Government of Bombay.

G. CHESNEY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 6th August, 1883.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department from the 24th July to the 6th August, 1883 :—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks
Royal Artillery ...	Lieutenant-Colonel S. Parry ...	14th July, 1883	Murreo ...	...	...
The Northumberland Fusiliers.	Major J. R. Newbolt ...	24th July, 1883	Chakrata ...	...	...
Indian Medical Service ...	Surgeon P. M. Grant ...	22nd July, 1883	Agar (Western Malwa).	...	...

Statement of Deposits on account of Estates from the 24th July to the 6th August, 1883.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
<i>British Military Service.</i>							
Ernest Dominic Serres (a)	Lieutenant ...	The West Riding Regiment.	4th Dec., 1882	Intestate	Rs. 759 15 11	...	6th October, 1883.
Horatio Nelson Clancarty Noble (b).	Do. ...	The Queen's Royal West Surrey Regiment.	6th May, 1883	No will found.	226 2 8	...	6th October, 1883.

(a) Next-of-kin—Mother.—Maria Serres.  
Brother.—Edward Serres.  
Address.—Colchester House, Penge Park, Anerly, England.  
(b) Next-of-kin—Mother.—Edith Noble, 30, Addison Road, Kensington, London, W.  
Brother.—Lieutenant Montague Mark Noble, R.A., The Fort, Quetta.  
Sister.—Edith S. Noble, 30, Addison Road, Kensington, London, W.

E. H. H. COLLEN,  
Officiating Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 4th August 1883.

No. 180.—Mr. W. P. Johnson, of the Carriage and Wagon Department of the Rajputana-Malwa Railway, is promoted from Class IV to Class III of the State Railway Revenue Establishment, with effect from the 1st of March 1883.

The 7th August 1883.

No. 181.—Mr. R. A. Way, Executive Engineer, 3rd Grade, sub. *pro tem.*, of the Railway Branch, is granted furlough for six months, in extension of the leave granted him by the Consulting Engineer

No. 183.—The following promotions are made in the Public Works Department, Railway Branch :—

Names.	From	To	Date.
Mr. G. V. Martyn	Exc. Engr., 4th Grade	Exc. Engr., 3rd Grade, sub. <i>pro tem.</i>	3rd April 1883.
Mr. C. W. Hodson	" 4th " sub. <i>pro tem.</i>	" 4th "	3rd " "
Mr. F. H. W. Morse	" 4th " temp. rank	" 4th " sub. <i>pro tem.</i>	3rd " "
Mr. F. R. Bagley	" 4th " "	" 4th " "	2nd May "
Mr. G. A. Anderson	Assistant Engineer, 1st Grade	" 4th " temp. rank	3rd April "
Mr. J. P. Hogan	" " 1st "	" 4th " "	2nd May "
Mr. G. F. Lamb	" " 1st "	" 4th " "	7th " "
Lieut. J. Burn-Murdoch, R.E.	" " 1st "	" 4th " "	19th June "
Lieut. R. C. Maxwell, R.E.	" " 1st "	" 4th " "	1st July "
Baboo Sheo Dayal	" " 1st "	" 4th " "	3rd " "
Mr. G. A. Savielle	" " 2nd "	Asst. Engr., 1st " sub. <i>pro tem.</i>	2nd May "

The 9th August 1883.

No. 184.—Captain William Pitt, R.E., is appointed to the Public Works Department as a supernumerary, with rank of Executive Engineer, 4th Grade, with effect from the 27th April 1883, and is posted to the Railway Branch.

No. 185.—The following promotions are made in the Superior Accounts Establishment :—

Names.	From	To	Nature of promotion.	With effect from
Mr. A. T. Goodfellow	Dy. Exmr., 1st Grade, sub. <i>pro tem.</i>	Dy. Exmr., 1st Grade	Permanent	11th July 1883.
Mr. R. A. English	Dy. Exmr., 2nd Grade, sub. <i>pro tem.</i>	" " 2nd "	"	"
Mr. W. B. Gray	Dy. Exmr., 2nd Grade ( <i>supernumerary</i> ).	" " 1st " ( <i>supernumerary</i> ).	Sub. <i>pro tem.</i>	"
Mr. S. G. Wood	Dy. Exmr., 2nd Grade	Dy. Exmr., 1st Grade	"	"
Mr. W. C. Hickie	Asst. " 2nd "	Asst. " 1st "	"	"

The 10th August 1883.

No. 186.—Mr. G. Gray, Assistant Examiner, 2nd Grade, Bengal, is permitted at his own request to resign his appointment.

No. 187.—With reference to Public Works Department Notification No. 90, dated 11th April 1883, published in the *Gazette of India* of the 14th April, Lieutenant-Colonel J. M. Heywood, R.E., Superintending Engineer, Class I, temporary

for Railways, Bombay, in his Notification No. 7, dated 21st March 1882, and the extension thereof granted by Her Majesty's Secretary of State for India.

No. 182.—The undermentioned officers of the Railway Branch are granted furlough for the period noted opposite their names, in extension of the leave granted them by the Director General of Railways and the Consulting Engineer for Railways, Bombay, in their Notifications Nos. 1 and 16, dated 3rd January 1883 and 24th August 1882, respectively :—

Mr. H. B. Addis, Executive Engineer, 2nd Grade, for one year.

Mr. T. R. Wynne, Assistant Engineer, 1st Grade, for one year.

rank, will continue to officiate as Chief Engineer and Joint Secretary, and Mr. A. J. Hughes, Executive Engineer, 1st Grade, as Superintending Engineer, *vice* Lieutenant-Colonel Heywood, R.E., during the absence on deputation of Colonel S. T. Trevor, R.E., Chief Engineer and Joint Secretary to the Government of Bengal, Public Works Department, or until further orders.

W. S. TREVOR, Colonel, R.E.,  
Secy. to the Govt. of India



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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SIMLA, SATURDAY, AUGUST 11, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[ Third publication. ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th July, 1883, and is hereby promulgated for general information :—

ACT NO. XI OF 1883.

*An Act to give power to reduce port-dues in the port of Bombay.*

WHEREAS the rate of port-dues leviable under the Indian Ports Act, 1875, on vessels entering the port of Bombay cannot, consistently with the entry in the third column of the first schedule of

that Act in respect of the said port, be fixed at less than two annas per ton, and whereas, having regard to the present receipts and charges on account of that port, the rate of two annas per ton is unnecessarily high, and it is not expedient that a limit should be placed to the reduction of port-dues in the said port; It is hereby enacted as follows :—

In the Indian Ports Act, 1875, first schedule, **XII** of 1875, for the first entry in the third column in respect of the port of Bombay, the following shall be substituted :—

“ Not exceeding four annas per ton for each class of vessels as the Trustees incorporated under the Bombay Port Trust Act, 1879, may, from time to time, direct.”

D. FITZPATRICK,

*Secretary to the Government of India.*





GOVERNMENT OF INDIA.

HOME DEPARTMENT.

RULES FOR THE LEVY AND EXPENDITURE OF FEES ON MASONRY GRAVES AND MONUMENTS IN CEMETERIES AND CHURCHES THROUGHOUT INDIA.

No. 196<sup>5</sup> 212.

*Extract from the Proceedings of the Government of India in the Home Department (Ecclesiastical),—dated Simla, the 9th August 1883.*

Read again—

Home Department Resolution Nos. 1—218-63A., dated the 27th December 1882, sanctioning certain alterations in Rule II of Section II of the Rules contained in Home Department Notification, dated 12th December 1877, for the levy and expenditure of fees on masonry graves and monuments in cemeteries and churches throughout India.

Read also—

A letter from the Government of the Punjab, No. 1527, dated the 2nd ultimo, bringing to notice an alleged inconsistency in revised Rule II.

RESOLUTION.

The Governor General in Council is pleased to decide that revised Rule II of the Rules referred to in the preamble shall run as follows:—

“A further fee of one rupee per square foot shall be levied for the erection of a masonry monument in a burial ground, reduced to eight annas per square foot when the monument is of stone or marble, provided that the minimum fee payable for a monument shall be Rs. 5. No monument shall in any case be more than 3 feet in height. For a simple headstone or flat slab of stone or marble not more than 3 feet 6 inches in height and 2 feet in width a fee of Rs. 5 shall be payable. A fee of Rs. 75 shall be levied on a faculty for the erection of a monument in a church.”

*Notes.*—(1) A tablet on the wall of a cemetery shall be regarded as a monument.

(2) “Simple headstone.”—A cross of not greater height or length than 3 feet 6 inches is included in this description.

(3) In the case of a monument erected over a masonry grave, the aggregate of the fees under this Rule and Rule I will be one and a half rupees for each square foot of ground occupied.

(4) The term “stone or marble” does not include “slate.”

(5) The fee of Rs. 75 levied on a faculty, drawn in the case of non-Government churches by the present incumbents of the office of Registrar of the Diocese in Calcutta and Bombay, shall cease on a vacancy occurring in that appointment. The money is to be spent in charity as in the case of Government churches.

ORDER.—Ordered, that this Resolution be forwarded to the Government of the Punjab, with reference to the letter thence, No. 1527, dated the 2nd July 1883, and to other Local\* Governments and Administrations for information; to the Public Works and Military Departments and the Department of Finance and Commerce; to the Bishop’s Chaplain, the Venerable the Archdeacon of Calcutta, and the Senior Chaplain of the Church of Scotland.

Ordered further, that the Resolution be published in the Supplement to the *Gazette of India*.

The following is published for general information :—

**ARRANGEMENTS FOR THE TRANSPORT OF PILGRIMS FROM CAMARAN  
TO JEDDAH.**

BRITISH EMBASSY ;  
*Therapia, 27th June 1883.*

To

*His Excellency the Viceroy of India, &c., &c., &c.*

MY LORD,—With reference to my telegram of the 25th instant, I have the honour to inform Your Excellency that a contract, of which a copy is herewith enclosed, was signed on the 25th instant between the Vice-President of the Board of Health of Constantinople and the Agent of the Egyptian Khedivial Steam Boat Company, by which the latter engage to carry pilgrims from Camaran to Jeddah, after they have accomplished their term of quarantine, on payment of 25 shillings a head.

This service will commence as soon as the Camaran Lazaret is organized, and will cease 10 days before the Comban Bairam.

I have, &c.,

(Sd.) HUGH WYNDHAM,

*Her Majesty's Chargé d'Affaires.*

CONVENTION

Between the Sanitary Administration of the Ottoman Empire, represented by His Excellency Aarif Bey, Vice-President, and the Hon'ble Ternan Bey, Director of the Administration of the Mail Steamers Khedivieh, duly authorized, the following has been agreed on and stipulated with effect for the pilgrimage of 1883 :—

1. The Administration of the Khedivieh Steamers engage to transport from the Camaran island to the port of Jeddah all pilgrims who have finished their quarantine, and who have observed all the formalities and sanitary rules, with the sole exception of pilgrims carried from Camaran to Jeddah by the same boats which brought them to Camaran.

It is to be distinctly understood that a foreign boat can only carry those pilgrims from Camaran to Jeddah who have been brought to Camaran by that boat.

2. At first only one boat belonging to the Administration of the Khedivieh Steamers and capable of carrying at least one thousand pilgrims will be designed for this service.

If later on experience should show that this vessel is insufficient, a second ship belonging to the Administration will be designed for this service, so as not to delay the regular passage of those pilgrims who have finished their quarantine.

3. The service will begin as soon as the sanitary camps have been established in Camaran, of which the Administration of the Khedivieh will be informed by telegraph, and it will end 10 days before the beginning of the Bairam festival.

4. Each pilgrim will before leaving Camaran pay to the Administration 25 shillings for his passage from the Camaran bridge to Jeddah. If a pilgrim refuses to pay this sum, which has been fixed according to agreement with the Sanitary Council at Constantinople, the Administration will be entitled to refuse him a passage. Poor pilgrims, who are exempted from sanitary taxes, and who receive free rations during their stay in Camaran, will, when they show a certificate from Dr. Duca, Chief of the Sanitary Service, be recognized as such by the Administration of the Khedivieh, and they will obtain free passage on the Khedivieh steamers from Camaran to Jeddah.

5. Pilgrims who want first or second class accommodation must arrange for the cost with the Agent of the Khedivieh in Camaran.

6. The Administration of the Khedivieh Steamers has the exclusive right of carrying pilgrims from Camaran island to Jeddah. Competition will be formally prevented by the sanitary authorities in Camaran, with the exception mentioned in paragraph 1, of vessels which have been waiting for the pilgrims they have taken to Camaran.

7. The ships performing this special service and their pilgrim passengers will, unless cholera should have broken out during the passage, have free access to Jeddah and to all other Ottoman ports in the Red Sea.

In case cholera should break out during the passage between Camaran and Jeddah, ships and pilgrims will return to Camaran, and be subject to the quarantine of observation required by existing rules.

Constantinople, twenty-fifth of June, eighteen hundred and eighty-three (25th June U. S. 1883).

With the authorization of the General Direction of the Khedivieh Steamers.

The Vice-President of the Sanitary Council.

(Sd.) AARIF.

The Director at Constantinople.

(Sd.) TERNAN.

A. MACKENZIE,

*Secretary to the Government of India.*

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 7th AUGUST 1883.

**GENERAL REMARKS.**—The break in the rains noticed last week still continues; and except in Bengal, Assam and Burma, the rainfall of the week has been generally light and insufficient. In the Madras Presidency the unirrigated crops of three districts are suffering from want of rain, but elsewhere agricultural prospects are on the whole good. In the Southern Mahratta districts of the Bombay Presidency continued dry weather is beginning to wither the crops, and rain is urgently wanted: along the western coast, where the fall has hitherto been heavy, the recent light rains have been favourable, but elsewhere in the Presidency more rain is wanted. In Sind the lowness of the river is causing anxiety. Little or no rain has fallen during the week in Hyderabad, Central India and Rajputana, and serious injury to crops is anticipated, particularly in Rajputana, if the break continues.

In Burma, Bengal, and Assam there has been sufficient, and in some places heavy, rain and prospects are favourable. Dry weather prevails over the Central Provinces; the crops are still doing well, but more rain is wanted for the rice. In the eastern districts of the North-Western Provinces and Oudh there has been good rain, but elsewhere the fall has been scanty; irrigation is being resorted to in the Meerut and Agra districts; and except in Saharanpur, crop prospects are still good. Light showers have fallen in several districts of the Punjab, but rain is urgently wanted throughout that province.

Harvesting is in progress in Madras and later *kharij* sowings and transplanting of rice in Bombay. Young locusts are appearing in most of the Deccan districts, and vigorous measures are being taken to destroy them. In Hyderabad, Central India, Rajputana, the Central Provinces, and the North-Western Provinces and Oudh *kharij* sowings have been completed and the crops are being weeded. In the Punjab sowing is still going on.

In Burma ploughing is nearly finished; sowing and transplanting are in progress, and the young crops promise well. Early rice is being reaped in Assam and Bengal and transplanting of late rice is going on. In parts of Bengal transplanting operations are retarded by excessive rain, and heavy floods have damaged the crops in parts of Cuttack.

Cattle-disease of a mild type continues to be generally prevalent. Cholera appears to be abating in Northern India, but is still severe in parts of Bombay and the Central Provinces.

Prices are rising in tracts where the rainfall has been unfavourable.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Aug. 8th)</b>		
Bellary ...	·22 (average of five stations).	Standing crops—wet generally good, dry crops suffering; harvest paddy, yield average.
Kurnool ...	·42 (average of four stations).	Standing crops thriving; cattle-disease in six taluks.
Ganjam ...	1·0 (average of eleven stations).	Standing crops red gram, gingelly, and sugarcane thriving; cattle-disease slight.
Kistna ...	·4 (average of four stations).	Standing crops generally good; small-pox, fever, guinea-worm, and cattle-disease slight.
Chingleput (Madras) ...	·53 (average of ten stations).	Standing crops good where water available; harvest <i>kar</i> , paddy, &c., yield half; small-pox and cattle disease slight in three taluks.
Coimbatore ...	·39 (average of five stations).	Standing crops dry; crops suffering from insects and want of rain in parts, elsewhere good; harvest <i>cholan</i> and <i>cumban</i> in parts, yield about average; cholera in two taluks, 5 deaths; fever slight in parts.
Tanjore ...	·36 (average of eight stations).	Standing crops generally good, except dry crops in parts of two taluks not flourishing for want of sufficient rain; 10 deaths from cholera.
Madura ...	1·61 (average of four stations).	Standing crops fair in four taluks; harvest paddy and dry crops in parts; cholera slight in one village.
Malabar ...	1·63 (average of fourteen stations).	First crops progressing in all taluks; small-pox slight in all taluks; fever in four taluks; cattle-disease slight in parts; 14 deaths from cholera in two taluks.
Travancore ...	·088	Paddy in good condition and ripening; fever prevails. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(Aug. 8th)</b>		
Kurrachee ...	<i>Nil</i>	More rain expected; river at Kotri on 6th 15 feet 2 inches, against 19 feet 7½ inches on same date last year; fever in five talukas; small-pox in two villages in Sehwan and Ghorabari talukas, 6 fresh cases, 8 remaining sick; wheat, red rice, and <i>bajri</i> in Kurrachee 24, 32 and 36, in Dabu 32 and 48, in Tatta 25, 29 and 36, and in Shabbandar 18, 36 and 40 lbs. per rupee, respectively.
Hyderabad ...	.....	River greatly fallen, was 4 feet 5 inches lower on 6th than on same date last year, is causing much anxiety; high winds prevail; fever in one, cattle-disease in three, and small-pox in eight talukas; wheat 25, <i>bajri</i> 40, <i>javari</i> 50, red rice 28, and white rice 22 lbs. per rupee.
Ahmedabad ...	.....	Transplantation delayed in places for want of rain; sowings continue; wheat 26½ and <i>bajri</i> 29½ lbs. per rupee.
Baroda ...	<i>Nil</i>	Public health fair; cholera of mild type appeared in Patan and Sidhpur of Kadi division and in Baroda city, there were 3 deaths; rice and sugarcane in good condition; prices risen; <i>bajri</i> 23½ and rice 23 lbs. per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Surat	... 17	Total rainfall 38.07; sowing operations nearly completed; rain wanted; slight cholera in Surat, Olphed, and Bardoli, in all 19 cases, 10 deaths; <i>juari</i> 34½ and <i>bañli</i> 43½ lbs. per rupee.
Nasik	... Igatperi, 2.28; Peint, 1.84; slight elsewhere.	<i>Kharif</i> sowings vigorously continue; young locusts in eleven talukas; cholera in nine talukas, attacks 171, deaths 77; wheat 27, <i>bajri</i> 28, and rice 22 lbs. per rupee.
Colaba (Bombay)	... Very little rain—total of week .35.	Total rainfall to date 54.33, being 5.78 above average; abnormal temperature 1° to 2° warm; vapour in air normal; wind normal.
Poona	... Slight showers during the week.	Cholera cases 343, fatal 151; insects supposed to be wing locusts appearing; <i>bajri</i> 37 and <i>juari</i> 47 lbs. per rupee, in Poona <i>bajri</i> 32 and <i>juari</i> 41 lbs. per rupee.
Ahmednagar	... From .01 to .15 in Jamkhed, Newasa, Sanganner, and Akola; nil in the remaining talukas.	<i>Kharif</i> crops withering in Shingonda, Karjat, and Sheogaon from want of rain; cholera 673 attacks, 352 deaths; <i>bajri</i> —maximum 51 lbs. per rupee in Jamkhed, minimum 33 lbs. in Akola; <i>juari</i> —maximum 66 lbs. per rupee in Karjat, minimum 33 lbs. in Akola.
Sholapur	... 10	Total rainfall 14.12, more rain wanted; <i>juari</i> 63 and <i>bajri</i> 52 lbs. per rupee; cholera 788 attacks, fatal 304.
Dharwar	... Maximum in Megud, .83; minimum in Mundargi, Navalgund, Nargund, and Ron, .06.	Rain very badly wanted at the eastern talukas; standing crops promising, except in Ron where through absence of moisture they are withering; <i>juari</i> sowings still in progress; lands being prepared for sowing cotton in Dharwar, Hubli, Bankapur, and Kod; public health fair; <i>juari</i> 81 lbs. per rupee in Kod, elsewhere 73 to 42 lbs.; rice from 25 to 10 lbs. per rupee.
Kanara	... In Karwar, 2.61; Kumpta, 3.66; Sirsi, 2.10; Halhal, .99.	Total rainfall 163.90; rice plants, sugarcane, and garden crops healthy; small-pox in Solhapur, Sirsi, and Kumpta, 3 deaths; common rice in Karwar 12½, in district average 43½ seers per rupee.
Rajkot	... Nil	General health fair; weather cool and cloudy; rain wanted; crops thriving; cholera in some villages of Halar; <i>bajri</i> 30 and <i>juari</i> 33 lbs. per rupee.
<i>General Remarks.</i> —Slight rain in a few districts, more wanted everywhere, urgently in the Southern Mahratta Country; river very low in Sind; sowing and transplantation still in progress; locusts in Nasik, Khandesh, Poona, Colaba, and Ratnagiri; cholera in all districts of the Deccan and in Tanna, also slight in Colaba and parts of Guzerat and the Southern Mahratta Country; small-pox, fever, and cattle-disease in a few districts.		
<b>Bengal—(Aug. 8th)</b>		
Chittagong	... 8.04	Weather seasonable; prospects of crops fair; transplanting of <i>aman</i> continues; prices steady; cholera and small-pox still reported.
Dacca	... 5.95	<i>Rouachia</i> paddy being sown; <i>aus</i> paddy and jute being cut; prospects good; in Nawabganje prospects of <i>aus</i> on low lands not so favourable.
24 Pergunnahs (Calcutta)	... 2.16	Prospects of both early and <i>aman</i> crops satisfactory; transplanting of <i>aman</i> going on briskly all over the district; price of common rice stationary; general health of people good; rivers rising.
Moorshedabad	... 2.14	Transplanting operations still in progress; <i>aus</i> and other crops doing well; public health generally good.
Rajshahye	... 1.62; heavy rain at Nattore.	Crops doing well; more rain wanted for <i>aman</i> crop.
Burdwan	... 8.12; heavy rain throughout district.	Transplanting progressing; prospects fair.
Rungpore	... 7.59	Weather hot and cloudy; prospects of crops good; harvesting of <i>aus</i> and transplanting of <i>aman</i> going on; cholera still prevalent in Kaligence station.
Bhagalpur	... 8.91; weather rainy throughout district.	Prospects of autumn crops very good; transplanting of <i>aghani</i> paddy going on.
Purneah	... 3.23	Prospects of crops improved; transplanting operations proceeding; health fair; rivers rising.
Patna	... 3.46	Prospects of crops fair; transplanting of rice seedlings commenced; public health good.
Durbhunga	... 5.98	All prospects good; health fair; prices stationary.
Hazaribagh	... 4.64	Weather cloudy and rainy; transplanting of rice continues; prospects everywhere favourable; cholera still prevails in some parts of the district; general health good.
Cuttack	... .96	Weather cloudy; low land <i>sawal</i> crops submerged owing to heavy floods in Jajpore and Kindrapana; public health good; sporadic cases of cholera reported from interior.
<i>General Remarks.</i> —There has been sufficient rain in all parts of the province during the week, except in parts of Central Bengal where more rain is still needed; transplanting operations are in full progress, but are being retarded in some places by excessive rainfall; in parts of Cuttack the low land crops are said to have been submerged owing to heavy floods; prospects of all autumn crops and of sugarcane are generally reported to be very favourable; harvesting of <i>aus</i> rice and <i>jute</i> is proceeding in Central and Eastern Bengal, generally with a fair outturn; manufacture of indigo is going on in Nuddea and Sarun; fever has appeared in a few districts and cholera, though abating, is still prevalent in some places; small-pox and cattle-disease still linger in two or three districts.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>		
Benares (Aug. 7th)	6·2; Chandausi 2·3	Sufficient rain has now fallen for the transplanting of <i>aghani</i> rice; all other crops are doing well; no sickness of men or cattle; prices steady.
Allahabad ( „ 8th)	Slight rain—average in seven tahsils, 1·0.	Weather fine just now, apparently a break; a few more cholera cases, some in cantonments of a mild type; prices easy.
Gorakhpur ( „ 6th)	Good rain, especially in south.	Transplantation of rice commencing; cattle-disease in east of district.
Jhansi ...	.....	Weather continuously cloudy, but rainfall scarcely sufficient; crops in <i>mar</i> soil are prospering, those on <i>rahar</i> land want rain; sowing of <i>til</i> and <i>bagri</i> in progress; prices fluctuating; health of people and cattle good.
Agra (Aug. 7th)	No rain	Well irrigation resorted to; fever in one pargana; sporadic cholera in three parganas; prices steady.
Bareilly ...	.....	Scarcely any rain; crops satisfactory; prices remain steady; cattle-disease diminished; health of people good.
Meerut ...	No rain	Wind variable; weather often cloudy; no injury to crops as yet; irrigation freely resorted to; health good; labour obtainable, supplies sufficient; prices steady.
Kumaun ...	Heavy rain doing much good.	Crops generally good; health good; cattle-disease increasing; prices falling.
Lucknow ( „ „ )	1·1	Weather fair; good rains are reported to be very favourable for the <i>kharif</i> ; condition of the people and cattle normal; prices of food-gains steady.
Partabgarh ( „ „ )	Sadr, 2; Patti, 9	Prospects of crops good; slight small-pox in Kunda tahsil; general health good.
Sitapur ( „ „ )	No rain at Sadr; average in three tahsils, 3.	Health good; prospects good.
Fyzabad ( „ „ )	Sadr, 8; Akbarpur, 4; Bikapur, 6; Tanda 7.	<i>Kharif</i> prospects good; public health good; cattle-disease in part of tahsil Akbarpur; prices steady.
Rae Bareilly ( „ 6th)	1 average	Weather cloudy; <i>kharif</i> crops doing well; general health good; prices steady.
Cawnpore ( „ 7th)	Average in five parganas, 1·2.	Prospects good; health good; prices stationary.
Farukhabad ...	.....	Weather clear, with hot sun; health and condition of people generally good, but little fever prevails in the canal-watered tracts; more rain desirable within a week.
<b>General Remarks.</b> —There has been little rain during the week, except at Benares and Gorakhpur, but in most districts the prospects of the crops are still good; more rain however is wanted in several districts and in Saharanpur some of the crops have begun to wither; no injury has yet been caused to the crops in Meerut, where as in Agra irrigation is being resorted to; the general health is good; some cases of cholera of a mild type have occurred in Allahabad cantonments, and the disease is reported also from Agra and Saharanpur; prices are generally steady.		
<b>Punjab—(Aug. 8th)</b>		
Delhi ...	.....	Rain much wanted; health good; <i>kharif</i> sowings completed; slight rise in prices.
Hissar ...	.....	Rain much wanted; health good; prices rising.
Umballa ...	30	More rain wanted; health fair; <i>kharif</i> sowings in progress; prices of food-grains rising owing to deficient rain.
Jullundur ...	30	Health good; crops backward; prices rising.
Amritsar ...	...	Rain much wanted; health good; prices rising.
Sialkot ...	20	More rain expected; crop prospects improved; health good; fall in prices expected.
Ferozepore ...	.....	Rain wanted; health good; crops backward; prices rising.
Lahore ...	.....	Rain much wanted; crop prospects gloomy; prices high.
Rawalpindi ...	90	Fever and cattle-disease in Murree tahsil, health elsewhere good; <i>kharif</i> prospects improved; rise in prices.
Mooltan ...	.....	Health and crop prospects good; prices rising.
Dera Ismail Khan ...	40	Health good; <i>kharif</i> sowings continue; prices steady.
Peshawar ...	.....	Rain needed; health good; prices rising.
<b>General Remarks.</b> —Slight rain in a few districts, but more is much wanted throughout the province; health good, except in the Umballa district and in the Murree tahsil of the Rawalpindi district; crop prospects, especially in the south, causing anxiety; prices of food-grains rising.		
<b>Central Provinces—(Aug. 8th)</b>		
Nagpur ...	.....	Weather close; rain wanted for <i>juari</i> ; <i>tur</i> and cotton thriving; 457 cases of cholera, 194 deaths; prices firm.
Jubbulpore ...	.....	Weather cloudy, but no rain; break beneficial for weeding; crops thriving; prices stationary.
Saugor (Aug. 7th)	.....	Rain much wanted for paddy especially, which is stunted; cotton and other crops thriving; prices steady; health good.
Seoni ...	24	Break too long, has retarded rice transplanting; cholera increasing, 53 cases, 29 deaths; price of wheat stationary, of rice slightly risen.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—</b> <i>contd.</i>		
Hoshangabad ...	.....	Weather clear and hot, cloudy occasionally; prospects good; weeding continues; fever in Seoni tahsil; small-pox slight; wheat 16 and rice 9 seers per rupee.
Khandwa ...	13	More rain wanted, weather cloudy occasionally; prospects fair; 352 cases of cholera, 149 deaths; rice 16, wheat 16½, and <i>juari</i> 18½ seers per rupee.
Raipur ...	40	Weather very hot; prospects favourable, but more rain urgently needed; slight cholera in Rajnandgaon; prices steady.
Sambalpur ...	.....	No report received. <i>General Remarks.</i> —Rain much wanted for rice and in less degree for millets; prospects on the whole are favourable; prices steady; cholera continues severe in some places.
<b>British Burma—</b> (Aug. 8th)		
Akyab ...	12.99	Total rainfall up to date 119.83; 5 deaths from cholera in town, 6 in district; ploughing nearly completed; supply of seedlings for transplanting good; 4 deaths of cattle in one township, in others health of plough cattle good.
Rangoon ...	2.21	Total rainfall up to date 46.76; 1 death from small-pox, otherwise public health good; price of paddy from Rs. 85 to Rs. 93 per 100 baskets.
Bassein ...	65	Total rainfall up to date 55.93; 2 deaths from cholera in town and 5 in one township, otherwise public health good; 63 deaths of cattle in five townships; ploughing much advanced; transplanting suspended owing to small rainfall.
Prome ...	84	Total rainfall up to date 28.19; 3 deaths from cholera in two townships, otherwise public health good; 60 deaths of cattle in two townships; ploughing and sowing progressing; seedlings in good condition; more rain required in some parts of Pongde.
Amherst (Moulmein) ...	4.62	Total rainfall up to date 97.67; public health in Moulmein and district good; 201 deaths of cattle in one township; ploughing nearly completed; health of plough cattle generally good; sowing progressing; crop prospects good; nurseries healthy in Moulmein town; ploughing, sowing, and transplanting progressing; health of cattle good; nurseries good; state of supply of seedlings for transplanting fair.
Toungoo ...	6.26	Total rainfall up to date 47.88; public health good; health of plough cattle good; ploughing progressing; ploughing wages six baskets of paddy per acre; price of paddy Rs. 64 per 100 baskets.
Kyoukphyoo ...	5.35	Total rainfall up to date 98.74; extensive fever in Cheduba, otherwise public health and health of cattle good; ploughing almost finished; half district sown; price of paddy risen to Rs. 30 per 100 baskets.
Sandoway ...	10.84	Total rainfall up to date 135.37; public health good; agricultural prospects favourable; wages of sowing and transplanting Rs. 1.8 per acre in central township; seedlings for transplanting good.
Hanthawaddy ...	.....	Public health and health of cattle good, except slight foot-and-mouth disease among the cattle in Twantay; ploughing and sowing progressing; wages of ploughing from 60 to 100 baskets of paddy per man, and hire of cattle from 100 to 150 baskets per pair; price of paddy varying from Rs. 95 to Rs. 105 per 100 baskets.
Pegu ...	2.35	Total rainfall up to date 71.52; public health fair; slight cattle-disease in Hlaigoo and Pegu townships, but not fatal; floods abated; sowings quickly progressing; paddy Rs. 90 to Rs. 95 per 100 baskets; season favourable at present.
Tharrawaddy ...	6.52	Total rainfall up to date 65.44; public health good; 30 deaths of cattle in two townships; in all the other townships health of plough cattle good; ploughing and sowing progressing; supply of seedlings and general appearance of young plants good; ploughing wages from 70 to 80 baskets per man to time of harvest; price of paddy from Rs. 88 to Rs. 102 per 100 baskets.
Thongwa ...	5.49 for week ending 28th July; 2.17 for week ending 4th August.	Total rainfall up to date 46.19; 3 deaths from small-pox in three townships, otherwise public health good; 31 deaths of cattle in two townships; health of plough cattle good in all other parts of the districts; ploughing progressing; some damage done to the nurseries in Thongwa township from floods; general prospects good; price of paddy from Rs. 80 to Rs. 85 per 100 baskets.
Henzada ...	1.38	Total rainfall up to date 48.23; public health good; 4 deaths of cattle in one township; ploughing and transplanting progressing; supply of seedlings and general appearance of young plants good.
Thayetmyo ...	53½	Total rainfall up to date 20.64; public health good; ploughing continues; transplanting half done.
Shwaygyin ...	6.12	Total rainfall up to date 87.95; public health and health of cattle fair; ploughing, sowing, and transplanting progressing; price of paddy Rs. 70.
Tavoy (July 20th)	8.62	Total rainfall up to date 118.70; public health and health of cattle good; ploughing and sowing progressing; general appearance of the young plants good, except in low lands where they have suffered from inundation.
Tavoy (Aug. 4th)	2.60	Total rainfall up to date 121.30; public health and health of cattle good; ploughing and sowing completed; general appearance of the plants good, except in Shwaygyoon where rats have destroyed the plants.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—contd.</b>		
Mergui ...	8.55	Total rainfall up to date 84.29; public health and health of cattle good; ploughing and sowing progressing; 30 baskets of paddy for every pair of ploughing cattle employed. <i>General Remarks.</i> —Rainfall for the week less than corresponding week last year, and total rainfall from 1st January less than total rainfall registered up to date last year; public health good; cattle-disease reported in a mild form in most districts, but severe only in Amherst; ploughing nearly finished; sowing and transplanting progressing, and the young crops are reported healthy; prices steady, but with a slight downward tendency.
<b>Assam—(Aug. 8th)</b>		
Gauhati ...	2.73	Weather hot and sultry; public health fair; cattle-disease still prevalent in the interior; <i>aku</i> paddy being reaped; sowing of <i>sali</i> paddy commenced.
Sylhet ...	3.57	Prospects of crops favourable; public health generally good.
Cachar ...	4.0	Weather rainy; transplanting of <i>aus</i> crops finished and that of <i>sali</i> crop progressing; common rice 16 seers per rupee; 1 death from small-pox from Katigora reported; general health good.
Dibrugarh ...	4.33	Weather rainy; transplanting of <i>sali dhan</i> in progress; cattle-disease reported from North Lakhimpur; public health good.
<b>Mysore and Coorg—(Aug. 8th)</b>		
Bangalore ...	4.2	Standing crops in good condition; prospects favourable; a few cases of cholera in the town of Bangalore.
Mysore ...	6.2	Standing crops in good condition; prospects and health good.
Mercara ...	2.63	The break which has taken place in the monsoon is favourable to agricultural operations; transplanting of rice progressing; want of labour impedes work on coffee estates.
<i>General Remarks.</i> —Light rain in districts; standing crops in good condition; prospects favourable; public health generally good; no material change in prices.		
<b>Berar &amp; Hyderabad—(Aug. 8th)</b>		
Amraoti ...	.....	Crops in good condition; weeding commenced; wheat 16 and <i>juari</i> 26 seers per rupee.
Akola ...	1.3	Crops progressing favourably; prospects good.
Hyderabad ...	No rain	<i>Kharif</i> crops prospering; <i>abi</i> sowings continue; rain wanted; cholera prevails in two talukas in a mild form; no cattle-disease; prices of wheat 15, coarse rice 10½, white <i>juari</i> 23, yellow <i>juari</i> 28, and <i>tur</i> 24½ seers per current sicca rupee.
<b>Central India States—(Aug. 8th)</b>		
Indore ...	.....	Rain is now wanted; if the present break is prolonged, the later sown <i>kharif</i> crops will suffer; cholera continues in the Indore city, but there is no epidemic; prices have a downward tendency; weather cool and pleasant.
Morar (Gwalior) ...	0.7	Health good; weather cloudy.
Sutna ...	8.2	Health and prospects good.
Rutlam ...	.....	No report received.
Neemuch ...	3.0	Prices rising; high winds; crops will suffer if rain does not fall shortly; public health good.
Goona ...	.....	Health and crops good; prices stationary.
Sehore ...	Nil	Weather cloudy; crops and public health good.
Agar ...	.....	Cholera is abating at Agar; rain is now much wanted.
Nowgong ...	0.5	<i>Kharif</i> prospects favourable; public health fair; prices steady.
Manpur ...	.....	No report received.
<b>Rajputana—</b>		
Abu (Aug. 8th)	11; rain very slight	More rain wanted; clear week, with clouds and frequent and continual strong winds.
Sirohi ( „ 5th)	No rain	Tanks about half full; fair amount of water in wells; health good; crops fair; prices rising slightly owing to long break in rains; fields being watered from wells; rain much wanted.
Marwar ( „ 3rd)	No rain	Tanks all empty; water obtained from wells with difficulty; health good; weather cloudy; want of rain much felt and causes anxiety to people; crops suffering for want of rain; prices stationary.
Meywar ( „ 5th)	No rain	Tanks, wells, and health good; crop prospects fair; more rain badly wanted, weather cloudy.
Harowti ( „ 4th)	No rain	Prospects as yet favourable, but rain urgently needed; 14 deaths from cholera at Kotah during week, disease spreading to villages on south-east of town, health elsewhere good; prices rising.
Jhallawar ( „ 3rd)	.....	Rain wanted in some parts; high west winds; health good.
Ajmere ( „ 7th)	No rain	Clouds appear morning and evening; state of crops critical; cholera increasing in city.
Jeypore ( „ „ )	Nil	Weather cloudy; crops need rain; cholera still present; prices rising.
Bhurtapore ...	.....	No report received.
Ulwur (Aug. 7th)	.....	Rain urgently wanted to save crops; 19 deaths from cholera in four tahsils; cattle-disease in three tahsils; prices steady; weather cloudy.
<b>Nepal—(Aug. 3rd)</b>		
Katmandu ...	1.85; frequent showers of rain.	Agricultural prospects good; weather rather hot.



## No. 68 Met.

*Extract from the proceedings of the Government of India, Revenue and Agricultural Department,  
(Meteorology), under date Simla, 10th August 1883.*

Read the following :—

*Memorandum of the chief weather characteristics of the month of July 1883 in India.*

Except in the North-Western and at a few Central stations, the rainfall of the month shows on the whole comparatively little departure from the average.

After the disappearance of the storm noticed in the June summary, which passed from the Bay of Bengal across India, and during the first two days of the present month, still lay over the western half of the country, there occurred a general rise of the barometer, a corresponding decrease in the humidity of the atmosphere and a cessation of the rainfall over a large tract of country for two or three days. On the 5th or 6th, however, rain recommenced generally and continued for some time. In the eastern half of the North-Western Provinces, Assam, Bengal, Burma and the south of the Peninsula, it fell more or less on every day until the close of the month, but over Western and North-Western India, the fall ceased about the 19th, and from that date until the end of the month a decided break in the rains occurred, and fine weather set in.

On the plains of the Punjab there were only 11 wet days, the break in the rains, which commenced on the 19th being very decided in this province. In consequence, the amount of rain for the month, and, except in the Indus Valley, the total since the 1st June, was several inches below the average. With this cessation of rainfall the skies cleared, and the temperature rose, so that, on the Punjab plains, the mean temperature of the nine final days of the month was  $93^{\circ}$ , the average maximum temperature being  $105^{\circ}$ , and the average minimum  $81^{\circ}$ .

The weather in the western half of the North-Western Provinces was similar to that experienced in the Punjab, but in the eastern half it was wetter, the number of rainy days being 19. In the Meerut division, 5 inches less than the average amount fell during the month, while at Lucknow 8 inches, and at Allahabad  $1\frac{1}{2}$  inches more than the average was registered.

In Assam, the number of wet days was 17, the rain being distributed over nearly the whole month. Except at Dhubri, the total fall from the 1st June to the end of July about equalled that of an average season, though, during July, the amount measured was somewhat deficient at Silchar, and excessive at Sibsagar.

In Lower Bengal and parts of Behar, the rainfall was several inches above the July average; while in Purneah, Patna and Orissa it was deficient. The average number of wet days was 26, and no break in the rains of any consequence occurred within these provinces.

In the Central Provinces the number of wet days was only 18, and the fall of rain below the average of the month, except at Khandwa. Two decided breaks occurred over this region, the first after the passage of the storm in the early part of the month, the second occurring with the general break after the 26th. Estimated from the beginning of June, the total amount of rain exceeds the average by about 5 inches.

Berar had only 10 wet days, and no rain fell after the 19th, but the few falls previously experienced had been heavy, and the total amount is 10 inches above the normal average.

In Central India only 15 days were rainy, and except at Sutna the amount of rain was below the average. The break in this province occurred after the 26th.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 11, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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Postage on single copies varies according to weight.			

E. J. DEAN,

*Publisher, Gazette of India.*

### SURVEY OF INDIA—REVENUE BRANCH.

#### NOTIFICATION.

*Calcutta, the 6th August 1883.*

No. 7 R.—Mr. A. W. Smart, Assistant Surveyor, 2nd Grade, is allowed privilege leave for three months, under the provisions of Chapter X, Section 136, of the Civil Leave Code.

J. SCONCE, *Lieut.-Col.*,  
*Deputy Surveyor General,*  
*in charge Revenue Surveys*

### SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

#### NOTIFICATION.

*Simla, the 25th July 1883.*

No. 23.—Third Grade Assistant Surgeon Doyal Kishen Ghose, of the Bengal provincial establishment, is permitted to resign the service.

A. J. PAYNE, M.D.,  
*Offg. Surgeon-General with the Govt. of India.*

### CALCUTTA UNIVERSITY.

#### NOTICE.

The University Examinations in Arts of 1883-84 will be held on the undermentioned dates:—

Entrance Examination and First Examination in Arts on Monday, the 26th November, and following days.

B. A. Examination on Monday, the 31st December, and following days.

Applications from candidates for admission to the Entrance and First Arts Examinations must be lodged with the Registrar on or before the 26th October.

Applications from candidates for admission to the B. A. Examination must be lodged with the Registrar before the 30th November.

*All candidates from the same Institution must appear at one and the same place of Examination.*

By order of the Vice-Chancellor,

G. BELLETT,

Registrar.

SENATE HOUSE,  
The 26th July 1883.

### ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following subjects are appointed for the examinations of 1884 and 1885-86 :—

#### ENTRANCE EXAMINATION, 1884.

ENGLISH.	
Rowe and Webb . . .	Companion Reader.
FRENCH.	
Lamartine . . .	Christophe Colomb.
An Easy paper in Elementary Grammar and Composition.	
HISTORY.	
Hunter . . .	Brief History of the Indian People.

#### ENTRANCE EXAMINATION, 1885.

GREEK.	
Xenophon . . .	Anabasis, Books I and II.
Homer . . .	Iliad, Book I.
LATIN.	
Sallust . . .	Bellum Catilinarium.
SANSKRIT.	
Sāhitya Sar . . .	Satyaprasad Sarbadhikari.
ARABIC.†	
Selections from Alif Laila prepared for the Higher Standard Examination of Military and Civil Officers.	
PERSIAN.	
*Guldastai Danish . . .	Maulavi Muhammad Mohiuddin.

#### HEBREW.

The Book of Genesis.

#### BENGALI.

Selections by Baboo Nilmani Mukerjee.

#### URDU.

(A new course to be published, half Prose and half Poetry.)

#### PROSE.

Khirud Afroz, 30 pages, Asarus Sanadeed from the beginning of Chapter II, 30 pages, Arayish-i-Mahfel from page 79, 30 pages, from the end of the selections of Raja Sivaprasad, 10 pages (altogether 100 pages.)

#### POETRY.

Qasidai Shahr Ashobi, Sanda, the Qasida of Sanda with respect to Hafiz Rahmut Khan, Musud-dus-i-Huuli and selections from Zaoq and Ghaleb and others (altogether 100 pages.)

#### HINDI.

Rāmāyan . . .	Balkanda.
Rajniiti . . .	The first two chapters.

#### URIA.

Rāmāyan . . .	Sundrakānda.
Jibancharita . . .	Translation from Iswar Chandra Bidyasagar, by Fakir Chand Senapati.
Raghuvansa . . .	The whole.

#### ARMENIAN.

History of Armenia . . . Books I—III.

#### BURMESE.

Zeneka.	
Dhamma Pada-ga-hita . . .	Selections (Rangoon Mission Press, 1873.)

\* Published at Agra.  
† Urdu Guide Press.

#### PALI.

Pali Miscellany, by Professor Trenckner (28 pages of text.)  
Selections from the Jatakas (Professor Fausböll's edition,) the Apannajataka (36 pages of text.)

#### FIRST EXAMINATION IN ARTS, 1885.

##### ENGLISH.

Helps . . .	Essays written in the Intervals of Business and Essay on Organisation in Daily Life.
Swayne . . .	Herodotus (Ancient Classics for English Readers).
Goldsmith . . .	Extracts from the Vicar of Wakefield (English School Classics).
Stopford Brooke . . .	Primer of English Literature, VI—VIII.
Tennyson . . .	Enoch Arden, Vol. IX (Cabinet Edition).
Milton . . .	Paradise Lost, Book II.
Macaulay . . .	Lays of Ancient Rome, Horatius and the Battle of the Lake Regillus.
Cowper . . .	Simple Poems. Edited by Storr. (Rivington's English School Classics.)

##### GREEK.

Herodotus . . .	Book IV.
Euripides . . .	Hecuba.

##### LATIN.

Virgil . . .	Eclogues and Ovid, Book I.
Cicero . . .	Pro Archia and Pro Milone.
With passages of Latin authors not prescribed beforehand, to be translated into English.	

##### SANSKRIT.

Banabhatta . . .	Sri Harsha Charita, Uchchhvasa V.
Kalidasa . . .	Raghuvansa, Cantos X—XV.

##### ARABIC.

\*Selections by Mr. Kempson.

##### PERSIAN.

###### Prose.

Selections from the Roza Namah of the Shah of Persia  
Tarikh-i-Ali Hazem, Anwara Suhaili.

###### Poetry.

Musuawi of Maulavi Room.  
Mantaqut Tair, Selsilatuz Zahul and selections from ancient and modern Poets.  
(The whole course 200 pages.)

##### HEBREW.

Genesis.	
Ruth.	
Psalms, I—XLI.	

##### PALI.

Jatakas (Fausböll's edition) Vaggo I—IV, pp. 95—234.  
Dhammapada (Fausböll's edition) the first Bhanavaram pages 1—35.

#### BENGALI SUBJECTS FOR FEMALE CANDIDATES.

Sivanath Sastri . . .	Nirbasitarvilap.
Akshay Kumar Dutt . . .	Dharmanti.

##### PHYSICAL SCIENCE.

Ganot's Popular Natural Philosophy, 4th Edition . . .	Book I, omitting articles 12, 13, and 62—75; Book II, omitting articles 107—110; Book III, omitting articles 124—131.
	Book V, omitting articles 240—242; 252; 258—262; 268—271; 273—277; 279; 282—287; 293—298.
	Book VI, omitting articles 370—372; 374, 377; 378; 381—393; 396; 397.
	Book VII, omitting articles 407—409.
	Book VIII, omitting articles 502—508.

##### MENTAL AND MORAL SCIENCE.

Logic . . .	Jevons' Elementary Lessons in Logic, Chaps. I—XXI.
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## HISTORY.

Smith . . . .	Smaller History of Rome.
Fyfe . . . .	Primer of the History of Greece.

## MATHEMATICS.

Hamblin Smith . . . .	Elementary Algebra, Indian edition, omitting Chapter XXXVIII.
P. Ghosh . . . .	or Chapters corresponding to the preceding.
Wilson . . . .	Elementary Geometry (Edition 1881) Books I—V.
Wilson . . . .	Conic Sections, Chaps. I and II and the first two theorems of Chap. III.
Hamblin Smith . . . .	Trigonometry.

## B. A. EXAMINATION, 1886.

## ENGLISH.

## PASS COURSE.

Shakespeare . . . .	As you like it, Richard II. Macbeth (with Dowden's Primer).
Milton . . . .	Paradise Lost, Books X, XI, XII (with Stopford Brooke's Milton).
Tennyson . . . .	Enone, Lady Clara, The Lotos Eaters, A dream of Fair Women, Morte d'Arthur, Dora and pages 78—96, Vol. II, Cabinet Edition.
Bacon . . . .	Essays.
Landor . . . .	Nos. 7, 8, 9, 19, 21, 185—251 (Golden Treasury Series).
Colvin . . . .	Life of Landor (English Men of Letters).
Helps . . . .	Companions of my Solitude.

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

## A

Shakespeare . . . .	Sonnets.
Greeno . . . .	Friar Bacon and Friar Bungay.
Lamb . . . .	Essays of Elia.
Sir Thos. Moore . . . .	Utopia.

## Permanent Subjects.

Earle . . . .	The Philology of the English Tongue.
Shaw . . . .	Outlines of English Literature.

## B

Balfour Stewart . . . .	Conservation of Energy.
Sir J. Herschel . . . .	Natural Philosophy.
" . . . .	Familiar Lectures on Scientific Subjects.
Huxley . . . .	Critiques and Addresses.
Kingsley . . . .	Glaucus.
" . . . .	Scientific Lectures and Essays.
Tyndall . . . .	Fragments of Science.
Jevons . . . .	Principles of Science.
Darwin . . . .	Origin of Species.
" . . . .	Animals and Plants under Domestication.
" . . . .	Descent of Man.
Atabella Buckley . . . .	History of Natural Science.
Tait . . . .	Recent Advances in Physical Science.

## PASS COURSE.

## GREEK.

Sophocles . . . .	Philoctetes. Electra.
Demosthenes . . . .	De Corona.
Æschines . . . .	In Ctesphontem.

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Thucydides . . . .	Book II.
Euripides . . . .	Bacchæ.
Plato . . . .	Phædo.

## Permanent Subject.

Peile . . . .	Primer of Philology.
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## LATIN.

## PASS COURSE.

Virgil . . . .	Georgics I and II.
Cicero . . . .	Pro Cluentio.
Tacitus . . . .	Agricola.

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Juvenal . . . .	Satires, III, V, VII, VIII, X, XI.
Cicero . . . .	In Verrem.

## Permanent Subject.

Peile . . . .	Primer of Philology.
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## SANSKRIT.

## PASS COURSE.

Banabhatta . . . .	Kadambari Uttarbhaga, p. 85 in the Calcutta Edition of Samvat 1919 to the end; (beginning with the words Kadambari vihasya pratyavadit Apyunmattika kuto saya, &c.)
Bhāravi . . . .	Kiratarjuniya, Cantos I—IV.

## HONOUR COURSE.

(In addition to the subject for the Pass Course.)

Banabhatta . . . .	Kadambari Uttarbhaga (the whole.)
Bhāravi . . . .	Kiratarjuniya, Cantos XI—XIV.
Max Müller . . . .	Lectures on the Science of Language, Vol. I.

## HEBREW.

## PASS COURSE.

Samuel, I and II.
Chronicles, I and II.
Psalms, XC—CL.
Proverbs.

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Isaiah.
Ezekiel.
The History of the Hebrew Language and Literature.

## ARABIC.

## PASS COURSE.

Tarikh-i-Yamani.	
Mustubruf.	
Hamasa . . . . .	31 pages.
Mutanabi Madahai Uzzud-dowlah.	

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Muqamat Hariri . . . .	First half.
Tarikh-i-Tiwari.	
Hamasa . . . .	84 pages.
Banut . . . .	Saad.
Nafhatut Teeb . . . .	About half the Maqamat.

## PERSIAN.

## PASS COURSE.

Vekai Niamat Khan Ali . . . .	The last half.
Feroze Shahi . . . .	The first 50 pages.
Shah Namah . . . .	The first 50 pages.
Zahur Faryabi . . . .	The first 50 pages.

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Akhlaq-i-Jalali.	
Inshai Abul Fazl.	
Hafiz . . . . .	First half from page 1—125.

## PALI.

Text Books have not been appointed.

## MENTAL AND MORAL SCIENCE.

## PASS COURSE.

Mansel . . . .	Metaphysics (omitting Ontology).
Jardine . . . .	Psychology of Cognition.
Calderwood . . . .	Handbook of Moral Philosophy.
Bain . . . .	Mental and Moral Science.

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Ueberweg . . . . .	History of Philosophy, Vol. II.
Ueberweg . . . . .	System of Logic and History of Logical Doctrines.
Flint . . . . .	Theism
Butler . . . . .	Analogy of Natural and Revealed Religion, Part I.

## MATHEMATICS.

## PASS COURSE.

W. G. Willson . . . . .	Elementary Mechanics.
Besant . . . . .	Elementary Hydrostatics, Chapters I—VII.

## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Salmon . . . . .	Conic Sections (6th Edition). Chaps. I—III, V—VIII, to the end of articles 116, X—XIII.
Williamson . . . . .	Differential Calculus, Chaps. I—V, VIII, XI—XVII.
Todhunter . . . . .	Integral Calculus, Chaps. I—VII.

Or the corresponding articles in Williamson's Integral Calculus.

## HISTORY.

## PASS COURSE.

## HISTORY OF ENGLAND.

Green . . . . .	Short History of the English People.
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## HISTORY OF INDIA.

Wheeler . . . . .	Short History of India.
Elphinstone . . . . .	History of India, Books V—XI.

## HISTORIES OF GREECE AND ROME.

Smith . . . . .	Students' History of Greece.
Liddell . . . . .	Student's History of Rome.

## POLITICAL ECONOMY.

Fawcett . . . . .	Manual of Political Economy.
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## HONOUR COURSE.

(In addition to the subjects for the Pass Course.)

Capes . . . . .	The Early Empire.
Capes . . . . .	The Age of the Antonines.
Bagshot . . . . .	The English Constitution.
Mill . . . . .	Political Economy.

## PHYSICAL SCIENCE.

## PHYSICS.

## The full Course.

Deschanel . . . . .	Elementary Treatise on Natural Philosophy
Clerk Maxwell . . . . .	Matter and Motion.

## The Elements of Physics.

Miller . . . . .	Chemical Physics (Part I of the Elements of Chemistry), omitting Chap. IV, sec. 2; Chap. V, sec. 2; Chap. VI, secs. 1, 2, 4, 5, 6, 7.
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## CHEMISTRY.

## The full Course.

Miller . . . . .	Elements of Chemistry, Part II.
Armstrong . . . . .	Organic Chemistry.

## The Elements of Chemistry.

Fownes . . . . .	Inorganic Chemistry.
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## The Doctrine of Scientific Method.

Jevons . . . . .	Principles of Science.
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## PHYSIOLOGY.

Huxley and Martin . . . . .	Elementary Biology.
Kirkes . . . . .	Handbook of Physiology.
Huxley . . . . .	Comparative Anatomy of the Invertebrata.
Thomé . . . . .	Text-book of Botany, translated by Bennet (the physiological Sections).

## The Doctrine of Scientific Method.

Jevons . . . . .	Principles of Science.
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## BOTANY.

Thomé . . . . .	Text-book of Botany, translated by Bennet.
Henfrey . . . . .	Elementary Course of Botany edited by Masters.
Oliver . . . . .	First Book of Indian Botany.
Sach . . . . .	Text-book of Botany, translated by Bennet and Dyer Book I.

## The Doctrine of Scientific Method.

Jevons . . . . .	Principles of Science.
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## ZOOLOGY.

Huxley . . . . .	Comparative Anatomy of the Vertebrata.
Huxley . . . . .	Comparative Anatomy of the Invertebrata.
Nicholson . . . . .	Introductory Text-book of Zoology.
Wallace . . . . .	Geographical Distribution of Animals.
Jerdon . . . . .	Mammals and Birds of India
Theobald . . . . .	Descriptive Catalogue of the Reptiles of British India.

## The Doctrine of Scientific Method.

Jevons . . . . .	Principles of Science.
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## GEOLOGY.

Lyell . . . . .	Principles and Elements of Geology.
Geikie . . . . .	Manual of Geology (Ed. 1882).
Nicholson . . . . .	Paleontology.
Manual of the Geology of India . . . . .	Introduction and Chaps. V—X. XVI—XVIII.

## The Doctrine of Scientific Method.

Jevons . . . . .	Principles of Science.
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## MINERALOGY.

Brooke and Miller . . . . .	Mineralogy.
Scheerer and Blanford . . . . .	Introduction to the use of the Mouth Blowpipe.

## The Doctrine of Scientific Method.

Jevons . . . . .	Principles of Science.
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## PHYSICAL GEOGRAPHY.

Huxley . . . . .	Physiography.
Somerville . . . . .	Physical Geography.
Blanford . . . . .	Meteorology of India.
Scheerer and Blanford . . . . .	Introduction to the use of the Mouth Blowpipe.
Plattner . . . . .	Manual of Qualitative and Quantitative Analysis with the Blowpipe.

## The Doctrine of Scientific Method.

Jevons . . . . .	Principles of Science.
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## M. A. EXAMINATION, 1886.

## ENGLISH.

Chaucer . . . . .	Prologue; and Knights Tale.
Shakespeare . . . . .	As you like it; Richard II. Cymbeline; Henry IV, part I and II.
Villiers . . . . .	The Rehearsal.
Pope . . . . .	Selections from. Edited by Thomas Arnold (London Series of English Classics).
Byron . . . . .	Child Harold, Book IV.
Gosson . . . . .	Schools of Abuse (Arber's English Reprints).
Sir Thomas Browne . . . . .	Hydriotaphia or Urn Burial.
Carlyle . . . . .	On Heroes.
De Quincey . . . . .	The Caesars.
Bagshot . . . . .	Literary Studies, Vol. I (without the Appendix).
George Eliot . . . . .	Silas Marner.
Mill . . . . .	Essay on Liberty.

## Permanent Subjects.

Morris . . . . .	Historical English Accidence
Smith . . . . .	Student's Manual of the English Language.
Taine . . . . .	History of English Literature translated by Van Laun.
Dowden . . . . .	Shakespeare's Mind and Art.
Sweet . . . . .	Anglo-Saxon Primer.
Sayce . . . . .	Introduction to the Science of Language.

GREEK.	
Homer . . . . .	Iliad, Books I—XII.
Pindar . . . . .	The whole.
Æschylus . . . . .	Prometheus; Agamemnon; Eumenides.
Sophocles . . . . .	Cedipus Tyrannus; Ajax; Antigone.
Euripides . . . . .	Hecuba; Medea; Ion.
Aristophanes . . . . .	Knights; Clouds; Frogs and Birds.
Herodotus . . . . .	Books II and III, to the end of Chap. LXVI.
Thucydides . . . . .	Books VI, VII, VIII.
Demosthenes . . . . .	Orations against Leptines and Meidias and de Falsa Legatione.
Plato . . . . .	Republic; Theætetus.
Aristotle . . . . .	Politics.

#### Permanent Subjects.

Sayce . . . . .	Introduction to the Science of Language.
Mahaffy . . . . .	History of Classical Greek Literature.

#### LATIN.

Virgil . . . . .	Bucolics (with the exception of II); Georgics; Æneid, Books I—VI.
Horace . . . . .	Odes; Epodes; Satires I (with the exception of 2 and 8) Epistles I; De Arte Poetica.
Juvenal . . . . .	Satires (except I, VI and IX).
Persius . . . . .	Satires.
Lucretius . . . . .	Books I, V, and VI.
Catullus . . . . .	1, 2, 3, 4, 9, 12, 22, 30, 31, 46, 49, 51, 63, 64, 65, 66.
Plautus . . . . .	Aulularia, Captivi.
Terence . . . . .	Andria, Heauton Timoroumenos.
Livy . . . . .	Books XXI—XXV.
Sallust . . . . .	Bellum Catilinarium, Bellum Jugurthinum.
Cicero . . . . .	Second Philippic; de Natura Deorum.
Tacitus . . . . .	Histories.

#### Permanent Subjects.

Sayce . . . . .	Introduction to the Science of Language.
Cruttwell . . . . .	History of Roman Literature.

#### HEBREW.

Isaiah.	
Jeremiah.	
Ezekiel.	
The Minor Prophets.	
Psalms.	
Proverbs.	
Job.	
Ecclesiastes.	
Song of Solomon	
Daniel.	
Ezra.	
Nehemiah.	

#### Permanent Subjects.

Robertson Smith . . . . .	Old Testament in the Jewish Church.
Davidson . . . . .	Introduction to the Old Testament.
Ewald . . . . .	History and Antiquities of Israel.
Sayce . . . . .	Introduction to the Science of Language.

#### ARABIC.

##### Prose.

Muquddamai . . . . .	Ibu Khaldoun, 50 pages.
Muquamat . . . . .	First half.

##### Poetry.

Hamasa . . . . .	} The whole.
Mutaabbi . . . . .	
Sabai Muallaqa . . . . .	

#### PERSIAN.

##### Prose.

Wasaf . . . . .	Akbar Namah.
Durrai Nadri . . . . .	Tuzuk-i.
Timuri . . . . .	Ruqat-i-Jamee.
Hada Yaqub . . . . .	Balaghut.
Aruz-i-Saifi . . . . .	Qawafi-Jamee.

#### Poetry.

Qasaid-i-Khakani.	
Qiran-i-Saddai.	
Qasaid-i-Badarchacin.	
Hadiqui-Hakim Sansai.	
Dewan-i-Anwari.	
Quadi . . . . .	First half.

#### SANSKRIT.

Kālidāsa . . . . .	Sākuntala.
Bhavabhuti . . . . .	Mahaviracharita, Mālati Mādhava.
Vasākhadatta . . . . .	Mudrā Rakshasa.
Bānabhatta . . . . .	Kadambari, Purvabhāga.
S'ri Harsa . . . . .	Naishada Charita, I—V.
Māgha . . . . .	S'ishūpālabadha, I—V.
Vyāsa and Sankara . . . . .	Vedānta Sūtra with Sankara Bhāshya, Ilud Adhyāya, 1st and 2nd Padas.
Viśvanātha Pañchāṇṇa . . . . .	Bhashaparichhed with Siddhanta Muktaṇḍī (omitting from the latter the sections on <i>vyapti</i> , <i>pakṣatva</i> and <i>hetvābhāsha</i> .)
Mammata Bhatta . . . . .	Kavya Prakāsa.
Vachaspati Miera . . . . .	Tattva Kaumudi.
Chhandogya Upanishad with Sankara Bhāshya.	
Rig Veda Sanhita . . . . .	1st and 2nd Adhyāyas.
Panini . . . . .	Vaidika Prakaiyā, as contained in Siddhanta Kaumudi.

#### Permanent Subjects.

Monier Williams . . . . .	Indian Wisdom.
Max Müller . . . . .	History of Ancient Sanskrit Literature.
Weber . . . . .	History of Indian Literature.
Muir . . . . .	Sanskrit Texts, Vols. III, IV and V.

#### HISTORY.

(a). No text Books.	
(b). Hallam . . . . .	Middle Ages, Chap. VIII, part 3 and notes.
Hallam . . . . .	Constitutional History of England.
Erskine May . . . . .	Constitutional History of England.
(c). As a period :—	
The History of Europe during the 16th Century.	
Hume . . . . .	History of England.
Froude . . . . .	History of England.
Robertson . . . . .	Charles V.
Prescott . . . . .	Philip II.
Motley . . . . .	Rise of the Dutch Republic.
Motley . . . . .	United Netherlands.
(d). Guizot . . . . .	History of Civilisation.
Mill . . . . .	Representative Government.
Austin . . . . .	Jurisprudence, Chaps. V and VI.
Wheaton . . . . .	International Law, Parts I and II.
(e). Adam Smith . . . . .	Wealth of Nations.
Mill . . . . .	Political Economy.
Leone Levi . . . . .	History of British Commerce

#### NATURAL AND PHYSICAL SCIENCE.

##### A. CHEMISTRY.

Roscoe and Schorlemmer . . . . .	Treatise on Chemistry.
Valentin . . . . .	Inorganic Chemistry.
Valentin . . . . .	Qualitative Chemical Analysis.
Thorpe . . . . .	Quantitative Chemical Analysis.

##### B. ELECTRICITY AND MAGNETISM.

Faraday . . . . .	Experimental Researches in Electricity, Vol. I.
Clerk Maxwell . . . . .	Elementary Treatise on Electricity.
Linnæus Cumming . . . . .	Introduction to the Theory of Electricity.
H. Lloyd . . . . .	Magnetism.

##### C. HEAT AND THE ELEMENTS OF MOLECULAR PHYSICS.

Maxwell . . . . .	Theory of Heat.
Tait . . . . .	Thermodynamics, Chaps. I. and II.
Baynes . . . . .	Lessons on Thermodynamics.
Dixon . . . . .	Treatise on Heat.
Fourier . . . . .	Analytical Theory of Heat, Chaps. I. and II.



D. BOTANY.	
Asa Gray . . . . .	Structural Botany.
Sach . . . . .	Text-book of Botany translated by Bennet and Dyer.
Balfour . . . . .	Palaeontological Botany.
Lyell . . . . .	Elements of Geology (the sections on Palaeobotany.)
Roxburgh . . . . .	Flora Indica, Clarke's edition (for reference in identifying Indian plants).

E. PHYSIOLOGY AND ZOOLOGY.	
<i>(In addition to the text books for the B. A. Examination.)</i>	
Gegenbaner . . . . .	Comparative Anatomy.
Foster . . . . .	Text Book of Physiology.
Gamgee . . . . .	Physiological Chemistry of the Animal Body.
Balfour . . . . .	Comparative Embryology.
Herbert Spencer . . . . .	Principles of Biology.
Darwin . . . . .	Origin of Species.

F. GEOLOGY AND MINERALOGY.	
Lyell . . . . .	Principles and Elements of Geology.
Geikie . . . . .	Manual of Geology, 1882.
Nicholson . . . . .	Palaeontology.
Woodward . . . . .	Manual of the Mollusca.
Owen . . . . .	Palaeontology.
Ramsay . . . . .	Physical Geology and Geography of Great Britain, (5th or subsequent edition) Manual of the Geology of India, Vols. I and II.
	Memoirs and Records of the Geological Survey of India.
	Palaeontologica Indica.
Brooke and Miller . . . . .	Mineralogy.
Dana . . . . .	System of Mineralogy.

G. BELLETT,  
Registrar.

SENATE HOUSE,  
The 27th April 1883.

## TELEGRAPH DEPARTMENT.

### NOTIFICATION.

Simla, the 6th August 1883.

Offices opened and closed during the month of July 1883 :—

Name of Station.	Where situated.	Date.	REMARKS.
Dinewoonquin	Suburbs of Moulmein, British Burmah.	31st	Closed
Poozooncloung	Suburbs of Rangoon, British Burmah.	2nd	Ditto.

A. J. L. CAPPEL,  
Director General of Telegraphs in India.

## AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

### NOTIFICATIONS.

Mount Abu, the 31st July 1883.

No. 2620 G.—Lieutenant J. A. Bell, Officialing Adjutant, Deoli Irregular Force, is granted sixty-five days' privilege leave from the 17th August 1883, or such subsequent date as he may avail himself of it.

The 3rd August 1883.

No. 2655 G.—Mr. W. R. Lawrence, C.S. Assistant Agent, Governor General, Rajputana availed himself, on the afternoon of the 30th July 1883, of the privilege leave granted him in this Office Notification No. 2364 G., dated 16th July 1883.

By Order,

E. A. FRASER,  
1st Asst. Agent to the Govr. Genl.

## CHIEF COMMISSIONER OF AJMER-MERWARA.

### NOTIFICATIONS.

Mount Abu, the 6th August 1883.

No. 635.—Under Section 22, Act X of 1882, the Chief Commissioner of Ajmer-Merwara is pleased to appoint Lieutenant T. C. Pears, Assistant Commissioner, Merwara, to be a Justice of the Peace within and for the district of Ajmer-Merwara.

No. 638.—With reference to Notification No. 300, dated 15th May 1883, Mr. R. S. White, way, C.S., Settlement Officer, Ajmer, returned on the forenoon of the 21st July 1883 from the privilege leave granted him in Notification No. 266 dated 9th April last.

By Order,

E. A. FRASER,  
1st Asst. to the Chief Commr.

Report of a Deserter from the 1st Battalion, Regiment of Royal Welsh Fusiliers, dated at Dum Dum, this 8th day of August 1883.

Number, Rank, and Name,— No. 944, Private Francis Armstrong.	At what Place Enlisted,— Enniskillen.
Age, 24 years 6 months.	Parish and County in which Born,—Aughlucher. For managh, Ireland.
Size,—5 feet 9 inches.	Marks,—None.
Colour of — Complexion, fresh ; Hair, dark brown ; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—6th August 1883.	Coat or Jacket,—
Place of Desertion,—Dum-Dum.	Waistcoat,—
Date of Enlistment,—26th January 1878.	Breeches or Trowsers. } Reg. medals.
	REMARKS,— Under 6 years' service.

C. ELGEE, Colonel,  
Comdg. 1st Battn., R. W. Fusiliers.

Report of a Deserter from the 1st Battalion, Regiment of Royal Welsh Fusiliers, dated at Dum Dum, this 8th day of August 1883.

Number, Rank, and Name,— No. 2501, Private Charles Gully.	At what Place Enlisted,— Woolwich.
Age,—23 years 7 months.	Parish and County in which Born,—Guilford, Surrey England.
Size,—5 feet 6½ inches.	Marks,—Figure of man right forearm ; scar, left groin.
Colour of — Complexion, fair ; Hair, light brown ; Eyes, blue.	Trade,—Shoemaker.
Date of Desertion,—6th August 1883.	Coat or Jacket,—
Place of Desertion,—Dum-Dum.	Waistcoat,—
Date of Enlistment,—26th January 1880.	Breeches or Trowsers. } Reg. medals.
	REMARKS,— Under 4 years' service.

C. ELGEE, Colonel,  
Comdg. 1st Battn., R. W. Fusiliers.



COMPTROLLER GENERAL'S OFFICE.

TELEGRAPHIC STATEMENT OF RECEIPTS AND OUTGOINGS FROM TREASURIES  
DURING JULY 1883.

Thousands of Rupees.

	Civil Revenue.	Civil Debt and Remittance Heads.	Forest, Telegraph, and Marine.	Post Office.	Guaranteed Railways.	Military Department.	P. W. Department.	Opening Balance.	TOTAL.
Receipts.	R	R	R	R	R	R	R	R	R
India General .	9,10	2,07,49	28	4,79	4,35	35	43,25	2,95,68	5,65,29
Central Provinces .	5,45	11,78	1,15	2,00	...	11	76	84,12	1,05,67
British Burmah .	8,13	9,81	2,62	2,57	...	12	1,11	54,93	79,29
Assam .	3,72	14,80	16	1,46	...	3	3	26,88	47,08
Bengal .	1,18,27	58,70	1,57	7,42	...	5	4,39	1,53,59	3,43,99
N.-W. Provinces and Oudh .	52,73	72,07	47	2,89	3,64	53	6,59	3,14,08	4,53,00
Punjab .	53,76	41,52	87	2,94	7,25	80	6,93	1,08,81	2,22,88
Madras .	39,47	64,84	1,01	3,85	10,12	49	63	1,70,13	2,90,84
Bombay .	52,85	1,15,99	1,84	5,47	29,00	75	2,88	1,77,71	3,86,49
Remittance Adjust- ment .	...	...	...	...	...	...	...	18,31	18,31
TOTAL RECEIPTS .	3,43,48	5,97,00	9,97	33,39	54,36	3,23	66,57	14,01,84	25,12,84

Outgoings.									
India General .	17,59	2,24,54	1,34	23	3,09	17,38	15,32	2,85,80	5,65,29
Central Provinces .	4,70	12,55	41	14	...	2,63	2,32	82,92	1,05,67
British Burmah .	6,44	14,69	1,08	1	...	2,12	6,13	48,82	79,29
Assam .	3,13	8,33	26	11	...	88	85	33,52	47,08
Bengal .	37,87	1,49,08	1,05	7,15	...	1,62	16,02	1,31,20	3,43,99
N.-W. Provinces and Oudh .	27,34	65,07	88	7,69	5,43	16,72	10,38	3,19,49	4,53,00
Punjab .	13,67	44,51	79	3,15	3,79	21,97	15,09	1,19,91	2,22,88
Madras .	31,86	68,78	1,21	4,36	4,56	12,81	8,68	1,58,58	2,90,84
Bombay .	40,69	1,16,91	3,07	3,69	16,95	17,68	16,51	1,70,99	3,86,49
Remittance Adjust- ment .	...	18,31	...	...	...	...	...	...	18,31
TOTAL OUTGOINGS	1,83,29	7,22,77	10,09	26,53	33,82	93,81	91,30	12,51,23	25,12,84

SUMMARY OF ACCOUNTS FOR THE FOUR MONTHS ENDING JULY 1883.

Lakhs of Rupees

	RECEIPTS.					OUTGOINGS.				
	Accounts till May.	TELEGRAPHIC.		Total. 4 months.	Budget Estimate. 4 months.	Accounts till May.	TELEGRAPHIC.		Total. 4 months.	Budget Estimate. 4 months.
		June.	July.				June.	July.		
Civil Revenue . . . . .	9,24	5,29*	3,45*	17,98	17,60	...	...	...	...	...
Civil Expenditure . . . . .	...	...	...	...	...	4,72	1,79	1,85	8,36	8,72
Military Department . . . . .	12	5	3	20	28	1,97	93	94	3,84	3,95
Public Works Department . . . . .	1,49	79	67	2,95	...	2,30	1,04	91	4,25	1,76
Forest, Telegraph, and Marine Dept. (net)	...	...	...	...	...	5	2	...	7	5
Post Office Department (net)	8	5	7	20	8	...	...	...	...	...
Guaranteed and Subsidized Railways .	1,14	49	20	1,83	1,14	...	...	...	...	...
Imperial Loan . . . . .	...	...	...	...	2	...	...	...	...	...
Council Bills, including Exchange .	...	...	...	...	...	5,11	2,05	1,31	8,47	6,82
Mint and Coinage Accounts . . . . .	...	...	...	...	...	—22	5	—4	—21	...
Civil Debt and Remittance (net) . . .	—7	37	1	31	14	...	...	...	...	...
Total . . . . .	12,00	7,04	4,43	23,47	19,26	13,93	5,88	4,97	24,78	21,30
Opening Balance . . . . .	14,82	12,89	14,05	14,82	13,81	...	...	...	...	...
Closing Balance . . . . .	...	...	...	...	...	12,89	14,05	13,51	13,51	11,80
GRAND TOTAL . . . . .	26,82	19,93	18,48	38,29	33,10	26,82	19,93	18,48	38,29	33,10

\* Includes Forest in Madras and Bombay.

J. WESTLAND,

Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 7th August 1883.

LIABILITIES				R	a.	p.	ASSETS.				R	a.	p.
Capital paid-up . . . . .	.	.	.	2,00,00,000	0	0	Government Securities . . . . .	.	.	.	51,12,690	0	0
Reserve Fund . . . . .	.	.	.	35,10,866	4	4	Other authorized Investments . . . . .	.	.	.	55,29,915	0	0
	R	a	p				Loans on Government and other authorized Securities . . . . .	.	.	.	96,85,755	1	1
Public Deposits at Head Office . . . . .	68,15,105	9	8	} 3,13,66,576	1	6	Accounts of Credit on Government and other authorized Securities . . . . .	.	.	.	52,89,600	13	2
Public Deposits at Branches . . . . .	2,45,21,470	7	10				Bills discounted and purchased . . . . .	.	.	.	1,70,71,586	13	6
Other Deposits at Head Office and Branches . . . . .	.	.	.	2,44,25,511	11	2	Balances with other Banks . . . . .	.	.	.	3,22,955	14	6
Bank Post Bills, &c. . . . .	.	.	.	6,84,675	3	2	Bullion . . . . .	.	.	.	12,392	15	2
Sundries . . . . .	.	.	.	10,11,627	12	9	Dead Stock . . . . .	.	.	.	12,01,203	9	3
							Stamps . . . . .	.	.	.	7,767	13	0
							Sundries . . . . .	.	.	.	6,86,491	3	11
											4,52,20,359	3	7
							Cash and Cur- rency Notes at Head Office . . . . .	1,12,60,165	10	9	} 3,57,78,930	13	4
							Cash and Cur- rency Notes at Branches . . . . .	2,45,18,765	2	7			
RUPEES . . . . .	8,09,99,290	0	11				RUPEES . . . . .	8,09,99,290	0	11			

BANK OF BENGALE,  
Calcutta 9th August 1883.

J. GORDON,  
*Chief Asstt. & Depy. Secretary.*

By order of the Directors  
W. D. CRUICKSHANK,  
*Dir., Secy. & Treasurer.*

*Weekly Statement of Silver tendered, of Certificates  
issued, and Silver Balance in the Mint.*

DATE.	SILVER TENDER- ED, RE- MAINED VALU E.	CERTIFICATE ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Depart- ment.	Under Assay.	Assayed	Held on account of the Cur- rency De- partment.
	P	R	R	R	R	P
July 30	...			48	31,81,513	20,79,391
" 31	...			48	31,81,513	20,79,394
Aug 1	1,56,519			1,56,567	32,81,513	20,79,394
" 2				1,56,567	33,80,886	20,79,394
" 3				1,56,567	33,80,886	20,79,394
" 4				1,56,567	31,80,886	20,79,394

J. F. TENNANT, *Major-General, R.E.,*  
*Mint Master*

CALCUTTA MINT.  
The 6th August 1883

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

**Allahabad Circle.**

NOTE WHOLLY LOST OR DESTROYED.			
FILE No	No. of Note.	Value. Rs	Name of Claimant.
10	D 17—49015	50	Babu Bama Churn Banerjee, Calcutta.

ALLAHABAD,  
1<sup>st</sup> 5<sup>th</sup> August 1853.

W. COWLEY,  
Asst. Adm. General,  
In charge of Paper Currency Office.

Calcutta Circle.

Regt. No.	NOTES WHOLLY No. of Notes	LOST Value Rs	OR DESTROYED. Name of Claimant
121	P 44 -11747	100	Babu Kali Das Buttacharjee.
123	P 9 97202	50	Salgram Sham Dass.
124	P 10 -78420	100	Bansi Ram.
	P 11 -53114	100	
	P 9 23349	100	
125	P 39 -05591	50	Babu Nityanand Nandy.
126	P 9 -16629	50	The Post Master General, Bengal.
127	P 44 61381	100	Babu Mutty Lal Mitter.
	" -19414	100	
	" -35172	100	
	" -18161	100	
	" -66698	100	
	" -66697	100	
	P 39 -05381	50	
	" - 05382	50	
	" -03552	50	
	" -03553	50	
128	P 14 19197	100	Babu Gwish Chandra Sarbadicary
129	P 42 -40504	100	The Superintendent of Post Offices, Presidency Division, Calcutta.
130	P 9 -95829	50	Hossain Bukh.

CALCUTTA  
The 10th August 1883

August 1885

J. TAYLOR,  
Asst. Comptlr. Genl., in charge, Paper Currency.

POST OFFICE.

NOTIFICATIONS.

*Simla, the 27th July 1883.*

The rate of commission for Money Orders drawn upon Canada has been reduced from 2 per cent. to 1 per cent. as shown below, viz. :—

On sums not exceeding £2	0	4
„ exceeding £2 but not exceeding £5	0	8
„ „ £5 „ £7	0	12
„ „ £7 „ £10	1	0

L. G. WAIT,  
Asst. Director General of the Post Office of India,  
Foreign Post Branch.

*Unclaimed Letters held in the Calcutta General Post Office on 9th August 1883.*

Blaze, Louis E.	Craufurd, Douglas.	Stirling, J. B.
Bonton, H. D.	Funkler, Moritz.	Smith, Graham.
Budget & Hughes.	Harvey & Co.	Thorpe, R.
Burrows, H. B.	L'Estene, Mrs. A.	Wells, W.
Campbell, S.	Pearsall, J. R.	

*Letters marked "Care of Post Office."*

Agist, John.	Francis, G.	Mosse, W. Forbes.
A. Q. R.	Franklin, Mrs. S.	Nordt, Miss Munnle.
B. B.	Field, Miss Fanny.	Pearson, H. J. F. G.
Battersby, Leslie C.	Gelsord, Isaac.	Perrins, C. H.
Binne, George.	Gow, J. E.	Pine, Arol.
Boswell, Lt.	Grove, H. F.	Rams, —
Bradshaw, D. E.	Hallowell, J. A.	Rosdam, William.
Buckle, Henry.	Haly, J. J.	Ross, C. Henry.
Burley, E.	Hay, Arthur.	Ross, J.
Burlington, Charles.	Harris, Lord.	Ryan, J. H.
Burton, Mrs. M.	Heller, Miss.	Salvator, Madame
Camar, Madame A.	Henderson, J.	Amie.
Campbell, M. D.	Hillary, W.	Sanford, E. C. Aysh-
"Chaperona."	Horridge, Charles.	ford.
Cass, T. B.	Hunter, H. C. D.	Simpson, A. B. A.
Chase, J.	Ingers, H. V.	Spocht, Otto.
Cotton, F.	Jones, H.	Stewart, C. S.
Crispian, C. Umberto.	Jones, John.	Tucker, Mrs.
Crowther, John.	Kavanagh, P.	Vaughan, Percy.
Dalyell, Mrs. R. F.	Kirkbride, J.	Volpe, L.
D'Arcy, Mrs. Bella.	L. S.	White, Mrs. S.
Donovan, John.	Lahonato, T.	Williams, J. M.
Donlas, G. H.	Langley, Maudy G.	Williamson, W. F.
Dyett, R. H. R.	Matteo, Raffaele.	Wilke, H.
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Carpenter, A. E.	Savi, F. T.	Webb, Madame Mar-
Munch, M.	Stevens, R. H.	tha.
Menzies, Charles.		

*The 11th August 1883.*

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	1883.	
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Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies.	21st "	From Bombay.
Foreign Mails to Bombay.	11th "	From Bombay.
Foreign Mails to Bombay.	18th "	From Bombay.
Do. Book Post and Pattern Packets.	17th "	From Bombay.
Rangoon and Moultien.	15th "	Str. <i>Baghdad</i> .
Chingong, Akvab, Kyouk Phyo, and Rangoon.	15th "	Str. <i>Comilla</i> .
Straits and Hong-Kong.	15th "	Strs. <i>Meay &amp; A. Aguar</i> .

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اور عوام الناس ہوائیکل گارتن یعنی کمپنی یا کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنے؛ آٹھ اونس کے تین کا دس روپیہ آٹھ آنے؛ ایک پونڈ کے تین کا بیس روپیہ

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# The Gazette of India.

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CALCUTTA, SATURDAY, AUGUST 11, 1883.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### PROMISSORY NOTES.

#### Stolen.

The Government Promissory Note, No. 017039, of the 4 per cent. loan of 1835-36, for Rs500. Payment of the above Note and interest there-

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For the Oriental Bank Corporation, Calcutta,

H. P. CAMPEELL.





SUPPLEMENT TO  
**The Gazette of India.**

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N<sup>o</sup> 32. { CALCUTTA, SATURDAY, AUGUST 11, 1883.

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GOVERNMENT  
DEPARTMENT OF FIN

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																																			
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Holm, Sorghum.			Bairan Millet (Cam- boo, Bajra), Pennisetia Spicata.			Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.												
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.																		
S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.									
Ganjam . . . . .	10	5	11	13	5	14	...	...	...	17	13	17	13	17	13	22	13	22	13	19	8	21	10	25	14	17	17	5	20	13	21	13	18	13		
Vizagapatam . . . . .	10	0	14	0	8	0	...	...	...	10	2	9	8	9	0	11	5	11	5	11	5	23	0	23	0	27	13	...	...	...	...	...	...			
Godavery . . . . .	9	14	10	13	12	10	...	...	...	12	11	11	14	13	14	0	14	0	17	0	17	0	18	11	20	5	23	6	...	...	...	...	...			
Kistna . . . . .	8	13	8	13	11	11	...	...	...	14	0	14	0	16	3	14	11	14	11	17	2	21	22	10	33	10	18	5	18	11	...	...	...			
Nellore . . . . .	9	14	9	0	13	3	...	...	...	12	14	13	6	15	13	...	...	...	...	17	8	29	32	6	26	0	29	0	30	6	31	1	...			
Cuddapah . . . . .	11	13	12	8	12	8	...	...	...	12	6	12	6	11	14	13	5	13	5	13	11	30	14	30	11	30	11	30	2	30	2	18	13	...		
Anantapur . . . . .	13	6	13	6	11	6	...	...	...	11	13	11	13	13	14	12	5	12	5	15	2	31	33	0	33	0	30	2	29	2	22	12	...			
Bellary . . . . .	16	5	16	5	15	0	...	...	...	12	5	12	5	12	5	13	8	13	8	13	8	11	3	36	0	33	0	30	2	29	2	22	12	...		
Kurnool . . . . .	12	11	12	6	13	6	...	...	...	11	0	11	0	10	10	11	6	11	6	11	6	22	5	21	10	23	0	23	13	25	2	25	0	...		
Madras . . . . .	11	10	11	5	9	13	...	...	...	13	8	13	8	13	5	15	2	15	2	15	2	22	5	21	10	23	0	23	13	25	2	25	0	...		
Chingleput . . . . .	...	...	...	...	...	...	...	...	...	13	14	13	14	15	0	15	2	15	8	15	11	...	...	...	...	...	...	...	...	...	...	...	...			
North Arcot . . . . .	10	3	9	11	11	6	...	...	...	13	2	14	6	14	0	14	8	16	14	17	5	27	5	29	2	32	3	29	3	26	6	28	13			
South Arcot . . . . .	10	14	10	14	10	2	...	...	...	15	11	16	8	15	11	16	10	17	2	16	19	31	13	31	1	36	10	0	6	30	6	32	10			
Tanjore . . . . .	11	6	11	6	11	0	...	...	...	17	13	17	13	17	13	16	0	16	5	16	0	...	...	...	...	...	...	...	...	...	...	...	...			
Trichinopoly . . . . .	9	10	10	10	9	10	...	...	...	15	2	15	13	15	13	16	0	16	14	16	8	38	14	40	8	34	0	30	14	35	5	32	1			
Madurai . . . . .	11	0	12	2	11	0	...	...	...	16	0	16	0	16	0	16	14	16	8	16	8	...	...	...	...	...	...	...	...	...	...	...	...			
Tinnevely . . . . .	9	10	9	14	9	3	...	...	...	15	14	15	2	15	8	16	6	16	0	16	0	27	...	...	...	...	...	...	...	...	...	...	...			
Coimbatore . . . . .	13	14	14	13	11	8	...	...	...	13	14	14	6	13	8	15	6	15	6	14	8	21	10	20	0	20	0	21	0	19	10	19	10			
Nilgiris . . . . .	10	10	10	10	9	14	...	...	...	11	3	11	3	9	10	12	0	12	0	11	3	32	13	29	2	29	2	26	8	26	8	23	1			
Salem . . . . .	13	10	11	6	12	11	...	...	...	13	14	15	0	14	10	15	0	16	0	15	10	32	13	29	2	29	2	26	8	26	8	23	1			
South Canara . . . . .	8	10	8	3	8	10	...	...	...	10	3	9	11	9	11	11	13	11	13	13	3	...	...	...	...	...	...	...	...	...	...	...	...			
Malabar . . . . .	8	10	8	10	7	14	...	...	...	11	10	14	10	11	10	15	13	15	13	15	0	...	...	...	...	...	...	...	...	...	...	...	...			
Bombay . . . . .	10	7	10	11	10	4	22	14	25	8	17	10	7	15	8	3	7	9	12	13	11	4	11	5	18	8	19	1	18	15	14	4	15	5	15	1
Ahmedabad . . . . .	12	0	12	0	12	8	19	8	19	8	...	...	7	8	7	8	31	0	12	8	12	0	8	0	17	0	17	8	17	0	15	8	15	0	14	
Kara . . . . .	11	7	11	7	12	5	21	5	21	5	20	0	9	11	9	11	10	0	13	5	16	0	15	4	16	0	16	0	17	12	13	15	14	4	15	
Surat . . . . .	11	8	11	1	12	8	12	5	12	5	7	11	7	8	7	8	8	1	8	7	8	7	8	12	19	11	19	1	15	9	14	11	11	1	14	
Broach . . . . .	12	12	12	12	12	5	...	...	...	10	0	10	0	10	6	11	7	11	7	12	9	16	0	16	0	16	0	16	0	15	4	13	14	13	1	14
Tanna (Salsette) . . . . .	9	12	9	12	9	12	...	...	...	8	2	8	2	8	3	10	0	10	0	10	0	10	0	18	10	18	1	18	10	15	0	15	0	15	0	
Colaba (Alibag) . . . . .	9	0	9	0	9	0	...	...	...	8	0	8	0	7	0	12	8	12	8	13	0	16	0	16	0	16	0	16	0	17	12	13	15	14	13	
Khandesh (Dhulm) . . . . .	14	0	11	0	11	2	...	...	...	7	10	7	10	7	4	9	15	9	15	10	15	16	0	16	0	16	0	16	0	17	12	13	15	14	13	
Nasik . . . . .	14	1	13	6	14	1	...	...	...	7	7	7	7	7	7	13	6	13	6	12	0	22	6	22	6	...	...	...	...	...	...	...	...	...		
Ahmednagar . . . . .	14	1	13	6	14	1	...	...	...	9	6	9	6	9	9	13	12	13	12	11	12	22	12	22	0	28	0	17	7	17	6	23	6	23		
Poona . . . . .	12	10	12	8	12	10	9	4	9	4	...	...	9	13	9	13	11	0	11	0	12	4	19	9	19	9	23	15	16	2	16	2	18	1		
Sholapur . . . . .	14	8	14	8	14	1	...	...	...	10	6	10	6	10	7	11	5	11	5	11	5	28	7	26	12	31	15	22	0	22	0	23	1	23		
Kuladgi (Bagalkot) . . . . .	19	8	17	8	19	0	15	8	15	8	14	0	6	12	6	12	6	8	10	12	10	27	8	25	8	35	0	25	0	24	0	22	0	22		
Satara . . . . .	12	1	11	0	12	1	...	...	...	8	11	8	9	9	11	11	0	11	0	10	8	15	11	15	13	17	0	18	0	18	0	18	0	18		
Belgaum . . . . .	16	8	16	8	19	0	14	0	14	0	13	0	10	8	10	8	10	0	11	0	10	8	15	11	15	13	17	0	18	0	18	0	18	0		
Pharwar (Hubli) . . . . .	23	0	23	0	22	0	...	...	...	13	0	13	0	11	0	16	0	16	0	12	0	23	0	24	0	25	0	26	0	26	0	26	0	26	0	
Ratnagiri . . . . .	9	14	9	14	10	9	...	...	...	8	9	8	9	7	13	13	7	14	2	12	11	16	8	16	8	16	0	16	0	16	0	16	0	16	0	
Kannara (Karwar) . . . . .	10	6	11	8	9	0	...	...	...	8	0	7	0	8	0	11	10	12	4	11	8	16	8	16	8	16	0	16	0	16	0	16	0	16	0	
Panch Mahals (Gedhna) . . . . .	11	6	11	6	11	6	...	...	...	11	6	11	6	11	6	15	0	15	0	15	0	22	13	22	13	22	8	16	0	16	0	16	0	16	0	
Aden . . . . .	7																																			

## ANCE AND COMMERCE.

N SEERS OF 80 TOLAHS.

$$H_2O + \text{NaOH} = \text{NaOH} + \text{H}_2\text{O}$$

\* The correct figure is now furnished.  
† In conclusion are.  
‡ In the sub-divisions retail prices of salt are as follow :—Ghatal 11-1 seers, and Contai 11 seers.  
§ In the Jehanabad retail price of salt is 5 seers.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholam, Jowar), Hottus Sorghum.			Burrush Millet (Cumboo, Bura), Pennisetia Spicata.		
	Present fortnight.			Present fortnight.			Present fortnight.			Present fortnight.			Present fortnight.			Present fortnight.		
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
<b>Central Districts.</b>																		
Calcutta . . . . .	14 4	14 0	14 0	19 6	20 0	23 2	10 12	10 5	10 0	16 0	16 0	20 0	...	...	...	20 0	20 0	...
24-Pergunnahs . . . . .	13 5	13 5	12 12	17 8	16 0	22 8	8 0	8 0	10 0	16 0	16 12	18 0	...	...	22 8	...	...	13 12
Nuddea . . . . .	14 8	14 8	14 8	26 0	...	26 0	15 4	15 4	16 13	17 4	16 13	20 0	...	...	...	...	...	...
Khoolum . . . . .	...	...	...	...	...	...	16 0	17 0	16 0	21 0	25 0	22 0	...	...	...	...	...	...
Jessore . . . . .	14 8	14 8	16 0	...	...	...	16 0	16 0	18 0	22 12	22 12	22 0	...	...	...	...	...	...
Moorshedabad . . . . .	15 0	15 0	16 0	...	...	...	15 0	15 0	17 12	19 0	19 0	25 0	...	...	...	...	...	...
Dumapore . . . . .	13 14	13 8	11 8	...	...	...	16 0	18 0	21 0	18 13	19 8	26 8	...	...	...	...	...	...
Rajshahye . . . . .	17 4	16 8	13 8	30 0	30 0	45 0	16 8	16 0	13 8	18 12	18 0	21 0	...	...	...	...	...	...
Rungpore . . . . .	13 5	11 7	16 0	...	...	...	13 5	13 5	17 0	20 0	17 3	20 0	...	...	...	...	...	...
Bogra . . . . .	15 12	15 0	18 12	...	...	...	12 12	12 0	15 12	21 0	21 0	30 0	...	...	...	...	...	...
Fulbari . . . . .	18 12	19 8	18 12	...	...	...	8 0	8 0	10 0	19 8	19 8	25 0	...	...	...	...	...	...
Darjeeling . . . . .	8 0	8 0	8 0	8 0	8 0	8 0	4 0	4 0	6 0	8 0	8 0	14 0	...	...	...	...	...	...
Jalpaiguri . . . . .	10 0	10 0	9 0	20 0	20 0	20 0	12 8	11 8	16 0	16 0	16 0	21 0	...	...	...	...	...	...
<b>Eastern Districts.</b>																		
Dacca . . . . .	12 4	12 4	12 4	19 0	18 12	40 0	15 12	15 8	24 0	19 0	19 4	32 0	...	...	...	19 0	...	...
Furzedpore . . . . .	20 0	20 0	22 0	30 0	30 0	35 0	16 0	16 0	22 0	18 0	18 0	24 0	...	...	...	...	...	...
Backergunge . . . . .	...	...	...	...	...	...	19 0	19 0	20 0	21 0	21 0	24 0	...	...	...	...	...	...
Mymensingh . . . . .	11 0	11 8	11 0	...	...	...	15 8	16 0	22 8	19 8	17 8	28 0	...	...	...	...	...	...
Tippur . . . . .	11 6	11 6	12 0	...	...	...	17 0	18 8	23 0	22 12	19 4	28 4	...	...	...	...	...	...
Chittagong . . . . .	12 0	12 0	9 0	...	...	...	13 0	13 0	16 0	20 0	20 0	24 0	...	...	...	...	...	...
Nonkholy . . . . .	...	...	...	...	...	...	20 0	20 0	27 0	22 0	22 0	32 0	...	...	...	...	...	...
Chittagong Hill Tracts . . . . .	...	...	...	...	...	...	12 4	12 4	13 5	13 4	13 5	17 12	...	...	...	...	...	...
Hill Tipperah . . . . .	10 0	10 0	11 0	...	...	...	17 0	17 0	23 0	22 0	20 0	30 0	...	...	...	...	...	...
<b>Behar.</b>																		
Patna . . . . .	17 8	17 8	16 8	32 0	32 0	34 0	14 0	14 0	11 8	18 0	19 0	21 8	...	...	...	...	...	...
Gya . . . . .	19 0	20 8	17 0	25 0	26 0	29 0	12 0	12 0	12 0	15 0	15 0	19 0	...	...	...	...	...	...
Shahabad . . . . .	17 8	17 0	14 8	24 0	25 0	28 0	11 8	12 0	20 0	17 0	16 0	21 0	...	...	...	28 0	32 0	...
Durbhanga . . . . .	18 0	17 0	14 0	30 0	37 0	32 0	12 0	13 8	14 0	16 0	18 0	17 0	...	...	...	...	...	...
Muzafferpore . . . . .	18 0	18 0	16 0	29 0	30 0	30 0	12 0	13 0	12 0	16 0	16 0	16 0	...	...	...	...	...	...
Saran . . . . .	17 0	17 0	15 0	26 0	27 0	28 0	10 0	10 0	10 0	18 0	18 0	20 0	28 0	30 0	29 0	...	...	...
Chumpan . . . . .	19 0	19 0	18 0	31 0	36 0	36 0	13 0	13 0	12 0	17 0	17 0	20 0	...	...	...	...	...	...
Monghyr . . . . .	18 14	18 10	16 12	25 3	27 11	33 9	13 10	13 11	15 12	15 12	15 12	31 0	...	...	...	...	...	...
Bhagalpur . . . . .	16 6	16 6	15 2	27 12	27 12	30 4	15 2	15 2	17 11	17 10	21 7	21 7	...	...	...	...	...	...
Purneah . . . . .	20 0	16 0	15 0	...	...	...	15 0	16 0	20 0	18 0	17 0	22 0	...	...	...	...	...	...
Maddah . . . . .	17 0	17 0	16 0	...	...	...	16 0	14 0	16 0	19 0	16 0	21 0	...	...	...	...	...	...
South Pargunnahs . . . . .	14 0	14 0	13 0	...	...	...	16 0	16 0	18 0	22 0	22 0	23 0	...	...	...	...	...	...
<b>Orissa.</b>																		
Cuttack . . . . .	14 7	13 2	14 7	...	...	...	13 2	13 2	15 12	21 0	22 5	21 15	...	...	...	...	...	...
Pooree . . . . .	13 2	13 2	10 8	...	...	...	20 0	20 0	21 0	23 10	23 10	24 0	...	...	...	...	...	...
Balasore . . . . .	14 0	14 0	16 0	...	...	...	16 0	16 0	26 0	23 0	28 0	32 0	...	...	...	...	...	...
<b>CHOTA NAGPORE.</b>																		
<b>South-Western Frontier Agency.</b>																		
Hazaribagh . . . . .	15 0	16 0	15 0	20 0	18 0	...	10 0	10 0	11 0	16 0	16 0	19 0	...	...	...	...	...	...
Lohardugga . . . . .	16 0	16 0	17 0	21 0	22 0	24 0	18 0	18 0	21 0	22 0	22 0	24 0	...	...	...	...	...	...
Simbhoom . . . . .	18 0	18 0	20 0	32 0	32 0	28 0	36 0	36 0	36 0	40 0	40 0	40 0	...	...	...	...	...	...
Manbhoom . . . . .	13 0	13 0	13 0	...	...	...	17 0	17 0	19 0	27 0	27 0	31 0	...	...	...	...	...	...

\* In the interior retail prices of common rice vary from 28-14 to 39-6 seers.

f In the sub-divisions retail prices of salt are as follow :—Baraset and Busrhat 14 seers, Dumdum 14 seers, Birsahore 14 12 seers, and Dam-Dum 12 seers.

g In the sub-divisions retail prices of salt are as follow :—Koo-intea 12-12 seers, Meherpore 12 seers, Choo-tanga 12-8 seers and Ranaghat 13 seers.

h In Baghat retail price of salt 11 seers.

i In the sub-divisions retail prices of salt are as follow :—Jhenidah, Magura and Narail 12 seers, and Bongong 13 seers.

j In the sub-divisions retail prices of salt are as follow :—Lahaga 11 seers, Jangipore 10 seers, and Kandi 11-5 seers.

k Retail prices of salt at Bhangura 11-5 seers and Nectpore 12 seers.

l In Nattore retail price of salt 12 seers.

m In the sub-divisions retail prices of salt are as follow :—Nilphamari 12 seers, and Kurigram and Gabanda 10 seers.

n In Seragunge retail price of salt 15 seers.

o Retail price of salt at Kurseong 8 seers and Silligoree 10 seers.

p Retail Price of salt at Fallacotta in Alipore sub-division 10 seers.

q In the sub-divisions retail prices of salt are as follow :—Manikgunge 11 seers, Moonshegunge 10 seers 10-11 chittacks, and Narsingunge 13 seers.

r In the sub-divisions retail prices of salt are as follow :—Mudnapore 12 seers, Bhangra 11 seers, and Gopalgunj 12-12 seers.

s In the sub-divisions retail prices of salt are as follow :—Patna 9 2 seers, Porepore 11 seers, and Buxa 9 seers.

t In the sub-divisions retail prices of salt are as follow :—Kishoregunge 10-10 seers, Attea 12 seers.



N SEERS OF 80 TOLAHS.

a In the sub-divisions retail prices of salt are as follow :—Binhmanberah 12 seers and Chandpote 12·3 seers.  
 v Retail price of salt at Kumeriah 10 seers, and Hathazaree and Cox's Bazar 8 seers.  
 u In the interior retail prices of salt range from 8 to 12·4 seers.  
 x In the sub-divisions retail prices of salt are as follow :—Baxar 11·8 seers, Sasseram 11 seers, and Bhola 10 seers.  
 y In the sub-divisions retail prices of salt are as follow :—Madhubani 10 seers and Fajpur 11·8 seers.  
 z In Hugpore sub-division retail prices of salt in three reporting places 11 seers, and in one place 12 seers.  
 a In Gopdangunge retail price of salt 12 seers.  
 a In the interior retail prices of salt range from 10 to 12 seers.  
 a In the sub-division retail prices of salt are as follow :—Bugseuni 10 seers and Janai 11 seers.  
 a In the sub-divisions retail prices of salt are as follow :—Banska 11 seers and Madhehpore and Sonpote 10 seers.  
 a In the sub-divisions retail prices of salt are as follow :—Kissengunge 8 seers and Ariareah (at Kanchung) 10 seers.  
 a In Khoarda retail price of salt 13 seers.  
 a In Bhadrak retail price of salt 10 seers.  
 a Retail price of salt at Cuttack 8 seers and Khurrukdiha 11·8 seers.  
 a Retail price of salt at Daltongunge 9 seers.  
 a Retail prices of salt at Burrabazar 10 seers, and Jobindpore 11 seers.







IA FOR THE 1st HALF OF JULY 1883—continued.

**EERS OF 80 TOLAHIS.**

Gram.						Firewood.						Salt.						DISTRICTS.						PROVINCE.
Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Wholesale.			Retail.						
S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.		Ch.		
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(e) Wheat, maize, jowar, grain and salt rising; barley falling.

(f) Jowar rising; wheat, barley bajra and gram falling.  
bushes and green rising.

(g) Barley, jowar and bajra rising.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																							
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholam, Jowar), <i>Holcus Sorghum.</i>			Bairush Millet (Cumbou, Baira), <i>Pennisetum Spicatum.</i>								
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.
Bangalore	11 11	11 7	11 5	12 13	12 12	13 0	9 13	9 14	9 9	11 0	10 15	11 0	21 7	27 12	22 11	..	..	..	..	..	..	..	..	..
Kolar	..	..	..	11 2	11 2	12 0	12 14	11 11	13 15	15 3	15 3	15 3	..	..	..	..	..	..	..	..	..	..	..	..
Tankur	14 0	14 0	14 0	12 0	13 0	13 0	13 0	12 0	12 0	13 8	13 0	12 8	..	..	..	..	..	..	..	..	..	..	..	..
Mysore	10 8	10 8	10 1	..	..	..	10 8	10 8	10 12	12 0	12 0	11 8	..	..	..	..	..	..	..	..	..	..	..	..
Hassan	No return received			..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Shimoga	14 11	14 11	11 9	14 11	16 13	13 10	11 9	11 9	10 8	16 13	15 12	12 10	35 11	34 10	25 3	..	..	..	..	..	..	..	..	..
Kudur	14 0	14 0	16 0	15 0	15 0	15 0	14 0	14 0	12 0	16 0	16 0	14 0	..	..	..	..	..	..	..	..	..	..	..	..
Chitaldroog	No return received			..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Coorg	8 11	9 5	7 12	9 11	10 2	8 8	13 0	13 1	10 10	17 8	18 0	13 12	..	..	..	..	..	..	..	..	..	..	..	..
Jeypore	17 0	16 8	16 8	22 8	23 0	21 0	6 0	6 0	6 0	9 0	9 0	9 0	24 0	22 0	20 0	0 20	8 19	0 18	..	..	..	..	..	..
Kishengrub	17 4	17 8	16 0	23 4	22 8	21 8	10 0	11 0	8 0	11 0	12 0	9 0	26 0	23 0	21 0	0 18	4 17	0 17	..	..	..	..	..	..
Kerowlee	20 0	19 6	16 0	25 0	26 14	18 8	12 8	12 8	12 8	13 12	13 12	13 8	25 0	26 14	14 13	8 21	4 22	8 16	..	..	..	..	..	..
Ulwur	19 3	19 3	17 15	25 12	26 9	22 3	8 10	8 10	8 0	11 0	10 10	11 10	22 14	23 7	22 0	2 22	4 22	14 16	..	..	..	..	..	..
Bhurlpore (City)	18 11	18 1	17 8	27 4	28 4	23 8	7 12	7 12	6 8	9 6	9 6	11 8	21 8	27 12	12 0	8 22	12 22	12 17	..	..	..	..	..	..
Ajmere	15 8	15 8	15 0	22 8	23 0	21 8	5 0	5 0	5 0	8 0	8 0	8 0	19 0	16 0	0 18	0 16	0 14	0 18	..	..	..	..	..	..
Deoli Cantonment	19 6	19 4	16 7	25 14	25 6	20 6	..	..	..	13 0	13 8	10 8	25 0	23 0	20 0	0 18	0 18	0 16	..	..	..	..	..	..
Erinpura	16 0	16 0	16 10	27 8	27 8	29 0	..	..	..	8 2	8 2	8 0	20 0	20 0	25 0	0 19	0 19	0 23	..	..	..	..	..	..
Sirohee	13 4	13 4	17 8	25 0	25 0	28 0	7 0	7 0	7 0	8 0	8 0	8 8	18 0	18 0	17 0	0 18	0 18	0 21	..	..	..	..	..	..
Abu	12 8	12 0	15 2	19 2	18 12	22 12	6 12	6 12	6 8	8 4	8 4	8 0	..	..	..	14 14	14 7	18	..	..	..	..	..	..
Amudra	13 12	13 4	17 0	21 12	21 4	26 0	7 8	7 8	7 0	9 0	9 0	9 0	..	..	..	16 8	16 0	21	..	..	..	..	..	..
Hilly Tracts of Meywar	20 0	20 0	20 0	27 0	26 0	28 0	..	..	..	15 0	16 0	18 0	..	..	..	..	..	..	..	..	..	..	..	..
Meywar (Oodeypore)	13 10	13 10	14 10	18 0	17 15	19 8	10 24	10 25	10 21	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Banswara (Meywar Agency)	No return received			..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Parbhargh	16 6	15 11	16 1	..	..	..	10 0	10 0	10 15	11 4	11 1	13 7	..	..	..	..	..	..	..	..	..	..	..	..
Marwar (Jodhpore)	15 15	15 10	15 0	20 0	20 0	20 0	6 4	6 1	5 0	7 8	7 8	6 14	20 0	21 4	17 8	17 8	18 4	18	..	..	..	..	..	..
Bikaner	11 1	11 11	12 0	..	..	..	3 8	3 8	3 2	5 12	6 4	6 8	..	..	..	19 6	19 12	17	..	..	..	..	..	..
Boondee	21 0	21 0	16 8	30 0	30 8	25 12	10 0	10 0	9 8	10 8	11 0	10 0	27 0	25 0	26 0	0 15	0 15	0 16	..	..	..	..	..	..
Kotah	20 0	20 0	15 12	25 0	25 0	20 0	10 0	10 0	8 12	13 0	13 0	11 0	26 0	26 0	19 8	15 0	15 0	16	..	..	..	..	..	..
Tonk	18 12	19 0	11 0	24 8	25 4	20 0	7 0	7 8	7 0	7 8	8 8	10 0	26 0	25 8	21 6	..	..	..	..	..	..	..	..	..
Jhullwar	17 11	19 13	11 9	23 10	23 10	15 14	..	..	..	8 11	8 14	8 14	22 10	23 6	16 8	17 1	18 6	13	..	..	..	..	..	..
Shunpoora	20 0	17 7	17 1	23 7	23 4	21 5	13 8	13 12	9 8	16 0	16 3	13 8	17 0	18 3	18 4	17 0	17 0	16	..	..	..	..	..	..
Dholpur	17 1	17 2	16 13	24 13	25 12	22 8	10 2	10 2	10 2	11 4	11 4	12 6	23 6	23 10	21 6	21 1	22 8	21	..	..	..	..	..	..
Indore	No return received			..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Gwahar				..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Goon				..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Baghelkhand (Sutna)	No return received			..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

**INDIA FOR THE 1st HALF OF JULY 1883 —concluded.**

**SEERS OF 80 TOLAHS.**

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coralloo, Murhwa, Naglee), <i>Pennisetum</i> <i>Miliaceum</i> , &c.									Gram.									Firewood.									Salt.																	
Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Wholesale.			Retail.			Districts.		
S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.	
0	13	31	7	25	13	29	15	29	6	81	0	81	0	96	0	13	0	13	0	13	0	13	0	12	12	12	12	12	12	12	12	12	12	12	12	Bangalore								
0	2	37	2	28	13	31	15	31	15	172	6	172	6	172	6	13	8	13	8	13	8	13	8	13	3	13	3	13	3	13	3	13	3	13	3	Kolar								
0	0	40	0	30	0	34	0	34	0	310	0	310	0	310	0	11	0	10	8	11	0	10	8	10	8	10	0	10	8	10	0	10	8	10	0	Tumkur								
0	0	27	0	20	0	32	0	32	0	75	0	75	0	72	0	8	8	8	12	8	4	8	4	8	4	8	8	8	8	8	8	8	0	No return received	Mysore									
11	32	1	31	0	29	6	29	6	29	480	0	480	0	480	0	10	8	10	8	10	8	10	8	No return received	Hassan																			
0	32	0	25	0	30	0	30	0	23	64	0	64	0	64	0	...	...	...	...	...	...	...	...	10	0	10	0	11	0	11	0	Shimoga												
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return received	Kadur																				
1	24	4	19	14	25	11	26	5	20	110	0	110	0	110	0	9	12	9	7	9	1	9	3	8	15	8	15	8	12	Coorge														
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...					
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...					
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...					
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...															

\* See 5011

† Ten pins per bundle

† light per bundle.

D. BARBOUR,  
*Secretary to the Government of India.*





GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

STATEMENTS OF IRRIGATION OPERATIONS OF THE RABI CROP OF 1882-83 IN THE PUNJAB.

STATEMENT No. I.  
*Comparative Abstract of Irrigation and Rainfall in Canal Districts of the Punjab.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
DISTRICTS.	Area in acres.	Cultivated area in acres.	AREA IRRIGATED.		COMPARISON WITH LAST CROP.		RAINFALL IN RABI MONTHS.												
			Rabi, 1882-83.	Rabi, 1881-82.	Increase.	Decrease.	October.			November.		December.		January.		February.		March.	
							1882.	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.
Umballa . . . . .	1,444,849	951,890	791	769	25	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Karnal . . . . .	1,543,900	680,319	47,910	33,116	14,824	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rohtak . . . . .	1,159,350	906,022	10,229	26,293	13,966	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Delhi . . . . .	801,933	526,676	30,773	21,938	8,835	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hissar . . . . .	2,265,428	1,191,761	16,954	26,685	19,739	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Jind . . . . .	...	...	35,163	23,448	12,925	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Bikaner . . . . .	...	...	227	695	...	378	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL W. J. CANAL . . . . .	(1) 7,408,550	(1) 4,225,668	201,490	132,821	69,044	378	...	...	...	...	...	...	...	...	...	...	...	...	...
Gurdaspur . . . . .	1,168,314	856,230	11,213	12,057	...	871	...	0'30	...	...	...	...	...	2'04	2'08	0'15	1'31	1'65	0'11
Amritsar . . . . .	1,006,798	766,573	82,340	95,337	...	13,607	...	...	...	...	...	...	...	3'30	2'57	1'83	0'30	0'12	4'74
Lahore . . . . .	2,391,532	1,164,921	115,602	134,106	...	19,691	...	...	...	...	...	...	...	2'30	1'70	0'10	1'30	0'30	3'60
TOTAL B. D. CANAL . . . . .	1,509,661	2,781,921	297,145	241,130	...	33,985	...	...	...	...	...	...	...	...	...	...	...	...	...
Lahore . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Montgomery . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mooltan . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Pera Ghazi Khan . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTAL INUNDATION CANALS . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL . . . . .	(2) 11,918,211	(2) 7,013,592	498,635	373,954	69,044	31,569	...	...	...	...	...	...	...	...	...	...	...	...	...

Area irrigated 1882-83 . . . . . Acres.  
Ditto ditto 1881-82 . . . . . 408,635  
Net Increase . . . . . 373,954

(1) These figures differ from those shown in the returns for rabi 1881-82, in consequence of the omission of Gujran from this statement, in which district no irrigation is shown.  
(2) These figures differ from those shown in return for corresponding crop of previous year, in consequence of the omission of the Inundation Canals from the present return.

STATEMENT No. II.  
*Statement in Acres of Crops irrigated in Canal Districts.*

DESCRIPTION OF CROPS.	Unballa.	Karnal.	Rohtak.	Delhi.	Hissar.	Jind.	Bikaner.	Gurdaspur.	Amritsar.	Lahore.	Montgomery.	Mooltan.	Pera Ghazi Khan.	Shahpur.	Muzaffargarh.
Wheat . . . . .	277	39,909	33,088	22,939	35,628	23,092	138	6,870	57,240	91,938	...	...	...	...	...
Barley . . . . .	25	810	130	5	1,189	626	7	301	1,653	644	...	...	...	...	...
Mixed Grain . . . . .	...	1,032	5,714	1,067	5,112	5,751	65	418	1,565	1,126	...	...	...	...	...
Others . . . . .	492	6,183	1,288	3,762	4,125	6,904	17	3,498	22,892	19,495	...	...	...	...	...
TOTAL RABI, 1882-83 . . . . .	791	47,910	40,229	30,773	46,954	35,473	227	11,213	82,330	113,602	...	...	...	...	...
TOTAL RABI, 1881-82 . . . . .	769	33,116	26,263	21,938	26,685	23,448	605	12,087	95,037	134,106	...	...	...	...	...

\* These figures differ from those shown in return for corresponding crop of previous year, in consequence of the omission of the Inundation Canals from the present return.

STATEMENT No. III.  
*Statement in Acres of Crops irrigated in Canal Divisions.*

DESCRIPTION OF CROPS.	WESTERN JUMNA CANAL.				RAVI DOAB CANAL.			Upper Ravi Division Inundation Canals.	Lower Ravi and Central Division Inundation Canals.	Pera Ghazi Khan Doab Division Inundation Canals.	Shahpur Canals.
	Karnal Division.	Hissar Division.	Delhi Division.	TOTAL.	1st Division.	2nd Division.	TOTAL.				
Wheat . . . . .	7,274	77,412	67,686	152,071	25,632	130,422	156,054	..	..	..	..
Barley . . . . .	658	2,244	5	2,807	440	1,287	1,727	..	..	..	..
Mixed Grain . . . . .	..	15,075	9,668	24,741	939	2,110	3,049	..	..	..	..
Others . . . . .	2,179	12,767	6,925	21,871	10,576	35,799	46,375	..	..	..	..
TOTAL RABI, 1882-83	10,010	107,496	84,284	201,790	37,587	169,558	207,145	..	..	..	..
TOTAL RABI, 1881-82	9,030	68,878	51,610	132,821	43,795	195,335	241,130	..	..	..	..

\* These figures differ from those shown in return for corresponding crop of previous year, in consequence of the omission of the Inundation Canals from the present return.

R. HOME, Colonel, R.E.,  
Joint-Secretary to Govt., Punjab, P. W. D., Irrigation Branch.

GOVERNMENT  
PUBLIC WORKS

Comparative Statement of Irrigation and Rain-fall

Number.	Collector.	NAME OF WORK.	AREA UNDER COMMAND.		AREA					
			Gross Acres.	Irrigable Acres.	East Kharif, 1882-83.			East Rabi, 1882-83.		
					Total Acres.	In comparison with 1881-82.		Total Acres.	In comparison with 1881-82.	
1	2	3	4	5	6	Increase. Decrease.		9	Increase.	Decrease.
						7	8		11	12
1	AHMEDABAD.	Hatmati Canal . . . .	36,000	31,231	1,013	...	470	915	...	93
2		Khari Cut . . . . .	3,890	3,890	378	300	...	...	...	...
3		Hartala Tank . . . . .	584	527	13	...	6	88	88	...
4	KHANDISH.	Mukti Reservoir . . . . .	13,117	12,627	311	...	99	693	167	...
5		Mhasva Tank . . . . .	4,093	3,912	58	...	30	129	78	...
6		Jamda Canals . . . . .	46,288	40,185	112	...	267	938	186	...
7	NASHIK.	Palkher Canals . . . . .	26,031	19,188	480	...	108	413	...	22
8		Wadali Canal . . . . .	2,739	2,152	124	...	60	82	40	...
9		Ojhur Taubat Canal . . . . .	6,730	5,212	81	...	8	61	50	...
10	AHMEDNAGAR.	Ojhur Canal . . . . .	23,624	20,088	914	...	382	1,494	...	303
11		Lakh Canal . . . . .	29,913	22,760	110	...	24	127	...	55
12		Bhatodi Tank . . . . .	11,733	12,485	430	55	...	593	183	...
13	POONA.	Mutha Canals . . . . .	88,087	31,800	5,391	938	...	3,695	...	822
14		Kasurdi Tank . . . . .	597	478	37	37	...	123	79	...

OF INDIA.

## DEPARTMENT.

*on Canals in the Deccan and Gajarat for the Year 1882-83.*

IRRIGATED.			Percentage of Increase or Decrease.	RAIN FALL.		Percentage of Increase or Decrease in 1882-83.	REMARKS.
Whole Year 1882-83.				1881-82 Inches.	1882-83 Inches.		
Total Acres.	In comparison with 1881-82.						
13	14	15	16	17	18	19	20
1,958	...	563	22	K. R.	11.04 0.04	19.35 0.3	112
378	300	...	79	T.	11.08	19.38	
101	82	...	431	K. R.	33.71 1.0	31.10 0.0	
1,001	68	...	7	T.	33.84	31.10	36
187	48	...	35	K. R.	15.35 62	21.17 0.60	
1,080	...	81	7	T.	15.97	21.77	
893	...	130	13	K. R.	12.32 1.10	26.00 0.32	97
206	...	20	9	T.	13.42	26.11	
142	42	...	42	K. R.	11.17 2.20	31.51 0.0	
2,408	...	685	22	T.	16.67	31.51	89
237	...	79	25	K. R.	16.21 3.21	20.00 0.22	
1,023	238	...	30	T.	19.15	20.31	
9,089	116	...	1	K. R.	16.26 3.06	41.18 1.95	4
160	116	...	264	T.	19.32	46.13	
				K. R.	15.16 1.64	29.86 0.70	
				T.	17.10	30.56	
				K. R.	9.13 1.09	21.83 1.37	
				T.	10.52	26.20	119
				K. R.	13.37 4.50	17.22 1.24	
				T.	17.87	18.16	
				K. R.	11.26 2.73	29.77 1.23	3
				T.	16.99	31.00	
				K. R.	17.61 4.38	27.33 4.35	
				T.	21.99	31.68	
				K. R.	6.11 2.98	18.61 2.69	
				T.	9.09	21.30	131

Figures of rain fall are from the Great H. ...  
fall at Dehra. The fall at Pithor ...  
table of Matha, Baid, Bank, Ch ...  
1881-82, K. 6.96, R. 1.59, T. 8.16; 1882-83,  
K. 13.14, R. 1.99, T. 15.12, the rainfall  
at Kasana, the Bh. rule, and at Kas ...  
gion, the Bh. rule, is given in ...  
Kasurdi and Malohi Tanks ...

Figures of rain fall are those of Civil H. total at Dehra. The fall at P. is the total of Matha Right Bank Canal only. 1881-82, K. 6.06, R. 1.69, T. 8.16. 1882-83, K. 13.13, R. 1.29, T. 15.42, the rainfall at Kasur, the 14.10, and at Kasur, the 61.10, is given on 1881 Kasur and Matha Tanks respectively.

## Comparative Statement of Irrigation and Rain-fall

Number.	Collectorate	NAME OF WORK.	AREA UNDER COMMAND.		AREA					
			Gross Acres.	Irrigable Acres.	East Kharif, 1882-83.			East Rabi, 1882-83.		
					Total Acres.	In comparison with 1881-82.		Total Acres.	In comparison with 1881-82.	
1	2	3	4	5	6	Increase.	Decrease.	9	11	12
15	POONA.	Mátoba Tank . . . .	10,700	7,133	621	310	...	1,311	387	...
16		Sirsuphal Tank . . . .	4,500	2,500	...	...	109	200	199	...
17		Bhadalvadi Tank . . . .	1,900	1,520	47	...	62	84	45	...
18	SHOLAPUR.	Ekrúk Tank . . . .	17,149	15,318	786	...	21	520	97	...
19		Ashti Tank . . . .	6,910	6,017	137	60	...	111	29	...
20	SATARA.	Revári Canal . . . .	3,812	3,682	160	...	40	359	161	...
21		Yearla Canals . . . .	7,580	7,160	403	...	34	316	...	136
22		Pingli Tank . . . .	3,170	3,066	118	90	...	182	89	...
23		Gondoli Canal . . . .								
24		Maini Tank . . . .	4,876	4,625	467	...	238	275	60	...
25		Chikhli Canal . . . .	1,870	1,477	179	...	15	38	38	...
26		Krishna Canal . . . .	28,131	27,075	1,498	...	1,875	1,525	552	...
27		Dambal Tank . . . .	3,955	3,885	21	21	...	...	...	...
28	THANE.	Madag Tank . . . .	2,015	2,024	321	..	128	161	...	32
		TOTAL	3,93,354	3,05,047	14,273	...	2,165	14,463	1,074	...

on Canals in the Deccan and Gujarat for the Year 1882-83—continued.

IRRIGATED.			Percentage of Increase or Decrease.	RAIN-FALL.		Percentage of Increase or Decrease in 1882-83.	REMARKS.
Whole Year, 1882-83.				1881-82 Inches.	1882-83 Inches.		
Total Acres.	In comparison with 1881-82						
	Increase.	Decrease.					
13	14	15	16	17	18	19	20
1,932	697	...	56	K. 8.36 R. 4.21 T. 12.57	11.85 1.65 13.50	7	
200	90	...	82	K. 10.06 R. 3.54 T. 13.60	11.10 2.32 13.42	1	
131	..	17	11	K. 9.75 R. 4.67 T. 14.42	23.12 1.12 24.24	68	Work opened for first time in 1881.
1,306	76	...	6	K. 17.38 R. 3.10 T. 20.48	36.79 2.28 39.07	90	
248	89	...	56	K. 15.09 R. 5.24 T. 20.33	23.60 4.93 28.53	40	
519	121	...	30	K. 15.44 R. 7.24 T. 22.68	34.95 3.22 38.17	68	
749	...	170	18	K. 11.67 R. 7.21 T. 18.88	30.06 3.63 33.69	78	
300	179	..	118	K. 10.48 R. 4.76 T. 15.24	21.27 1.99 23.26	52	Pough rain-fail.
742	...	169	19	K. 9.54 R. 5.11 T. 14.65	18.81 1.98 20.79	41	Gondal ditto
217	23	...	12	K. 11.97 R. 10.76 T. 22.73	24.23 1.18 25.41	11	
3,023	...	1,323	30	K. 10.34 R. 4.58 T. 14.92	31.71 5.65 37.36	150	
21	21	...	21	K. 11.15 R. 3.74 T. 14.89	41.32 2.48 43.80	194	
482	...	160	25	K. 8.04 R. 8.71 T. 16.75	16.36 3.36 19.72	17	
28,736	...	1,091	5	K. 7.63 R. 5.16 T. 12.79	36.66 1.26 37.92	196	
				*18.08	27.96	69	* Average of 27 Stations.

NOTE.—Figures in block in columns 15 and 18 show percentage of decrease.

J. LEMESURIER, Colonel, R.E.,  
Offg. Chief Engineer for Irrigation  
E

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXVI OF 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length in miles.	RECEIPTS FOR WEEK ENDING 8TH JULY 1882.		Total length in miles.	RECEIPTS FOR WEEK ENDING 7TH JULY 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 8TH JULY 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 7TH JULY 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
4th July 1883	Eastern Bengal	172	56,011	326	207	72,450	350	10,22,283	420	12,70,757	438	2,48,474	...
7th ditto	Oudh and Rohilkhand	547	72,329	132	547	89,668	164	15,51,243	200	18,25,969	239	2,74,726	...
7th ditto	Sind, Punjab & Delhi	676	1,77,494	263	749	2,72,803	364	27,67,123	289	35,79,922	344	8,12,799	...
7th ditto	Madras	861	1,31,165	152	861	1,32,068	153	20,12,788	165	18,47,786	153	...	1,65,002
7th ditto	South Indian	655	78,502	120	655	72,610	111	11,50,294	124	11,12,080	121	...	38,214
4th ditto	Great Indian Peninsula	1,458	4,46,668	306	1,451	3,51,891	243	1,11,40,923	513	1,20,58,154	594	9,17,531	...
7th ditto	Bombay, Baroda and Central India	461	1,36,377	296	461	98,263	213	36,49,575	559	39,31,165	609	2,81,590	...
	TOTAL	4,830	10,98,546	227	4,931	10,89,756	221	2,32,91,229	342	2,56,26,133	372	23,31,904	...
	<i>State.</i>												
14th July 1883	East Indian	1,507	7,69,686	511	1,509	10,60,804	703	1,24,71,706	585	1,51,52,068	717	26,80,302	...
14th ditto	Calcutta and South-Eastern	33	2,611	79	56	4,990	89	58,362	137	86,115	116	27,753	...
14th ditto	Nalhati	27	1,097	41	27	1,381	51	19,805	52	23,058	61	3,253	...
14th ditto	Northern Bengal	233	23,020	99	239	24,860	104	5,18,351	157	5,63,894	175	45,540	...
14th ditto	Tirhoot	82	11,955	135	166	15,846	95	1,81,287	151	2,32,727	101	51,490	...
9th June 1883	Patna-Gya	57	7,027	123	...	(a)	...	(b) 1,02,446	177	(c) 99,297	174	...	3,149
14th July 1883	Muttra-Hathras	29	1,496	52	29	1,593	55	32,949	80	36,464	90	3,515	...
14th ditto	Cawnpore-Furrakhabad	87	5,113	59	87	6,031	69	9,711	77	96,618	79	1,904	...
15th ditto	Dildarnagar-Ghaziपुर	12	574	48	12	943	79	15,462	91	16,539	98	1,077	...
14th ditto	Rajputana-Malwa	1,117	1,64,373	147	1,117	2,15,500	193	32,73,240	207	38,24,095	244	5,50,855	...
7th ditto	Wardha-Coul	45	1,130	32	45	12,840	285	1,84,505	290	2,23,643	355	39,138	...
7th ditto	Nagpur & Chhattisgarh	98	4,589	47	149	10,118	68	2,18,291	157	5,35,389	256	3,17,095	...
7th ditto	Rangoon and Irrawaddy Valley	161	17,357	108	161	20,723	129	4,54,877	200	4,35,466	193	...	19,411
7th ditto	Sindia	75	5,701	76	75	7,030	94	91,705	86	82,014	78	...	9,691
7th ditto	Punjab Northern	412	50,043	121	419	59,558	142	8,58,961	153	8,44,795	144	...	14,166
7th ditto	Indus Valley and Kandahar	660	1,07,220	162	660	1,88,468	286	12,41,659	133	23,77,106	257	11,35,747	...
7th ditto	Muttra-Achnura	23	935	41	23	1,099	47	17,752	54	20,672	64	2,920	...
14th ditto	Kanina-Dhaura	32	1,240	39	32	2,058	64	22,266	48	27,399	61	5,133	...
14th ditto	Rewari-Ferozepore	...	...	...	89	8,400	94	...	...	93,017	74	93,017	...
	TOTAL	3,483	4,01,890	127	3,386	5,81,429	172	73,86,588	165	96,18,608	200	22,32,020	...
	<i>Native States.</i>												
7th July 1883	Bhavnagar-Gondal	191	10,366	53	193	8,584	44	3,36,038	122	3,78,363	140	42,325	...
7th ditto	Nizam's	121	10,795	89	121	12,960	107	2,49,678	146	2,10,810	124	...	38,868
30th June 1883	Mysore	86	4,286	50	...	(a)	...	(d) 71,308	65	(e) 68,112	61	...	6,196
14th July 1883	Jodhpore	19	8	...	19	570	30	(f) 42	...	10,626	40	10,584	...
	TOTAL	420	25,455	61	333	22,114	66	6,60,066	116	6,67,911	113	7,845	...
	GRAND TOTAL	9,940	22,98,577	231	10,159	27,54,103	274	1,38,12,589	313	5,10,61,660	354	72,52,071	...
	GROSS ESTIMATED EXPENSES	...	...	...	...	...	...	2,03,78,690	115	2,48,40,997	172	...	...
	NET RECEIPTS	...	...	...	...	...	...	2,34,33,699	168	2,62,23,663	182	27,89,964	...

(a) Return not received.

(b) Total receipts from 1st April to 16th June 1882.

(c) Total receipts from 1st April to 9th June 1883.

(d) Total receipts from 1st April to 30th June 1882.

(e) Total receipts from 1st April to 30th June 1883.

(f) Total receipts from 24th June to 8th July 1882.



No. XXVII OF 1883.

## APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	RECEIPTS FOR WEEK ENDING 15TH JULY 1882.		Total mean length open.	RECEIPTS FOR WEEK ENDING 15TH JULY 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 15TH JULY 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 15TH JULY 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
1st July 1883	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
1st July 1883	Eastern Bengal . . .	172	70,649	411	207	72,173	349	10,92,933	419	13,12,930	433	2,19,997	..
4th ditto	Ondh and Rohilkhand	547	92,763	170	547	91,014	166	16,44,006	199	19,14,087	233	2,70,081	..
4th ditto	Sind, Punjab and Delhi	676	1,70,226	252	749	2,33,310	311	29,37,349	287	38,13,233	343	8,75,884	..
4th ditto	Madras . . .	861	1,34,887	157	861	1,34,624	156	21,47,675	165	19,91,714	154	..	1,55,961
4th ditto	South Indian . . .	655	61,709	94	655	77,497	118	12,12,003	122	11,89,577	121	..	22,426
1st ditto	Great Indian Peninsula	1,458	3,51,278	241	1,451	3,16,348	218	1,15,86,975	527	1,23,71,802	566	7,87,827	..
4th ditto	Bombay, Baroda and Central India . . .	461	1,13,496	246	461	54,337	118	37,63,071	539	39,71,874	575	2,11,803	..
	TOTAL	4,830	9,95,008	206	4,931	9,79,303	199	2,43,84,012	334	2,66,01,217	360	22,17,205	..
1st July 1883	<i>State.</i>												
1st July 1883	East Indian . . .	1,507	8,26,210	548	1,509	9,75,953	647	1,32,97,916	582	1,61,21,713	713	28,23,797	..
4th ditto	Calcutta and South-Eastern	33	2,434	74	56	4,610	82	60,796	134	1,01,274	130	40,478	..
4th ditto	Nalhati . . .	27	1,101	41	27	1,122	53	20,906	51	24,839	61	3,933	..
4th ditto	Northern Bengal . . .	233	33,075	142	239	32,760	137	5,51,430	156	5,86,605	169	35,175	..
4th ditto	Tirhoot . . .	82	11,954	146	166	17,979	103	1,93,187	150	2,53,801	163	60,614	..
4th June 1883	Patna-Gya . . .	57	6,953	122	..	(a)	..	(b) 1,02,446	177	6,09,297	174	..	3,149*
4th July 1883	Muttra-Hathras . . .	29	1,586	55	29	1,561	54	31,535	78	38,169	88	3,634	..
4th ditto	Cawnpore-Furrakhabad	87	6,405	74	87	5,346	61	1,01,120	77	1,01,364	78	844	..
4th ditto	Dildarnagar-Ghaziपुर	12	659	55	12	674	56	16,421	89	17,493	96	1,072	..
4th ditto	Rajputana-Malwa . . .	1,117	1,37,603	123	1,117	1,12,900	101	31,10,843	202	39,59,367	236	5,48,524	..
4th ditto	Wardha Coal . . .	45	991	22	45	10,772	239	1,85,496	272	2,44,485	347	48,689	..
4th ditto	Nagpore and Chhattisgarh	98	2,951	30	119	10,236	69	2,21,245	149	5,45,543	244	3,24,298	..
4th ditto	Rangoon and Irrawaddy Valley	161	18,505	115	161	20,592	128	4,73,382	194	4,56,163	189	..	17,219
4th ditto	Sindia . . .	75	7,129	99	75	6,905	92	99,434	87	99,462	88	..	72
4th ditto	Punjab Northern . . .	412	51,961	126	419	52,321	125	9,10,923	150	9,65,235	143	..	5,688
4th ditto	Indus Valley and Kandahar	660	75,791	115	660	1,11,616	215	13,17,366	132	21,47,033	247	11,29,673	..
4th ditto	Muttra Achnera . . .	23	873	38	23	1,094	47	48,625	53	22,026	64	3,491	..
4th ditto	Kaunia-Dharb . . .	32	1,157	36	32	1,462	52	23,423	48	28,942	60	5,519	..
4th ditto	Rewari-Ferozepore . . .	..	..	..	89	5,520	62	..	..	1,02,461	77	1,02,461	..
	TOTAL	3,483	3,61,335	111	3,586	4,27,466	126	77,40,972	161	1,00,22,889	194	22,81,917	..
4th July 1883	<i>Native States.</i>												
4th July 1883	Bhavnagar-Gondal	194	8,329	43	193	10,380	54	3,44,366	117	3,90,356	135	45,990	..
4th ditto	Nizam's . . .	121	12,675	105	124	16,109	131	2,62,354	143	2,27,297	125	..	35,057
4th ditto	Mysore . . .	86	4,917	57	..	(a)	..	(d) 9,206	65	72,716	60	..	6,490
4th ditto	Jodhpur . . .	19	33	2	19	440	23	(f) 74	..	11,459	40	11,385	..
	TOTAL	420	25,955	62	333	26,929	81	6,86,040	112	7,91,828	112	15,828	..
	GRAND TOTAL	9,940	2,408,508	222	10,159	24,09,251	237	4,61,08,900	307	5,30,17,647	346	79,38,747	..
	GROSS ESTIMATED EXPENSES							2,49,33,548	146	2,48,76,607	161	..	..
	NET RECEIPTS							2,41,7,352	161	2,81,41,040	185	13,95,688	..

(a) Return not received.

(b) To all receipts from 1st April to 15th June 1884.

(c) Total receipts from 1st April to 15th June 1883.

(d) Total receipts from 1st April to 15th June 1882.

(e) Total receipts from 1st April to 15th June 1881.

(f) Total receipts from 1st April to 15th June 1880.

R. A. SARGAUNT, Major, R.E.

Offg. Under-Secretary.

SIMLA,

4th August 1883.



In Rajputana the rainfall was about the average amount, and occurred on 13 days ; scarcely any fell after the 17th.

Bombay had 17 wet days, and the break commenced here 2 days later than in Rajputana. The amount of rainfall at the stations in the Deccan was below the average, but along the coast and in Sind it was excessive. At Jacobabad it was 300%, at Malegaon 50%, and at Bombay and Goa between 30 and 40% above the local averages.

Over the southern parts of the Peninsula rain fell on 22 days, and the amount was above the average.

In the Carnatic rain fell on 13 days ; there was no decided break, and the amounts were small and varied considerably.

The largest number of wet days, *viz.*, 30, was experienced in British Burma, but notwithstanding this constant precipitation, the total at the end of the month was somewhat below the usual amount.

The following table gives in a summarised form the above information :—

	Rainy days.	Date of break.	Amount compared with average.
Punjab ... ..	11	19th ...	Below.
North-Western Provinces ... ..	19	None ...	Variable.
Assam ... ..	17	None ...	Equal.
Bengal ... ..	26	None ...	Above.
Central Provinces ... ..	18	26th ...	Below.
Berars ... ..	10	19th ...	Above.
Central India ... ..	15	21th ...	Below.
Rajputana ... ..	13	17th ...	Equal.
Bombay ... ..	17	19th ...	Above.
Southern Peninsula ... ..	22	None ...	Above.
Ceylon ... ..	9	24th ...	Below.
Carnatic ... ..	13	None ...	Variable.
British Burmah ... ..	30	None ...	Below.

The largest total fall of rain was at Mercara, 53 inches, the smallest at Negapatam 0.29 inch, while the largest excessive departure from the average was 15 inches at Bomlay, and the largest deficiency 9 inches at Saugor (Central Provinces).

W. L. DALLAS,  
*Asst. Meteorological Reporter to the Government*  
*of India.*

ORDER.—Ordered that the memorandum be inserted in the supplement to the *Gazette of India*.

T. W. HOLDERNESS,  
*Offg. Secy. to the Govt. of India.*

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 8th  
August, 1883.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Major the Hon'ble Sir E. Baring, R.A., K.C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

BURMA PILOTS BILL.

The Hon'ble MR. ILBERT presented the Report of the Select Committee  
on the Bill to provide for the grant of licenses to Pilots in British Burma and  
for investigating certain charges against them.

The Council adjourned on Wednesday, the 22nd August, 1883.

SIMLA ;	}	D. FITZPATRICK,
<i>The 9th August, 1883.</i>		<i>Secretary to the Government of India,</i> <i>Legislative Department.</i>



# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 33. } SIMLA, SATURDAY, AUGUST 18, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## CONTENTS.

**PART I.**—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

**PART II.** Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor General's Council assented to by the Governor General:

*Nothing for publication.*

**PART V.** Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

*Nothing for publication.*

SUPPLEMENT No. 33.

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 15th August 1883.*

**No. 187.**—The following promotions are made in the British Burma Commission, with effect from the 1st September 1883, the date from which Colonel A. G. Duff, Commissioner of the Tenasserim Division, vacates his appointment :—

Lieutenant-Colonel W. C. Plant, Deputy Commissioner, 1st Grade, to be Commissioner.

Mr. J. K. Macrae, Deputy Commissioner, 2nd Grade, to be Deputy Commissioner, 1st Grade.

##### JUDICIAL.

*The 15th August 1883.*

**No. 1135.**—In exercise of the power conferred by Section 196 of Act X of 1882 (The Code of Criminal Procedure), the Governor General in Council is pleased to empower the following officers in British Burma to order or authorise, within the limits of their respective executive jurisdictions, the making of complaints of offences punishable under Section 294A of the Indian Penal Code :—

Commissioner of Arracan.

„ of Tenasserim.

Deputy Commissioner of Shwegyeen.

„ of Tounghoo.

„ of Tavoy.

„ of Mergui.

Commissioner of Pegu.

Deputy Commissioner of Prome.

„ of Bassein.

„ of Thayetmyo.

„ of Henzada, and

„ of Thonkwa.

**2.** This cancels Home Department Notification No. 134, dated the 19th June 1878.

A. MACKENZIE,

*Secy. to the Govt. of India.*

#### REVENUE AND AGRICULTURAL DEPARTMENT.

##### NOTIFICATIONS.—SURVEYS.

*Simla, the 11th August 1883.*

**No. 355 S.**—Mr. J. McGill, Deputy Superintendent of the 4th Grade, Survey of India, is granted furlough for one year 11 months and 8 days, under Section 19, Chapter V, of the Civil Leave Code, with effect from the 15th November next.

T. W. HOLDERNESS,

*Offg. Secy. to the Govt. of India.*

GENERAL.

*The 17th August 1883.*

**No. 551 G.**—Mr. E. C. Buck, Secretary to the Government of India in the Revenue and

Agricultural Department, resumed charge of his appointment on the 17th instant, on return from the special duty on which he was placed by Notification No. 376, dated the 18th May last.

**No. 552 G.**—Mr. T. W. Holderness, Officiating Secretary, reverted to his appointment of Officiating Under Secretary in the Revenue and Agricultural Department on the same date.

T. W. HOLDERNESS,  
*for Secy. to the Govt. of India.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS. —JUDICIAL.

*Simla, the 13th August, 1883.*

**No. 2311 I.**—In exercise of the powers conferred by Sections 4 and 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of Mhow, being a European British subject, to be a Justice of the Peace within the limits of that Cantonment.

**No. 2313 I.**—In exercise of the powers conferred by Sections 4 and 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the officer for the time being holding the office of 2nd Assistant to the Agent to the Governor-General for Central India, being a European British subject, to be a Justice of the Peace within the limits of the territories of the Princes and Chiefs in relation with the Central India Agency.

C. GRANT,  
*Secretary to the Government of India.*

**No. 2748.**—In exercise of the powers conferred by Sections 5 and 7 of the Local Authorities Loan Act, 1879, the Governor General in Council has made the following Rules for the raising of loans by Local Authorities in the open market :—

1. These rules shall come into force on the 1st day of September 1883. On and from that date the rules published with Notification No. 3745, dated 8th November 1879, in so far as they relate to the authorisation of loans, shall be rescinded except as regards loans authorised before these rules come into force.

2. In these Rules (1) "The Act" means "The Local Authorities Loan Act, 1879"; (2) "Local Authority" and (3) "Funds" have the meanings assigned to them respectively in the Act; (4) "The Local Authority" means "The Local Authority applying for permission to raise or, as the case may be, raising or having raised the loan"; and (5) "Loan" means "A Loan under the Act."

3. A loan must be defined in rupees and not by the sterling or any other foreign standard.

4. No loan shall be raised except for the construction or repair of works of public utility within the local limits of the jurisdiction of the Local Authority, or for the benefit of the inhabitants within those limits.

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS.

*Simla, the 17th August 1883.*

The following Addenda and Corrigendum to the Codes of the Financial Department are published for general information :—

**No. 2644.**

P. A. A. C.

PAGE 276.

Section 36.

*Insert the following as Exception 3A under this Section :—*

3A. An officer of the Forest Department holding charge of two Forest Divisions may, as a special and temporary arrangement, receive a charge allowance of Rs. 100.

**No. 2757.**

C. L. C.

PAGE 193.

Section 142.

*Insert the following below "Mate Pilot" :—*

	Rs.
1st Mate Leadsman ...	150 a month.
2nd Mate Leadsman ...	125    "
Leadsman Apprentice ...	100    "

PAGE 194.

Section 141.

*Substitute the following for the last sentence of this Section :—*

The minimum furlough allowance during leave on medical certificate to the officer to whom any allowance is due shall be—

In the case of a Branch Pilot,	Rs.
Master Pilot and Mate Pilot ...	100 a month.
In the case of a Mate Leadsman and Leadsman Apprentice ...	50    "

5. Whenever it is desired to obtain the authorisation of the Government to the raising of a loan under Section 7 of the Act a statement shall be submitted to the Local Government showing—

*1st*, the work or works for the construction or repair of which the loan is required, and an estimate of the cost thereof :

*2nd*, the amount which it is proposed to borrow :

*3rd*, the fund or funds on the security of which it is proposed to borrow :

*4th*, the law or laws under which the said fund or funds is or are levied, received or held :

*5th*, the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments, and the instalments, if any, in which it is proposed to repay the loan :

*6th*, the yearly proceeds of each of the funds received or held by the Local Authority :

*7th*, all expenditure incurred by the Local Authority in each of the three last preceding years :

*8th*, all existing prior charges upon the funds of the Local Authority.

6. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work.

7. If it appears to the Local Government that the loan ought not to be raised, it shall reject the application.

8. If it appears to the Local Government probable that the loan ought to be raised, it shall cause to be published in the local official Gazette, and otherwise, as it deems fit, within the local limits of the jurisdiction of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 6 as it may think necessary.

9. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application, or refer it for the orders of the Governor General in Council.

10. The Local Government shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the purposes for which it is raised. Every such work, and the accounts connected therewith, shall be open at all times to the inspection of the Superintending or Executive Engineer in whose division the work is situate, and of any person who may be authorised to inspect the accounts of the Local Authority, and of any other person specially authorised by the Local Government in this behalf.

11. The cost of any enquiry made under Rule 6, of advertisements published under Rule 8, of inspections made under Rule 10, and of any other proceedings by order of the Local Government or the Governor General in Council under these Rules, shall be determined by the Local Government, and shall be paid by the Local Authority.

12. The Local Authority shall give to the Accountant General and the Local Government any information which they may require regarding the expenditure of the loan, and regarding its funds.

13. An attachment of any funds under Section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government, within the local limits of the Local Authority. The moneys collected or received under such attachment shall be paid to the lender, and the accounts of moneys so collected, and of the cost of collection, shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.



**No. 2749.**—In exercise of the power conferred by Section 5 of the Local Authorities Loan Act, 1879, the Governor General in Council has made the following Rules for the grant of loans to Local Authorities by the Government :—

1. These rules shall come into force on the 1st day of September 1883. On and from that date the rules published with Notification No. 3745, dated 8th November 1879, in so far as they relate to the granting of loans, shall be rescinded except as regards loan granted before these rules come into force.

2. In these Rules (1) "The Act" means "The Local Authorities Loan Act, 1879"; (2) "Local Authority" and (3) "Funds" have the meanings assigned to them respectively in the Act; (4) "The Local Authority" means "The Local Authority applying for or, as the case may be, receiving or having received the loan"; and (5) "Loan" means "A Loan under the Act."

3. A loan must be defined in rupees and not by the sterling or any other foreign standard.

4. No loan shall be granted except for the construction or repair of works of public utility within the local limits of the jurisdiction of the Local Authority, or for the benefit of the inhabitants within those limits.

5. Without the consent of the Government of India, no loan shall be granted to any District Committee for the construction of any public work, unless it be estimated that a direct net revenue will be derived therefrom equal to at least Four per centum per annum on its capital cost. Provided, however, that the Local Government may make a loan, not exceeding Rs. 5,000, to a District Committee, for a work designed especially to employ labour for the purpose of relieving distress.

**NOTE.**—A District Committee does not include a Municipal Body.

6. An application for a loan shall state—

*1st*, the work, or works, for the construction or repair of which the loan is required, and an estimate of the cost thereof:

*2nd*, the amount which it is proposed to borrow:

*3rd*, the fund or funds on the security of which it is proposed to borrow:

*4th*, the law or laws under which the said fund or funds is or are levied, received or held:

*5th*, the period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments, and the instalments, if any, in which it is proposed to repay the loan:

*6th*, the yearly proceeds of each of the funds received or held by the Local Authority:

*7th*, all expenditure incurred by the Local Authority in each of the three last preceding years:

*8th*, all existing prior charges upon the funds of the Local Authority.

7. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work.

8. If it appears to the Local Government that the loan ought not to be granted, it shall reject the application.

9. If it appears to the Local Government probable that the loan ought to be granted, it shall cause to be published in the local official Gazette, and otherwise, as it deems fit, within the local limits of the jurisdiction of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 7, as it may think necessary.

10. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject

the application, or, subject to the provisions of Rule 11, grant the loan, or refer the application for the orders of the Governor General in Council.

11. (a) Save as provided in Clause (b) of this Rule, the Local Government may make a loan from any sums which the Governor General in Council allots for the purpose.

(b) If the loan exceeds Rs. 5,000, the previous sanction of the Governor General in Council is necessary.

12. The Local Government shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the purposes for which it is made. Every such work, and the accounts connected therewith, shall be open at all times to the inspection of the Superintending or Executive Engineer in whose Division the work is situate, and of any person who may be authorised to inspect the accounts of the Local Authority, and of any other person specially authorised by the Local Government in this behalf.

13. If the Local Government considers that the conditions on which a loan was granted have not been fulfilled, or that the Local Authority has failed to comply with any of the requirements of these Rules, it may, at any time, order that no further payments shall be made on account of such loan, and recover the amount advanced, with interest thereon, in the manner prescribed by Section 6 of the Act.

14. Interest shall be charged half-yearly on each loan at the rate agreed upon; and shall be reckoned and paid on each instalment from the date on which it is received.

15. The Local Authority may, at any time with the previous consent of the Local Government, repay the whole or any part of a loan made from the Public Treasury in advance of the periods fixed by the conditions of the loan.

16. The cost of any enquiry made under Rule 7, of advertisements published under Rule 9, of inspections made under Rule 12, and of any other proceedings by order of the Local Government or the Governor General in Council under these Rules, shall be determined by the Local Government, and shall be paid by the Local Authority.

17. (a) The accounts of every loan shall be kept by the Accountant General of the Province in which it is made.

(b) The Local Authority shall give to the Accountant General and the Local Government any information which they may require regarding the expenditure of the loan, and regarding its funds.

18. An annual Statement of all loans granted under the Act, repayments due and made during the year, and balances outstanding at the beginning and end of the year in each Province, or under each Local Government, shall be prepared by the Accountant General and submitted to the Government of India through the Local Government, which shall add a report of the progress of the works. Such Statement shall be published in the local official Gazette.

19. An attachment of any funds under Section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government, within the local limits of the Local Authority. The moneys collected or received under such attachment shall be paid into the Government Treasury; and the accounts of moneys so collected, and of the cost of the collection shall be prepared in such form as the Local Government may from time to time direct. A copy of the Accounts shall be delivered to the Local Authority, and published in the local official Gazette.

**No. 2755.**—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st July 1883, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	Total.
	Rs.	Rs.	Rs.	Rs.
Calcutta	6,36,78,690	1,25,14,357	20,35,092	1,45,68,419
Allahabad	99,8,799	68,14,856		68,14,855
Lahore	72,37,111	78,37,610		78,57,610
Bombay	3,50,14,02	2,91,78,918	22,26,592	3,14,04,610
Karnachee	36,80,000	33,52,285	26,700	34,08,985
Madras	1,51,39,635	94,58,669	8,02,000	1,01,60,000
Canton	12,32,135	12,78,910		12,78,910
<b>Total</b>	<b>13,53,67,525</b>	<b>7,04,02,175</b>	<b>50,90,984</b>	<b>7,53,92,559</b>
Deduct amount received at Calcutta but not paid at Lahore ..				25,000
				7,53,67,559
Price paid for Government Securities of the nominal value of Rs. 6,25,97,500 held under Section 13 of the Act				5,99,99,966
<b>GRAND TOTAL</b> ...				<b>13,53,67,525</b>

**No. 2756.**—Mr. T. H. S. Biddulph received charge of the office of Deputy Accountant General, North-Western Provinces and Oudh, from Mr. J. F. Finlay, M.A., B.C.S., after noon on the 11th August 1883.

D. M. BARBOUR,  
Secy. to the Govt. of India.

## MILITARY DEPARTMENT.

*Simla, the 17th August, 1883.*

### APPOINTMENTS.

#### **No. 452.**—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant John Graham Robinson, Warwickshire Regiment, Officiating Wing Officer, 2nd (Prince of Wales' Own) Gurkha Regiment,—1st July, 1882.

### FURLOUGH AND LEAVE.

**No. 453.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major R. T. M. Lang, General List, Cavalry, Deputy Commissioner, 1st class, Punjab, (m. c.) for one year,—185 days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

Lieutenant E. H. Rivett-Carnac, Bengal S. C., Squadron Officer, 19th Bengal Lancers, (p. a.) for one year, under rule I of the regulations of 1875.

**No. 454.**—Captain G. S. Eyre, Bengal S. C., Assistant Commissioner, 4th grade, officiating 3rd grade, British Burmah, is granted furlough out of India (m. c.) for 180 days, under rule XIV, clause 1, of the regulations of 1868, in extension of the

furlough in India allowed him in Notification by the Chief Commissioner, dated the 16th July, 1883.

**No. 455.**—Lieutenant S. C. F. Peile, Bengal S. C., Sub-Assistant Commissary General, 2nd class, is granted leave in India (p. a.) for 30 days, with effect from the 11th August, 1883, under rule X of the regulations of 1875, in extension of that allowed in G. G. O. No. 415 of 1883.

**No. 456.**—The undermentioned officer has been granted an extension of furlough by the Right Hon'ble the Secretary of State for India:—

Major W. H. Beckett, General List, Infantry, (m. c.) for 92 days.

## LONDON GAZETTE.

**No. 457.**—The following extracts are published for general information:—

*"London Gazette," dated the 13th July, 1883, page 3533.*

"WAR OFFICE ;

*Pall Mall, 13th July, 1883.*

### BREVET.

\* \* \* \*

### MEMORANDA.

The promotion to the rank of Colonel of Lieutenant-Colonel George Francis Beville, Bombay Staff Corps, is antedated to 11th July, 1881.

The undermentioned Officers to be Colonels:—

Lieutenant-Colonel Charles John Anderson, Bombay Staff Corps. Dated 20th May, 1883.

\* \* \* \*

The undermentioned Deputy Assistant Commissioners of the Bengal Establishment to have the honorary rank of Lieutenant:—

Michael Shanahan. Dated 10th January, 1883.

James Grant. Dated 10th January, 1883.

Philip Justin Ryan. Dated 11th January, 1883.

John Henry O'Farrell. Dated 26th January, 1883.

*"London Gazette," dated the 17th July, 1883, page 3586.*

"WAR OFFICE ;

*Pall Mall, 17th July, 1883.*

The undermentioned Deputy Assistant Commissioners and Honorary Lieutenants, late Bengal Establishment, to have the honorary rank of Captain on retirement:—

William Willson. Dated 1st December, 1881.  
George Stevens Beckett. Dated 15th September, 1882.

INDIA OFFICE ;

*17th July, 1883.*

The Queen has approved of the following admissions to the Staff Corps made by the Governments in India:—

## BENGAL STAFF CORPS.

### To be Lieutenants.

Lieutenant Edward Lancelot Hight, from the Hampshire Regiment. Dated 29th July, 1881, but to rank from 18th August, 1879.

Lieutenant Charles Le Gendre Justice, from the Wiltshire Regiment. Dated 16th June, 1880, but to rank from 13th March, 1880.

Lieutenant Ernest James Medley, from the Suffolk Regiment. Dated 10th March, 1882, but to rank from 28th May, 1880.

Lieutenant Bernard Walter Cracroft, from the North Lancashire Regiment. Dated 13th March, 1882, but to rank from 1st December, 1880.

Lieutenant Charles Grant Franco Edwards, from the Dorsetshire Regiment. Dated 6th November, 1881, but to rank from 18th December, 1880.

Lieutenant Donald Charles Frederick Macintyre, from the Seaforth Highlanders. Dated 1st January, 1882, but to rank from 1st July, 1881.

Lieutenant Clement Henry Billings, from the East Lancashire Regiment. Dated 6th March, 1882, but to rank from 1st July, 1881."

#### PROMOTIONS.

##### No. 458.—SUBORDINATE MEDICAL DEPARTMENT—

1st Class Apothecary Daniel John Tresham to be Senior Apothecary from the 1st September, 1882, *vice* Senior Apothecary H. D. Cooper, pensioned.

1st Class Assistant Apothecary William Cooper to be 2nd Class Apothecary from the 1st September, 1882, *vice* Apothecary D. J. Tresham, promoted.

1st Class Assistant Apothecary Thomas Tranfield to be 2nd Class Apothecary from the 8th September, 1882, *vice* Apothecary J. A. Perdran, resigned.

1st Class Assistant Apothecary Isaac Burnett to be 2nd Class Apothecary from the 7th December, 1882, *vice* Apothecary H. F. McDonald, deceased.

Passed Hospital Apprentice Michael Edward Mungavin to be 2nd Class Assistant Apothecary from the 21st July, 1882, *vice* Assistant Apothecary C. E. Kidd, dismissed.

Passed Hospital Apprentice William David Busher to be 2nd Class Assistant Apothecary from the 1st September, 1882, *vice* Assistant Apothecary W. Cooper, promoted.

Passed Hospital Apprentice Henry Richard Watkins Ewan to be 2nd Class Assistant Apothecary from the 8th September, 1882, *vice* Assistant Apothecary T. Tranfield, promoted.

Passed Hospital Apprentice Frederick William Adolphus L'Estrange to be 2nd Class Assistant Apothecary from the 9th October, 1882, *vice* Assistant Apothecary J. W. Hogan, seconded.

Passed Hospital Apprentice Richard John Lewis to be 2nd Class Assistant Apothecary from the 27th October, 1882, *vice* Assistant Apothecary H. Farrell, dismissed.

##### No. 459.—NATIVE ARMY—

###### *16th Native Infantry.*

Jemadar Jassa Rae to be Subadar, *vice* Baldeo Pattuck, invalided; Jemadar Gourisankar Agnhotre to be Subadar, *vice* Kalla Sing, invalided; Havildar Udit Sing to be Jemadar, *vice* Jassa Rae, promoted; Havildar Alliar Khan to be Jemadar, *vice* Gourisankar Agnhotre, promoted, - 16th April, 1883.

###### *35th Native Infantry.*

Havildar Sookbhandan to be Jemadar, *vice* Ruggha Singh, deceased, - 5th February, 1883.

#### REWARDS.

##### No. 460.—SUBORDINATE MEDICAL DEPARTMENT—

In G. G. O. No. 128 of 1883, for Sergeant William Hamilton *Milton*, read Sergeant William Hamilton *Milton*.

#### MARINE DEPARTMENT.

#### PROMOTIONS.

No. 38.—Mr. A. J. G. Piffard, 4th Grade Officer, Indian Marine, to be a 3rd Grade Officer, with effect from the 12th August, 1883.

No. 39.—Mr. George Fennel, Assistant Engineer, 2nd class, Indian Marine, to be an Assistant Engineer, 1st class, with effect from the 2nd August, 1883.

No. 40.—The services of Mr. A. McDonald, Assistant Engineer, 2nd class, Indian Marine, are dispensed with.

G. CHESNEY,

*Secretary to the Government of India.*

#### PUBLIC WORKS DEPARTMENT.

#### NOTIFICATIONS.

*Simla, the 17th August 1883.*

No. 1120 G.

RESOLUTION—By the Government of India, Public Works Department.

Formation of a Committee to consider certain proposals for the reorganisation of the Public Works Department.

Read—

1. Despatch from Secretary of State, No. 50, dated 8th September 1881.
- „ to „ „ „ No. 50, dated 16th December 1881.
- „ to „ „ „ No. 8, dated 20th February 1882.

2. Despatch No. 18P. W., dated 22nd March 1883, from the Right Hon'ble the Secretary of State for India, conveying orders on the proposals submitted by the Government of India for the reorganisation of the Engineer Establishment of the Public Works Department on an improved footing in regard to promotion and pensions on retirement.
3. Notes and statements prepared in the Public Works Secretariat, shewing the probable effect the above orders would have on the rate of promotion for the next 33 years, and submitting alternative suggestions for securing in the future an accelerated and even rate of promotion in all grades.

**OBSERVATIONS.**—The questions referred to in the preamble have been long under the consideration of the Government of India. Attempts have been made from time to time to deal with the matter, and measures have been adopted on various occasions which have afforded temporary relief to the stagnation of promotion in the establishment.

In December 1881, proposals were forwarded to the Secretary of State, with the view of affording a large measure of relief in the way of accelerated promotion and improved pensions. His Lordship has now provisionally approved certain modified proposals having the same object. These proposals have been examined in the Public Works Department from an actuarial point of view, and certain modifications are suggested in the notes and statements quoted in the heading, the object of which is to secure for the future a more fair and equal rate of promotion in all grades. The Governor General in Council considers it advisable before taking further action to ascertain by reference to a representative committee what measures would, in their opinion, be adequate for the purpose in view, and would satisfy the reasonable claims of the officers of the Department. Advantage will also be taken of this opportunity to elicit representative opinions on the other proposals which have received the provisional sanction of the Secretary of State.

**RESOLUTION.**—With this view the Governor General in Council has resolved to refer the question to a Committee composed of the following officers:—

*President.*

Mr. G. L. Molesworth, C.I.E., Consulting Engineer, to the Government of India for State Railways.

*Members.*

Mr. A. C. Cregeen, M.I.C.E. ("Stanley" Engineer), Engineer-in-Chief, Vizagapatam-Raipur Railway Survey.

Mr. H. Bell, M.I.C.E. ("Stanley" Engineer), Engineer-in-Chief, Dacca-Mymensingh State Railway.

Mr. R. A. Way (Royal Indian Engineering College, Cooper's Hill), Bengal and North-Western Railway Company in temporary employ.

Mr. C. Vincent (Royal Indian Engineering College, Cooper's Hill), Officiating Consulting Architect to Government, Madras.

Mr. E. Pinhey (Royal Indian Engineering College, Cooper's Hill), Assistant Engineer, Canara, Bombay Presidency.

Mr. W. A. Lesmond (Thomason College, Roorkee), Executive Engineer 3rd grade, West Deccan Railway.

Mr. P. W. Dangerfield, Executive Engineer, Rajputana-Malwa Railway.

Madhub Chunder Roy (Presidency College, Calcutta), Executive Engineer 2nd grade, Julpiguri, Bengal.

Major J. G. Hall, R.E., Executive Engineer 1st grade, Ganges Canal, North-Western Provinces.

Major G. F. L. Marshall, R.E., Under Secretary to the Government of India.

*Secretary.*

Mr. W. Harvey.

The subjects to be considered by the Committee and upon which its opinion is requested are stated in the following summary of the objects of the reorganisation scheme as enumerated in paragraph 2 of the despatch quoted in section 1 of the preamble:—

- (a) The reduction of the numerical strength of the Department to such proportions as will suffice for the work to be done.

- (b) The readjustment of the grades so as to make promotion more rapid.
- (c) The offer of terms of retirement which will have the effect of accelerating promotion and providing members with a superannuation allowance justified by their service and age.
- (d) The determination of the proportions in which the establishment shall be recruited by Royal Engineer officers, by Civil Engineers from England, and by passed students from the colleges in India.

The Committee will assemble at Simla on Monday, 3rd September next.

**ORDER.**—Ordered, that copies of this Resolution be forwarded to the

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and Punjab, in the Public Works Department.  
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.  
The Resident at Hyderabad.  
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.  
The Accountant General, Public Works Department.  
The Inspector General of Military Works.  
The Director General of Railways.  
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.

President of the Committee for information and guidance, and that it be forwarded to all Local Governments, Administrations and Off-

cers noted in the margin for information: also that it be published in the *Gazette of India*.

*The 11th August 1883.*

**No. 188.**—The Governor General in Council is pleased to make the following temporary promotions, with effect from 23rd June 1883, *vice* Mr. O'Callaghan, Superintending Engineer, proceeded on furlough:—

*To Superintending Engineer, Class II.*

Major J. H. Western, R.E., Superintending Engineer, Class III, Special, Punjab.

*To Superintending Engineer, Class III.*

Mr. J. W. Fuyers, Executive Engineer, 1st Grade, Railway Branch.

*The 13th August 1883.*

**No. 189.**—Major C. E. Shepherd, s.c., Executive Engineer, 1st Grade, is appointed to officiate as Engineer-in-Chief of the Rewari-Ferozepur State Railway, with the rank of Officiating Superintending Engineer, Class III, during the absence on privilege leave of Mr. R. T. Mallet, or until further orders.

*The 15th August 1883.*

**No. 190.**—With reference to Government of India, Public Works Department, Notification No.

184 of 9th August 1883, Captain W. Pitt, R.E., is posted to the Office of the Consulting Engineer to the Government of India for Guaranteed Railways, Lahore.

**No. 191.**—Mr. W. H. Marten, Deputy Examiner, North-Western Provinces and Oudh, is granted furlough in India for one year under Chapter X, Section 131, Civil Leave Code, with effect from 19th March 1883.

*The 16th August 1883.*

**No. 192.**—Major W. Selgwick, R.E., Officiating Deputy Consulting Engineer to the Government of India for Guaranteed Railways, Calcutta, is appointed to act as Manager and Superintendent of Way and Works of the Tirhoot State Railway during the absence of Mr. V. Rigby on three months' privilege leave, or until further orders.

*The 17th August 1883.*

**No. 194.**—Mr. Philip Gordon Murray and Mr. Murzban M. C. Murzban are appointed to the State Railway Revenue Establishment as probationers in the Traffic Candidate Class, and placed at the disposal of the Director General of Railways.

#### TELEGRAPH.

*The 16th August 1883.*

**No. 193.**—The Governor General in Council is pleased to make the following promotions in the Indian Telegraph Department, with effect from the dates specified and until further orders:—

Names.	From	To	With effect from
Mr. R. B. Flindell	Superintendent, 2nd Grade	Superintendent, 1st Grade	11th June 1883.
Mr. R. F. Dallas	" 3rd "	" 2nd "	11th " "
Mr. F. W. F. Wiese	" 4th "	" 3rd "	11th " "
Mr. H. A. W. Fanshawe	Asst. Supdt., 1st "	" 4th "	14th " "
Mr. E. C. Bird	Superintendent, 4th "	Officiate as Supdt., 3rd Grade	2nd " "
Mr. C. Duffin	Asst. Supdt., 1st "	" 4th "	2nd " "
Mr. K. E. Symons	" " 1st "	" 4th "	7th " "
Mr. H. J. A. Hervey	" " 1st "	" 4th "	12th " "
Mr. T. Blissett	Superintendent, 2nd "	" 1st "	11th " "





GOVERNMENT OF INDIA.  
REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR  
THE WEEK ENDING THE 14th AUGUST 1883.

GENERAL REMARKS.—The break in the monsoon, which is causing considerable anxiety, still continues in Northern, Central, and Western India. Between one and two inches of rain fell in the Madras Presidency, and although prospects there are generally fair the dry crops in several districts stand urgently in need of more rain. In Mysore the weather has been favourable, and the crops are doing well. In the Bombay Presidency there has been little or no rain, and the crops are said to be withering in many districts. Even along the Western Coast the rainfall of the week has been very light. The river in Sind is still below its normal level for the season of the year, and partial injury to crops has taken place, but the river is reported to be rising again. The Behars, Central India, and Rajputana have been practically without rain, and in the two last-mentioned tracts much anxiety as to the crops is felt. Rain in varying and generally sufficient quantities has fallen in Bengal, Assam, and Burma, and prospects are on the whole good in those provinces. More rain is however required in parts of the Rajshahye and Bhagalpur divisions in Bengal and the Sylhet district of Assam. In Burma the rainfall, though a good deal below that of last year, has been favourable, and the crops are thriving. Beyond slight showers in four districts, no rain is reported from the Central Provinces, and a failure of the rice crop in the eastern districts is feared. Less injury has as yet been sustained by other crops; but rain is urgently wanted. The same remarks are applicable to the North-Western Provinces and Oudh, though here the need for rain is even greater. The eastern districts are still doing well, but in the west prospects are unpromising. Light showers have fallen in a few districts of the Punjab, but without benefiting the south-eastern districts, where serious fears are entertained of a complete failure of the crops on unirrigated land if rain holds off for another week.

There is little change to notice in the position of agricultural operations. Harvesting is in progress in the Madras Presidency, and late *khariif* sowings and transplanting are being completed in the Deccan where locusts are still reported. In Central India, Rajputana, North-Western Provinces and Oudh, and Central Provinces the *khariif* crops are being weeded, and in the Punjab sowing is nearly finished. In Bengal early rice and jute are being harvested. Some damage has been done in Behar by excessive rain. In Burma ploughing and sowing are almost over, and transplanting of rice is well advanced.

Cholera continues severe in several districts of the Bombay Presidency and the Central Provinces, but is said to be abating in the latter. Cattle-disease is generally prevalent.

Prices rule high.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras - (Aug. 15th)</b>		
Bellary ...	1.21 (average of eight stations).	Standing crops, wet generally good; dry crops suffering from insects, and want of rain in half the district.
Kurnool ...	.98 (average of seven stations).	Standing crops good, but rain wanted in parts. Cattle-disease in six taluks.
Ganjam ...	1.83 (average of sixteen stations).	Standing crops, red gram, gingelly, and sugarcane thriving. Fever, small-pox, and cattle-disease slight.
Kistna ...	.79 (average of eleven stations).	Standing crops good, but rain wanted in several taluks. Fever, small-pox, guinea-worm, and cattle-disease slight.
Chingleput (Madras) ...	1.27 (average of eleven stations).	Standing crops good where water available; harvest of <i>kar</i> , paddy, &c., yield half. Small-pox slight in three taluks. Cattle-disease slight in some villages.
Coimbatore ..	2.15 (average of sixteen stations).	Standing crops generally good, but paddy and dry crops suffering in parts; harvest of dry crops, yield average. 13 deaths from cholera in five taluks; fever in parts.
Tanjore ..	1.25 (average of eleven stations).	Standing crops generally good, but dry crops in one taluk want rain. 25 deaths from cholera. Cattle-disease in parts of one taluk.
Madura ...	1.12 (average of seven stations).	Standing crops fair in four taluks; harvest of paddy and dry crops in parts.
Malabar ...	.95 (average of fourteen stations).	First crop progressing; harvesting in two taluks. Small-pox slight in most taluks; fever in five taluks; cholera slight in Palghat, 3 deaths. Cattle-disease slight in parts.
Travancore ...	1.034	Paddy ripening in parts; harvesting has begun. Fever prevails. <i>General Remarks.</i> —General prospects fair.
<b>Bombay - (Aug. 15th)</b>		
Kurrachee ...	<i>Nil</i>	River on 13th 16 feet against 20 feet 4 inches last year. Damage expected to crops from low river. Small-pox prevalent in four villages in district; 8 fresh cases, 2 deaths, 6 remaining sick; fever in five talukas. Cattle-disease in Sakro taluka. Wheat, red rice, and <i>bajri</i> in Kurrachee, 24, 32 and 19; in Schwan 32 and 40; in Sakro 16, 28 and 38; and in Sujawal 26, 34 and 10 lbs. per rupee, respectively.
Hyderabad ...	.....	River has commenced to rise since last week, but was 4 feet 4 inches lower on 15th August than on same date last year. Fever in three, cattle-disease in five, and small-pox in four talukas. Wheat 24, <i>bajri</i> 39, <i>juari</i> 48, red rice 26, and white rice 22 lbs. per rupee.
Ahmedabad ...	.....	Rain wanted throughout the district. Crops withering. Cholera in the city, 2 cases, 1 fatal; slight fever in Vrangoon. Cattle-disease in Parantaj. <i>Bajri</i> 29 and wheat 26½ lbs. per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Baroda ...	<i>Nil</i>	Cholera in mild form continues in Sidhpur, Patan, and Baroda, and has appeared in Naosari taluka, 3 deaths in Baroda city. Crops generally withering for want of rain. <i>Bajri</i> 27 and rice 24 lbs. per rupee.
Surat ...	<i>Nil</i>	Total rainfall 38·07; more rain wanted. Cholera in Surat, Bulsar, and Bardoli, in all 11 cases, 8 deaths. Cattle-disease in Olphad. Fever in Pardi. <i>Juari</i> 36 and <i>nagli</i> 40½ lbs. per rupee.
Nasik ...	<i>Nil</i> ; except in Peint and Igatpuri.	More rain urgently wanted; <i>kharif</i> sowing and rice transplanting vigorously continue; <i>tasar</i> crops withering for want of rain. Cholera in eight talukas, 141 attacks, 72 deaths; small-pox in Niphad taluka. Locusts in eleven talukas, but no damage done. <i>Bajri</i> 28, wheat 28½, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	Very little rain; total of week, '19.	Total rainfall up to date 54·52, being 2·47 above average. Abnormal temperature 3° warm; vapour in air deficient. Monsoon wind weak; barometer high.
Poona ...	.....	Rain much wanted for young crops. Cholera cases 238, fatal 150. <i>Bajri</i> 37 and <i>juari</i> 46 lbs. per rupee; in Poona <i>bajri</i> 34 and <i>juari</i> 43 lbs. per rupee.
Ahmednagar ...	<i>Nil</i>	<i>Kharif</i> crops withering. Rain urgently wanted. Cholera 411 attacks, 207 deaths. <i>Bajri</i> maximum 51 lbs. per rupee in Jamkhed, minimum 33 lbs. in Akola; <i>juari</i> —maximum 60 lbs. per rupee in Jamkhed, minimum 39 lbs. in Akola.
Sholapur ...	1·52	Total rainfall 15·64. Crops withering for want of rain. <i>Juari</i> 62 and <i>bajri</i> 52 lbs. per rupee. Cholera 477 cases, 223 deaths.
Dharwar ...	Good rain in Navalgund, Gadag, and Ron talukas, where it was badly wanted; maximum 2·56 at Navalgund.	More rain is required in Navalgund, Gadag, and Ron talukas as well as in others. Standing crops generally fair. Sowings of <i>juari</i> , <i>savan</i> , &c., still proceeding in some parts, and lands being prepared for <i>rabi</i> sowings. Public health good. <i>Juari</i> from 81 lbs. in Kod to 42 lbs. in Dharwar, and rice 41 to 25 lbs. per rupee.
Kanara ...	In Kumpta, 1·47; Sirsi, 1·51; Hallial, '55; Kanara, <i>Nil</i> .	Rice crops in ear near Karwar. Weather fine. Rain wanted. Small-pox in Honawar, Siddapur, Sirsi, and Akola, 1 death. Common rice in Karwar 12½ seers and in district average 13½ seers per rupee.
Rajkot ...	.....	General health fair. Weather cloudy and hot. Rain wanted. Cholera in Dhoraji, Und, and Gondal. <i>Bajri</i> 29 and <i>juari</i> 36 lbs. per rupee.
		<i>General Remarks.</i> —Rain much wanted throughout the Presidency. In many districts crops withering. River low in Sind where also crops are partially injured for want of water. Locusts in Nasik, Khandesh, Satara, Colaba, and Ratnagiri. Cholera in all districts of the Deccan and in Tanna also in Colaba and the districts of Guzerat, and the Southern Mahratta Country to a slight extent; fever small-pox, and cattle-disease in a few districts.
<b>Bengal—(Aug. 15th)</b>		
Chittagong ...	7·55	Weather seasonable. Transplanting in progress. Prospects fair; out-turn of <i>aus</i> rice good. Prices stationary. Cattle-disease still reported.
Dacca ...	1·61	<i>Aus</i> paddy and <i>jute</i> being cut, <i>roachia</i> paddy being sown. Prospects good.
24-Pergunnahs (Calcutta) ...	2·13	Prospects of both early and late rice good. Transplanting of late rice going on. Price of common rice stationary. Public health generally good. Cases of cattle-disease reported from Bussirhat Rivers rising.
Moorshedabad ...	3·60	<i>Bhadai</i> being harvested in some places. Transplanting of <i>amun</i> continues; other crops doing well. Health of people on the whole good.
Rajshahye ...	1·96	Crops doing well. More rain wanted.
Burdwan ...	2·16	Transplanting going on. Prospect of all crops favourable. Public health fair.
Rungpore ...	2·74	Prospects of crops favourable. More rain wanted. Public health good.
Bhagalpur ...	'76	Prospects of crops good.
Purneah ...	2·24	Prospects of early rice good, late rice improved by late rain. Farming operations normal. Health normal. Rivers rising.
Patna ...	1·08	Prospects of <i>bhadai</i> good. Transplanting of paddy going on. Cholera reported from Barrh and Behar sub-divisions.
Durbhunga ...	2·57	Weather cool. <i>Bhadai</i> suffering from excessive moisture; greater part of town inundated. Health fair. Prices rising slightly.
Hazaribagh ...	'15	Weather warm and cloudy. Crops doing well. Transplanting operations in progress. A few cases of cholera reported from Sadr station; general health good.
Cuttack ...	2·32	Weather cloudy. <i>Beali</i> and <i>savad</i> crops progressing well, in some places <i>beali</i> in ear. Owing to rising of river Kharsica low lands in the neighbourhood inundated. Public health good.
		<i>General Remarks.</i> —Rain in varying quantities fell in all districts during the week; more rain is still wanted in parts of Rajshahye and Bhagalpur divisions. Prospects of all early crops generally favourable, though in Behar <i>bhadai</i> has suffered from excessive rain in a few places. Orissa has been flooded in places, but no injury to crops has been reported. Transplanting operations are still being carried on generally. Sugarcane continues to be very favourably reported of. Harvesting of early rice and <i>jute</i> is proceeding. In Central and Eastern Bengal <i>jute</i> is said to be poor in Pubna and Mymensing. Cholera still lingers in some districts, and fever has appeared in a few.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>		
Benares (Aug. 14th)	Benares, Nil; Chandausi, '9.	<i>Kharif</i> prospects good. No sickness of men or cattle. Prices steady.
Allahabad ( „ 15th)	.....	Hot and dry west wind blowing. Rain urgently needed. Crops beginning to suffer from drought. Cholera still hanging about. Prices fairly steady.
Gorakhpur ( „ 13th)	No rain	Crops promising. Some cattle-disease. Prices steady.
Jhansi ...	No rain	Crops on <i>rakar</i> land drooping for want of rain, those on <i>mar</i> soil still good. If no rain falls within the present week, minor crops will be greatly injured. Health good. Prices rising.
Agra (Aug. 14th)	No rain	Rain greatly wanted every where. Well irrigation continues. Crops beginning to wither. Sporadic cholera in three parganas; fever in four parganas. Prices rising.
Bareilly ( „ „ )	A few light showers	Prices slightly rising. Cattle-disease has spread considerably. Fever is some what prevalent.
Meerut ...	No rain, except a slight shower on 11th.	Weather often cloudy, but wind still westerly. No injury done to irrigated crops. Supplies sufficient of grain and fodder. Prices rising. Health good.
Kumaun (Aug. 14th)	.....	Bright hot weather and westerly wind; storm on the 12th. Crops still good. Health fair. Prices stationary. Cattle-disease prevalent.
Lucknow ( „ „ )	No rain	Weather clear. Crops favourable, but rain is much wanted now for the rice crops which are in good condition at present. Condition of cattle normal. Prices same as last week.
Partabgarh ( „ „ )	.....	Reports from Partabgarh and Patti are exceedingly favourable. Crops getting on well, but rice crops are in want of rain. Health good; from Kunda a few cases of small-pox are reported.
Sitapur ( „ „ )	Sidhoul, '2	Rain urgently required. Crops drying up.
Fyzabad ( „ „ )	No rain	Rain required for <i>kharif</i> crops. Public health good. Cattle-disease in parts of tahsil Akbarpur.
Rae Bareli ( „ 13th)	No rain, except '2 at tahsil Salon.	Weather cloudy; wind westerly. <i>Kharif</i> crops suffering for want of rain. Health of men and condition of cattle good. Prices steady.
Cawnpore ( „ 14th)	No rain	Present break of rain if prolonged will injure the crops. General health good, but few cases of cholera and slight fever prevailing. Cattle-disease reported in three parganas. Prices steady.
Farukhabad ( „ „ )	.....	Sky unclouded; slight haze as in the hot weather; sun powerful. Westerly wind blowing warm and rather strong. Slight fever in a few localities. Cattle-disease in two tahsils. Crops beginning to suffer seriously from want of rain. No complaint of insufficient supply, but prices rising.
<b>General Remarks.</b> —The only district in which there appears to have been a general fall of rain is Saharanpur, elsewhere, except for local showers the weather has been dry, and hot westerly winds threaten to wither up the crops. More rain is very urgently wanted. Cholera is reported from Allahabad, Cawnpore, Aligarh, Agra, and Saharanpur. Several districts also report cattle-disease which is spreading considerably in Bareilly. Prices are rising in several districts.		
<b>Punjab—(Aug. 15th)</b>		
Delhi ...	.....	Rain urgently wanted. Health good. Crops suffering from want of rain. Prices rising.
Hissar ...	.....	Rain much needed. Crops withering. Health good. Prices rising.
Umballa ...	'50	More rain much wanted. Health fair. <i>Kharif</i> sowings nearly finished. Prices rising.
Jullundur ...	.....	Rain much wanted. Health good. Crops suffering in some localities. Prices rising.
Amritsar ...	'90	More rain much needed. Health good. Prices rising.
Sialkot ...	2'0	Health good. Crop prospects improving. Prices falling.
Ferozepore ...	.....	Rain much wanted. Health good. Crops backward. Prices rising.
Lahore ...	.....	Rain much wanted. Crop prospects bad. Prices high. Weather threatening.
Rawalpindi ...	1'70	A few cases of cattle-disease in Murree tahsil; health otherwise good. <i>Kharif</i> prospects good. Slight rise in prices.
Mooltan ...	.....	Health and crop prospects good. Prices stationary.
Dera Ismail Khan ...	'14	Health good. Crop prospects fair. Prices slightly rising.
Peshawar ...	.....	Slight rain, but more is much wanted. Fever prevalent. Prices steady.
<b>General Remarks.</b> —Slight rain has fallen in a few districts, but more is much wanted, except in the north and west. Crop prospects in the south-east are causing much anxiety, and fears are entertained of a complete failure on unirrigated lands in the Delhi and Hissar divisions, unless rain falls within a week. Prices of food-grains rising. Cattle-disease is prevalent in the Murree tahsil and fever in Peshawar. Health of the province is generally good.		
<b>Central Provinces—(Aug. 15th)</b>		
Nagpur ...	'9	Weather close. Rain much needed for rice and <i>juari</i> . 568 deaths from cholera. Prices steady.
Jubbulpore ...	.....	Weather clear and cloudy occasionally. Rain much wanted. Cotton and other crops thriving. Wheat 21 and rice 14 seers per rupee.
Saugor (Aug. 14th)	.....	Weeding finished. Crops languishing for want of rain, which is much needed. Prices rising. Health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces—<i>contd.</i></b>		
Seoni ...	22	Weather clear and hot. More rain urgently wanted for rice. 27 deaths from cholera. Prices rising.
Hoshangabad ...	.....	Weather very close. All crops suffering for want of rain. Fever prevalent. Wheat 16 and rice 9 seers per rupee.
Khandwa ...	.....	Weather close, with occasional clouds. Prospects depend on rain, which is urgently wanted. 261 deaths from cholera. Prices rising.
Raipur ...	6	Crops seriously suffering from want of rain; about one-fourth of rice lost. Prices rising. 7 deaths from cholera in Rajnandgaon.
Sambalpur ...	126	Rain deficient towards north and west. Prospects good. Fever increasing. Common rice 42 seers per rupee.
<i>General Remarks.</i> —Rain much wanted for rice and in a less degree for other crops. Prospects still favourable, except in the eastern districts where the rice crop is reported to have already suffered considerably. Cholera continues, severe in some places, but is on the whole abating. Prices rising.		
<b>British Burma— (Aug. 15th)</b>		
Akyab ...	749	Total rainfall up to date 127.32. 7 deaths from cholera and 1 from small-pox in town, and 5 from cholera in district. Health of plough cattle good, except in two townships in which 124 cattle died. Ploughing not yet completed. Sowing progressing. Transplanting commenced. Nurseries healthy.
Rangoon ...	288	Total rainfall up to date 49.61. 3 deaths from small-pox, otherwise public health good. Price of paddy from Rs. 96 to 97 per 100 baskets.
Bassein ...	222	Total rainfall up to date 58.15. 1 death from cholera in town and 1 in Bassein township, otherwise public health good. 55 deaths of cattle in five townships. Ploughing progressing. Transplanting resumed.
Prome ...	36; rainfall scanty in Pongde.	Total rainfall up to date 28.55. 1 death from cholera in one township, otherwise public health good. 92 deaths of cattle in three townships, otherwise health of plough cattle good. Ploughing and transplanting going on. Seedlings in good condition. Transplanting wages Rs. 1-8 per acre.
Amherst (Moulmein) ...	562	Total rainfall up to date 103.29. Public health in Moulmein and district good, 43 deaths of cattle in one township. Ploughing and broadcast sowing over. Transplanting progressing. Transplanting wages 12 annas per man per day. Plants for transplanting plentiful. Appearance of crops very good. In Moulmein town ploughing, sowing, and transplanting progressing. Health of cattle good. Nurseries good. State of supply of seedlings for transplanting fair.
Toungoo ...	415	Total rainfall up to date 52.03. Public health good. Health of plough cattle good. Ploughing continues; sowing and transplanting commenced. Prices of paddy Rs. 65 per 100 baskets.
Kyaukse ...	1099	Total rainfall up to date 109.73. 8 deaths from cholera in the jail, otherwise public health good. Cattle-disease much abated. A few deaths in Daingbone circle, Myaybone township, exact number not reported. Three-fourths of district sown. Price of paddy stationary.
Sandoway ...	644	Total rainfall up to date 141.81. Public health good. Ploughing, sowing, and transplanting progressing. Wages of sowing and transplanting Rs. 7 per mensem in northern townships and Rs. 10 in southern townships.
Hanthawaddy ...	.....	Public health and health of cattle good. Ploughing progressing. Ploughing wages from 60 to 100 baskets of paddy per man. Price of paddy from Rs. 95 to Rs. 100 per 100 baskets.
Pegu ...	515	Total rainfall up to date 78.67. Public health fair. Slight cattle-disease in Hlegu. Sowing continues. Transplanting commenced. Price of paddy from Rs. 90 to 95. Season favourable at present.
Tharrawaddy ...	105	Total rainfall up to date 66.49. Public health good. 25 deaths of cattle in three townships; health of plough cattle in other townships good. Ploughing, sowing, and transplanting progressing. Supply of seedlings and the general appearance of young plants good, except in one township, where a little rust has appeared in seedlings. Price of paddy from Rs. 90 to 102 per 100 baskets.
Thongwa ...	206	Total rainfall up to date 48.25. 5 deaths from small-pox in one township, otherwise public health good. 38 deaths of cattle in two townships; health of cattle good in all other parts of the district. Ploughing nearly completed. Transplanting from nurseries going on. Price of paddy from Rs. 80 to 85 per 100 baskets. Cultivation on Macopin Island progressing very favourably.
Henzada ...	241	Total rainfall up to date 59.61. Public health and health of cattle good. Ploughing and transplanting progressing. Supply of seedlings and general appearance of young plants good in Henzada sub-division, but rather poor in Myanong sub-division.
Thayetmyo ...	88	Total rainfall up to date 21.54. Public health good. 20 deaths of cattle in Myaydeh sub-division. Ploughing continues. Transplanting going on.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—contd.</b>		
Shwaygyin ...	5.10	Total rainfall up to date 93.05. Public health fair. Some cattle-disease in Kyauksew creek, leading to non-cultivation of fields. Ploughing approaching completion. Sowing and transplanting progressing. Price of paddy Rs. 70.
Tavoy ...	3.98	Total rainfall up to date 125.28. Public health and health of cattle good. General appearance of the plants good. About 150 acres of the crops in low land have been destroyed by inundation and in Shwaygyon circle young plants in some of the fields have been destroyed by rats, extent unknown as yet.
Mergui (Aug. 4th)	1.65	Total rainfall up to date 85.91. Public health and health of cattle good. Ploughing and sowing progressing. Price of paddy Rs. 75 per 100 baskets. <i>General Remarks.</i> —Slight cholera in Akyab and Kyauksew, otherwise public health good. Rainfall considerably less than last year up to date. Ploughing and broadcast sowing nearly finished. Transplanting in progress. Prospects of the crops up to date encouraging. Price of paddy steady.
<b>Assam—(Aug. 15th)</b>		
Gauhati ...	1.92	Weather cool and favourable for transplanting operations. Public health fair. Cattle-disease still prevalent in the interior.
Sylhet ...	14.44	Prospects continue favourable. More rain required. In south of district small-pox ragers.
Cachar ...	4.91	Weather rainy. Reaping of <i>damali</i> and <i>murali</i> crops commenced; transplanting of <i>sali</i> crops continues. Common rice 17½ seers per rupee. Small-pox still reported from Hailakandi.
Dibrugarh ...	4.09	Weather cool. Transplanting of <i>sali dhan</i> commenced. Public health good.
<b>Mysore and Coorg— (Aug. 15th)</b>		
Bangalore ...	3.75	Standing crops in good condition. Prospects fair. A few cases of cholera in the town of Bangalore.
Mysore ...	3.50	Standing crops and health good. Prospects favourable.
Mercara ...	2.11	Transplanting of rice continues. More rain wanted for transplanting of coffee. Prices of food grains falling. Prospects generally good. <i>General Remarks.</i> —1 to 3½ inches rain in the district. Standing crops in good condition. Prospects favourable. Public health generally good. Prices stationary.
<b>Berar &amp; Hyderabad— (Aug. 15th)</b>		
Amraoti ...	.....	Rain wanted. Crops in good condition. Prices of wheat 16 and <i>juari</i> 26 seers per rupee.
Akola ...	.....	<i>Kharif</i> crops in good condition. Rain wanted.
Hyderabad (Aug. 16th)	42 average	Total rainfall from 1st January 1382. <i>Kharif</i> crops benefited by the rain; <i>abi</i> sowings postponed, as the tanks have not yet received sufficient water. Weather hot. Prices of wheat 15½, coarse rice 10, white <i>juari</i> 23½, yellow <i>juari</i> 27½, and <i>tur</i> 23 seers per current sicca rupee.
<b>Central India States— (Aug. 15th)</b>		
Indore ...	.....	Rain is urgently required if the <i>kharif</i> crop now on the ground is to be saved. Cholera continues in the Indore city; otherwise health good. Prices are rising. Weather cool at nights, but close during the day.
Morar (Gwalior) ...	Nil	Cholera in Lashkar and Gwalior. Rain much wanted. Heat great. Prices of food-grains slightly rising. Health of European troops good.
Satna ...	Nil	Dry weather causing injury to crops. Health good.
Rutlam ...	.....	No report received.
Neemuch ...	Nil	Crops withering. Days hot, nights moderately cool. Public health good.
Goona ...	Nil	Weather hot. Prices rising. Health good.
Bhopal ...	.....	No report received.
Agar ...	.....	Rain urgently required for crops. Epidemic of cholera at Agar has abated.
Sehore ...	Nil	Weather clear. Rain needed for <i>juari</i> . Public health good.
Nowgong ...	13	Rain wanted. <i>Kharif</i> prospects favourable. Health fair. Prices steady.
Manpur ...	.....	No report received.
<b>Rajputana—</b>		
Abu (Aug. 15th)	Nil	Rain badly wanted. Heavy clouds and sharp winds indicative of rain which however holds off.
Sirohi ( „ 12th)	.....	No rain since 18th July. Tanks nearly dry; fair amount of water in wells. Crops nearly dry; fields being watered from wells. More rain wanted. Health good.
Marwar ( „ 11th)	Nil	Tanks all empty; water obtained from wells with great difficulty. Crops being scorched for want of rain. Weather partially cloudy. Great anxiety prevails. If the rains still hold off for a week more of the existing crops will perish. Prices rising rapidly. Health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—contd.</b>		
Meywar (Aug. 12th)	<i>Nil</i>	Tanks and wells fair. Prospects of crops doubtful. Grass burnt up. More rain wanted. Weather cool. Health good.
Harowti ( " 11th)	<i>Nil</i>	Crops suffering. Rain most urgently needed. Wind westerly. 25 deaths from cholera at Kotah during week; elsewhere health good. Prices rising.
Jhallawar ( " 10th)	<i>Nil</i>	Strong cool west wind. Anxiety about <i>kharif</i> crops. Health good.
Ajmere ( " 14th)	<i>Nil</i>	High winds. Crops and grass drying up. Rain urgently required. Cholera increasing.
Jeypore ( " " )	<i>Nil</i>	Rain much wanted as crops are withering. Cholera still prevalent and slightly on the increase. Prices rising.
Bhurtpore ...	.....	No report received.
Ulwur (Aug. 14th)	No rain	Strong west wind. Crops suffering. Tanks and wells failing. Prices rising. Cholera continues.
<b>Nepal—(Aug. 10th)</b>		
Katmandu ...	6·74; heavy and prolonged showers.	Agricultural prospects good.

T. W. HOLDERNESS,  
for Secy. to the Govt. of India.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 34. } SIMLA, SATURDAY, AUGUST 25, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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*Nothing for publication.*

SUPPLEMENT No. 34.

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—ESTABLISHMENTS.

*Simla, the 22nd August 1883.*

**No. 190.**—Under the provisions of Section 38, Act XVII of 1875 (The Burma Courts Act, 1875), the Governor General in Council is pleased to make the following appointments:—

Maung Pokaw, Myook, 1st Grade, to be Extra Assistant Commissioner, 6th Grade, *vice* Maong Saung, promoted.

Maung Shwe Go, Myook, 1st Grade, to be Extra Assistant Commissioner, 6th Grade, *vice* Maung Naw, promoted.

##### MEDICAL.

*The 21st August 1883.*

**No. 296.**—The services of Surgeon W. Deane are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh.

*The 23rd August 1883.*

**No. 300.**—The services of Surgeon R. N. Campbell, M.B., Officiating Deputy Sanitary Commissioner of the 3rd Circle, North-Western Provinces and Oudh, are placed at the disposal of the Chief Commissioner of Assam.

*The 24th August 1883.*

**No. 304.**—The services of Surgeon J. Wilson, M.D., 12nd (Assam) Regiment of Native Infantry, are placed temporarily at the disposal of the Government of Bengal.

A. MACKENZIE,

*Secy. to the Govt. of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—POLITICAL.

*Simla, the 21st August, 1883.*

**No. 2398 I.**—His Excellency the Viceroy and Governor-General is pleased to confer upon Azam Dulerai Raghunathrai, Mazumdar of the Province of Kathiawar, the title of "Rao Bahadur," as a personal distinction.

*The 22nd August, 1883.*

**No. 2071 G.**—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mirza Suleiman Khan as Consul for Persia, at Bombay.

##### GENERAL.

*The 20th August, 1883.*

**No. 2043 G.**—In supersession of Foreign Department Notification, No. 1565 G., dated the



25th July, 1883, Major-General J. Watson, C.B., V.C., Bombay Staff Corps, Resident of the 1st Class, and Agent to the Governor-General at Baroda, is granted privilege leave for one month and twenty-nine days, with effect from the 4th September, 1883, or from any subsequent date on which he may avail himself of the same.

**No. 2050 G.**—Major A. W. Roberts, Political Agent, 3rd Class, and Officiating Political Agent, 2nd Class, is posted as Assistant Political Agent at Banswarra, with effect from the date of assuming charge.

#### MILITARY.

**No. 2052 G.**—The following promotion is made in the Meywar Bheel Corps, with effect from the 28th July, 1883 :—

Havildar Davee Singh, to be Jemadar, *vice* Bujjea, deceased.

C. GRANT,

*Secretary to the Government of India.*

### DEPARTMENT OF FINANCE AND COMMERCE.

#### NOTIFICATIONS.

The following Resolution is published for general information :—

*Simla, the 22nd August 1883.*

**No. 2788.**

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Letter to the Commissioner of Inland Customs, No. 197, dated 5th October 1877, and enclosure.

Letter from the Commissioner of Inland Customs, No. 42C., dated 7th March 1878, and enclosure.

Despatch to the Secretary of State, No. 7, dated 17th June 1878.

Despatch from the Secretary of State, No. 13, dated 5th September 1878, and enclosures.

Letter from the Government of Madras, No. 465, dated 24th February 1879, and enclosure.

Letter to the Government of Madras, No. 33C., dated 28th March 1879.

Letter to the Government of Bengal, No. 34C., dated 28th March 1879.

Endorsement from the Government of Bengal, No. 350T., dated 14th June 1879, and enclosures.

Letter to the Government of Bengal, No. 1951, dated 21th December 1879.

Endorsement from the Government of Bengal, No. 1422-33S., dated 6th April 1880, and enclosures.

Letter from Lieutenant F. Pogson, dated 27th January 1883.

Letter from the Commissioner of Northern India Salt Revenue, No. 67C., dated 13th July 1883, and enclosures.

RESOLUTION.—A frequent objection to the salt-tax in this country is that it makes salt so dear that the people cannot afford to give it to cattle in quantities sufficient for the health of their stock. In several European countries where salt is subject to a heavy duty means have been found for supplying owners of stock with cheap salt for the use of their cattle and sheep. Without attempting to prejudge the case in any way, and without committing the Government beforehand to any pledges which it may be found impossible or inexpedient to fulfil, it may be admitted that in India, where the bulk of the population is dependent on agriculture, it would be a distinct gain to be able to issue cheap salt for cattle, and the question of meeting this necessity in a way compatible with the safety of the salt revenue has more than once engaged the attention of the Government of India. On the last occasion on which the question was taken into consideration, it was suggested that the object aimed at would be secured if a process could be discovered by which salt could be rendered so unfit for human consumption that its restoration to an edible condition would be neither easy nor cheap, while it would still remain suitable for use by cattle. This suggestion commended itself to the Government of India, for, if this could be done, salt could safely be issued for stock at a comparatively cheap rate without coming into competition with salt intended for human consumption.

2. Experiments for denaturalising salt were accordingly undertaken in Bengal and the Punjab, details of the processes used in Germany and France having been obtained through the Secretary of State. The experiments were a failure, in so far that they did not satisfy the main condition that the restoration of the medicated salt could not be cheaply and easily effected, while the German and other processes were found either unsuitable or otherwise objectionable in this country. The problem of issuing salt for cattle in a form which will not endanger the public revenue, therefore, still remains unsolved.

3. The Governor General in Council has again had the question under his consideration, in connection with a process devised by a private individual and submitted for trial to the Commissioner of Northern India Salt Revenue. This process, like those previously tested by Government officers, has not given satisfactory results in practice. But His Excellency in Council is inclined to think, on perusal of the papers read in the preamble, that the experiments as yet made have not been as wide or exhaustive as the importance of the subject demands. If any satisfactory method could be devised which fully met the requirements of the case, a great boon would be conferred on the country, and it is hoped that a process may yet be discovered which, if not satisfying all the conditions hitherto prescribed, may yet be sufficient for all practical purposes. His Excellency in Council accordingly requests that the Local Governments will be good enough to arrange with their chemical analysers, or with any other thoroughly skilled and competent officer, for the commencement of systematic and careful experiments in the direction indicated. The officer selected should be furnished with a complete copy of the papers containing the details and results of all the attempts already made, and the results of the experiments made under these instructions should be communicated to the Government of India. If any private person should wish to take up the enquiry, the Government will be glad to furnish him, on application, with copies of the correspondence read in the preamble to this Resolution.

*The 24th August 1883.*

**No. 2796.**—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to remit the stamp duty payable on receipts given by or on behalf of depositors in District Savings Banks for sums of money withdrawn from such Banks in all cases in which, but for this exemption, such receipts would be liable to stamp duty.

**No. 2839.**—Mr J. E. Finlay, M.A., B.C.S., received charge of the Office of Under Secretary to the Government of India, Department of Finance and Commerce, from Mr. R. Logan, B.C.S., before noon on the 20th August 1883.

**No. 2845.**—Mr. E. W. Kellner received charge of the Office of Accountant General, Bengal, from Mr. A. C. Tuppi, B.C.S., after noon on the 15th August 1883.

**No. 2870.**

ORDER—By the Government of India, Department of Finance and Commerce.

Read the following:—

*At the Fourth Meeting of the Commissioners for the Reduction of Debt held at the Office of the Comptroller General on Thursday, 12th July 1883, at 4 p. m.*

PRESENT :

J. J. J. KESWICK, Esq.	}	Commissioners.
BABU DOORGA CHURN LAH.		
J. WESTLAND, Esq., <i>Head Commissioner of Paper Currency.</i>		

I

A Memorandum by the Accountant General, Public Works Department, on the progress made in the construction of protective works in 1881-82 (of which an abstract is given in annexure A) was read; and

The certificates and statements required by the Commissioners from the officers of Audit and Account (*vide* Proceedings, 8th September 1882, No. 11), respecting the expenditure of 1881-82 on Famine Relief (except £165 charged in the Home Accounts) and on Protective Works, were examined.



## Annexure A.

*Abstract of Report by Accountant General, Department of Public Works, regarding Protective Works.*

Work	OUTLAY IN 1881-82.		Total Capital outlay up to end of 1881-82.	Unspent balance of sanctioned estimate at end of 1881-82.	Reference to statement of progress.
	Charged to Protective Works	Otherwise charged			
RAILWAYS—	Rs.	Rs.	Rs.	Rs.	
<i>Punjab—</i>					
Rewari-Ferozepore Railway ...	16,21,727	17,762	16,81,590	23,78,273	A
<i>Bombay—</i>					
Southern Mahratta Railway ..	29,90,915	27,665	36,21,739		B
<i>India—</i>					
Stores yet unappropriated ...	16,22,881		16,22,882		C
TOTAL RAILWAYS	61,15,513				
IRRIGATION—					
<i>North-Western Provinces—</i>					
Betwa Canal ...	1,66,118	100	3,15,181	26,68,304	D
<i>Punjab—</i>					
Swat River Canal ...	1,06,673		17,15,316	18,00,161	E
<i>Madras—</i>					
Buckingham Canal ...	17,000				
Surveys ...	12,832				F
<i>Bombay—</i>					
Nira Canal ...	5,37,936		13,16,701	26,30,651	G
Mhasvad Tank ...	1,59,538		5,36,112	12,79,319	H
Gokak Canal ...	21,360		1,30,768	2,18,319	K
TOTAL IRRIGATION	13,51,187				

*Statement of Progress.*

**A.**—The outlay was confined to the Rewari-Hissar Section, as the rest of the line was not sanctioned at the close of 1881-82. This section is 89 miles long, and passes through Kali Dadri, Bhiwan, Hansi, and Hissar. No engineering difficulties were met with; about 86 of the 89 miles are on the straight; the sharpest curve has a radius of 1,132 feet; 60 miles of the line are on the level, and no gradients are steeper than 1 in 200. There are no large streams crossed. The estimate for these 89 miles of line on the metre gauge, including rolling stock, amounted to Rs. 10,00,000, giving a mileage rate of Rs. 15,000. This was sanctioned by the Secretary of State, and the works were actively pushed on during the cold season of 1881-82. The permanent-way was drawn from the surplus material obtained from England for frontier railways, which were soon at site. Plate-laying had commenced before the close of the financial year, and it is expected that the whole line into Hissar will be ready by the end of 1882-83.

**B.**—As the construction of the Southern Mahratta Railway has now been made over to a Company, the amount charged off against the grant of 1881-82 will be credited to that head as soon as the accounts between the Company and the Government are finally adjusted.

**C.**—In accordance with the orders of the Government of India, a book transfer debit was raised against the Famine Relief Protective Works grant to the extent of Rs. 16,22,882 by credit to “37—Productive Public Works” on account of reserve railway stores in stock. No actual separation of the stores has been made, nor indeed would this be feasible, as it is impossible to say that any particular reserve stores will be used upon any particular railway. But stores to the value of the amount transferred will doubtless be issued to Railways classed as Protective at no distant date.

**D.**—Levels and detailed surveys completed. Main canal and branches aligned and staked out on ground. Buildings at head-works and sundry inspection-houses completed.

**E.**—Excavation of canal channel nearly completed. Most of the masonry works completed, and materials for remainder collected. Head-works not commenced, but materials being collected. One distributary commenced during 1881-82, and good progress made.

**F.**—Preliminary report submitted on proposed canal from Ganjam to Chilpore. Estimates of the Baroor project revised and recast, and levels and surveys in full progress for other schemes.

**G.**—Bhatghar reservoir marked out, land taken up, and foundations of reservoir dam excavated. Good progress made with the masonry of Main and Vir Nala weirs. Piers of head sluices completed and arches turned. Earthwork on canal nearly completed for length of 35 miles. Masonry works in full progress along this length also. Shelter houses erected.

Land required for works nearly all taken up and paid for. Surveys for distributaries in progress.

H.—About one-fourth of earth-work of dam completed. Foundations of regulating sluice excavated. Some excavation of canal channel done in the first two miles and in the 7th mile.

K.—Fair progress made with the rock cutting in first 2½ miles. Excavation of foundation and collection of materials for main weir commenced. Canal line marked out on ground.

### Annexure B.

#### ACCOUNT No. 1.

#### *Expenditure in 1881-82 on Famine Relief and Insurance.*

<b>Famine Relief—</b>					£	£
CHARGES—						
<i>Bengal—</i>						
Purchase of rice for relief to tribes on Eastern Frontier	...	...	...	...	3,866	
<i>North-Western Provinces—</i>						
Allowances to two Famine Officers (Madras Famine)	...	...	...	...	229	
<i>Punjab—</i>						
Famine Relief Work in the Hazara District in 1878-79	...	...	...	...	359	
<i>Madras—</i>						
Irrecoverable Famine Advances to weavers and cultivators written off	...	...	...	...	46,400	
Miscellaneous charges	...	...	...	...	1,874	
Less receipts and recoveries	...	...	...	...	1,871	
					3	
<i>England—</i>						
Famine allowances to officers on leave, whose health broke down while engaged on famine duty	...	...	...	...	165	
TOTAL EXPENDITURE					51,022	
DEDUCT—						
<i>India—</i>						
Net recoveries on account of Famine expenditure of 1874, Bengal	...	...	...	...	16,173	
Net expenditure charged to Famine Relief						34,849
<b>Protective Works—Railways -</b>						
<i>Punjab—</i>						
Rewari-Ferozepore Railway Expenditure	...	...	...	...	166,919	
Deduct charged to Ordinary	...	...	...	...	4,776	
					162,173	
<i>Bombay—</i>						
Southern Mahratta Railway Expenditure	...	...	...	...	292,796	
Deduct charged to Ordinary	...	...	...	...	2,706	
					290,090	
<i>India—</i>						
Stores as yet unappropriated	...	...	...	...	162,288	
TOTAL PROTECTIVE RAILWAYS						614,551
<b>Protective Works—Irrigation—</b>						
<i>North-Western Provinces—</i>						
Betwa Canal	...	...	...	...	16,625	
Deduct charged to Ordinary	...	...	...	...	10	
					16,615	
<i>Punjab—</i>						
Swat River Canal	...	...	...	...	40,667	
<i>Madras—</i>						
Buckingham Canal	...	...	...	...	4,700	
Surveys	...	...	...	...	1,283	
<i>Bombay—</i>						
Nira Canal	...	...	...	...	53,794	
Mashud Tank	...	...	...	...	15,954	
Gokak Canal	...	...	...	...	2,436	
TOTAL PROTECTIVE IRRIGATION						135,449
<b>Reduction of Debt -</b>						
Amount placed at disposal of Commission for Reduction of Debt	...	...	...	...	715,151	
TOTAL EXPENDITURE, FAMINE RELIEF AND INSURANCE						1,500,000

## ACCOUNT No. 2.

*Showing the disposal of the sum set apart in 1891-82 for reduction of debt, £715,151.*

						£		
Paid in discharge of debt (A)—								
Reduced 4 per cent. Loan, 1851 ... ..						171,600		
4 per cent. Sicea Loan, 1824-25 ... ..						2,091		
4 per cent. Sicea Loan, 1828-29 ... ..						362		
Carried forward for discharge of debt in 1882-83 ... ..						541,098		
Total ... ..						715,151		
						4 per cent. 1881.	4 per cent. 1824-25.	4 per cent. 1828-29.
(A) Passed at Commissioner's Meeting, March 23rd, 1882 ... ..						135,550	...	...
Do. do. do. September 8th, 1882 ... ..						36,050	2,091	362
Total ... ..						171,600	2,091	362

## Annexure C.

*Showing the disposal of the sum set apart in 1882-83 for reduction of debt.*

								£	£
RECEIVED balance from 1881-82								541,098	
Further received in 1882-83 according to Revised Estimate (C)								1,330,200	
Total at disposal of Commission									1,871,298
PAID in discharge of debt as follows (A) :—									
4 per cent. of 1881								22,550	
4 per cent. of 1824-25								6,197	
4 per cent. of 1828-29								4,694	
5 per cent. of 1867								544,200	
Bills and Telegraphic Transfers for £1,001,393 drawn by the Secretary of State (B)									777,611
Balance carried forward to 1883-84 (C)									1,227,700
									65,957
Total accounted for									1,871,298

					4 per cent. 1881.	4 per cent. 1824-25.	4 per cent. 1828-29.	5 per cent. 1867.
(A) Passed at Commissioner's Meeting of 8th September 1882	...	20,050	2,389	4,235	530,100			
Passed at Commissioner's Meeting of 12th July 1883	...	2,500	3,808	459	13,800			
Total	...	22,550	6,197	4,694	544,200			

								£	Rs.
(B) Bills								587,837	72,17,000
Telegraphic								413,556	50,60,000
Total								1,001,393	1,22,77,000

The amount has since been used by the Secretary of State for purchase of the following :—

£990,000, India 4 per cent. Debentures								997,681
£3,584½, India 4 cent. Stock								3,712
Total								1,001,393

(C) The precise amount appropriated in 1882-83 to reduction of debt is not accurately determinable till the accounts of Famine Relief are made up. This figure is therefore liable to alteration.

ORDERED, that these Proceedings be published in the *Gazette of India* for general information.

**No. 2877.**—In exercise of the powers conferred by Section 8 of the Obstructions in Fairways Act, 1881 (Act XVI of 1881), the Governor General in Council is pleased to make the following rules for the fairways leading to the ports of False Point, Balasore, and Chittagong, respectively:—

1. No person shall, without permission of the Port Officer, do any of the following acts in a fairway leading to any of the said ports:—

- (a) Fix any apparatus or part of any apparatus for fishing.
- (b) Lay pieces of wood as floats.
- (c) Spread or fix fishing nets.
- (d) Raise an embankment.
- (e) Cast or throw ballast or rubbish.
- (f) Sink, strand, or abandon a vessel.
- (g) Throw in or abandon any tree or trees, log of wood, spar, or any other thing which would be likely to form into a snag, or to cause an accumulation of silt, or in any way to alter the conformation of the bottom of the fairway.

2. The owner or master of a vessel desiring to cast or throw ballast or rubbish in a fairway leading to any of the said ports, may apply to the Port Officer for permission to do so, and he shall not, if the permission is granted, cast or throw the ballast or rubbish except at a place selected by the Port Officer for the purpose.

3. Any person desiring to place any apparatus for fishing, or spread any net, or to use any float, or to raise any embankment in a fairway leading to any of the said ports, may apply to the Port Officer for permission to do so. On receipt of such application, the Port Officer shall examine the site fixed upon by the applicant, and if satisfied that the placing of fishing apparatus, or the doing of any other act for permission to do which application has been made, will not cause or be likely to cause obstruction or danger to navigation, he shall report the matter to the Collector for orders, and the Collector, if similarly satisfied, shall grant permission. It shall be in the discretion of the Collector at any time to withdraw such permission, and to call upon the owner to remove the apparatus, nets, floats or embankments within a reasonable time, and on failure on the part of the owner to do so, to remove them at the cost of the owner.

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 24th August, 1883.*

### APPOINTMENTS.

#### **No. 461.**—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Lieutenant Percy Gerald Walker, Leicestershire Regiment, Wing Officer, 13th N. L.,—12th July, 1882.

#### **No. 462.**—MEDICAL DEPARTMENT—

Surgeon A. H. Williams, M.B., Medical Officer, 9th Native Infantry, to officiate as Medical Store-keeper, Meerut Meer, *vice* Surgeon-Major W. H. Kirton, proceeding on furlough.

#### **No. 463.**—PUNJAB FRONTIER FORCE—

*2nd Punjab Infantry.*

Lieutenant A. G. Davidson, Wiltshire Regiment, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation, with effect from the 31st July, 1883.

#### **No. 464.**—HYDERABAD CONTINGENT—

*2nd Infantry.*

Lieutenant F. V. Whittall, Leinster Regiment, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation, with effect from the 1st August, 1883.

*3rd Infantry.*

Lieutenant W. C. R. Stratton, R.A., a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation, with effect from the 7th August, 1883.

### FURLOUGH AND LEAVE.

**No. 465.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant (Local Captain) H. L. Wells, R.E., Assistant Director, Persian Telegraph Department, (m. c.) for one year, under rule IX, note I, of the regulations of 1868, with effect from the 13th June, 1883.

Surgeon-Major R. Pringle, M.D., Deputy Sanitary Commissioner, North-Western Provinces and Oudh, (p. a.) for one year, under rule IX of the regulations of 1868.

Surgeon-Major W. H. Kirton, Medical Store-keeper, Meerut Meer, (p. a.) for two years, under rule IX of the regulations of 1868.

**No. 466.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel (Brevet Colonel) J. Roberts, Bengal S. C., (m. c.) for three months.

Major G. T. Skipwith, R.E., (p. a.) for four months.

Surgeon-Major D. N. Martin, M.D., (m. c.) for six months.

Surgeon E. Bovill, M.B., (p. a.) for ten days.



## LONDON GAZETTE.

**No. 467.**—The following extract is published for general information:—

*"London Gazette," dated the 29th June, 1883, page 3322.*

"INDIA OFFICE;  
29th June, 1883.

The Queen has approved of the following promotions among the Officers of the Staff Corps and Indian Military Services made by the Governments in India:—

\* \* \* \* \*

## BREVET.

Madras Cavalry.

*To be Lieutenant-Colonel.*

Major Arthur Robert Kenney-Herbert, Madras Cavalry, in succession to Lieutenant-General A. C. Silver, Madras Infantry, transferred to the Unemployed Supernumerary List. Dated 19th March, 1883."

## PENSIONS.

**No. 468.**—Conductor George Shipnell, Ordnance Department, is transferred to the Pension establishment.

## PROMOTIONS.

**No. 469.**—The following promotions are made, subject to Her Majesty's approval:—

## BENGAL STAFF CORPS.

*To be Lieutenant-Colonels.*

Major Talbot Bradford Middleton Glasecock,—11th August, 1883.

Major (Brevet Lieutenant-Colonel) Frederick Knowles,—13th August, 1883.

Major Henry John Nuthall,—16th August, 1883.

## BREVET.

*To be Colonel.*

Lieutenant-Colonel William Hill, Madras S. C.,—15th August, 1883.

**No. 470.**—COMMISSARIAT DEPARTMENT—

Sub-Conductor and Officiating Conductor George G. Reid to be Conductor, *vice* Conductor S. Corbett, pensioned.

Sergeant and Officiating Sub-Conductor Edward Hogan to be Sub-Conductor, *vice* Sub-Conductor G. G. Reid, promoted.—

With effect from the 17th April, 1883.

**No. 471.**—NATIVE ARMY—

*15th Bengal Cavalry.*

Jemadar Nek Mahomed Khan, appointed on probation in G. G. O. No. 5 of 1881, is confirmed in that rank, with effect from the 27th May, 1881.

**No. 472.**—PUNJAB FRONTIER FORCE—

*4th Sikh Infantry.*

Jemadar Abaz Khan to be Subadar, *vice* Pir Baksh, deceased; Havildar Shahmawaz Khan to be Jemadar, *vice* Abaz Khan, promoted,—12th June, 1883.

## MARINE DEPARTMENT.

## APPOINTMENTS.

**No. 41.**—Mr. H. A. Livermore to be a 4th Grade Officer in Her Majesty's Indian Marine, with effect from the 27th September, 1881.

Mr. Livermore is seconded for employment in the Marine Survey Department.

G. CHESNEY,

*Secretary to the Government of India.*

## MILITARY DEPARTMENT.

## NOTIFICATION.

CALCUTTA, THE 20TH AUGUST, 1883.

*Statement of Deposits on account of Estates from the 7th to the 20th August, 1883.*

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
<i>British Military Service.</i>					Rs. A. P.		
James McCreery (a) ...	Surgeon-Major	Army Medical Department.	16th May, 1883.	Intestate	1,654 2 0	...	...

(a) *Widow.*—Matilda McCreery.

*Address.*—Beulah Lodge, Helensburgh, Scotland.

*Children.*—Maude McCreery, Ernestine McCreery, Myra McCreery, Rachael McCreery, Dorothea McCreery, Ethel McCreery. Administrator General, Bengal, administering.

E. H. H. COLLEN,

*Official Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 23rd August 1883.*

No. 1146 G.

RESOLUTION—By the Government of India, Public Works Department.

## Appointment of Upper Subordinates to fill temporary Engineerships.

RESOLUTION.—The Government of India from time to time sanctions the appointment of temporary Engineers and Assistant Engineers for the execution of work which cannot be undertaken by the ordinary staff of the Public Works Department. These posts have hitherto been filled up by the appointment of outsiders; but as there are in the Department Upper Subordinates who are fitted, by the engineering experience they possess, to conduct the duties required, His Excellency the Governor General in Council considers that men of this class, who are eligible and qualified for temporary Engineerships, should be appointed in preference to outsiders. Their transfer to the establishment of temporary engineers will not cause a break in the continuity of their service for pension, as under section 71 of the Civil Pension Code their temporary detached service qualifies.

2. To facilitate the selection of competent Upper Subordinates in this manner for the post of temporary Engineers, Local Governments and Administrations and the Director General of Railways will furnish the Government of India from time to time with the names of Upper Subordinates recommended for such posts, accompanied by a short confidential report on each. One general list will then be compiled and copies will be furnished to local authorities requiring temporary Engineers, in order that they may select suitable persons for the work to be carried out.

## ORDER.—Ordered, that this Resolution be forwarded to the Local Govern-

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.

The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.

The Resident, Hyderabad.

The Agents to the Governor General for Central India, Rajputana, and Biluchistan.

The Accountant General, Public Works Department.

The Director General of Railways.

The Superintendent of Works, Simla Imperial Circle.

that it be published in the *Gazette of India*.

ments, Administrations, and Officers marginally noted for information and guidance, and

*The 21st August 1883.*

**No. 195.**—Mr. J. O. Lawder, Executive Engineer, 3rd Grade, North-Western Provinces and Oudh, is permitted, at his own request, to resign his appointment in the Public Works Department, with effect from 23rd June 1883.

*The 22nd August 1883.*

**No. 196.**—Mr. O. J. Shedlock, Assistant Engineer, 1st Grade, sub. *pro tem.*, British Burma, is temporarily transferred to Madras for employment on Railway Surveys.

*The 23rd August 1883.*

**No. 197.**—Mr. W. K. Stent, Executive Engineer, 3rd Grade, Railway Branch, has been granted by Her Majesty's Secretary of State for India ten weeks' furlough in extension of that notified in Public Works Department Notification No. 80, dated the 30th March 1883.

*The 24th August 1883.*

**No. 198.**—The services of Mr. H. L. Monk, Executive Engineer, 2nd Grade, on the Establishment of the Director General of Railways, are placed temporarily at the disposal of the Government of the North-Western Provinces and Oudh,

Public Works Department, for employment in the Railway Branch.

**No. 199.**—Major Sydney Smith, R.E., is appointed to the Public Works Department as a supernumerary, with rank of Executive Engineer, 4th Grade, with effect from the 27th July 1883, and is posted to the Railway Branch.

**No. 200.**—Mr. C. A. Bull, Executive Engineer, 1st Grade, of the Railway Branch, is granted furlough for six months in extension of the leave granted him by the Consulting Engineer for Railways, Bombay, in his Notification No. 6, dated the 15th March 1882.

**No. 201.**—The following promotions are made in the Persian Gulf Section of the Indo-European Telegraph Department, with effect from the 13th August 1883, and until further orders:—

Mr. J. Possmann, Superintendent, to officiate as Engineer and Electrician, *vice* Mr. H. C. Mance.

Mr. H. B. Harrison, 1st Grade Clerk, to officiate as Assistant Superintendent, *vice* Mr. J. Possmann.

W. S. TREVOR, Colonel, R.E.,

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 21st AUGUST 1883.

GENERAL REMARKS.—The past week has been marked by a gradual and favourable change in the weather over Northern India, an easterly breeze having taken the place of the hot west winds. In Central and Western India also the latest barometric readings indicate a return of the monsoons.

Good rain fell during the week in most of the districts of the Madras Presidency and Mysore, greatly benefiting the standing crops on unirrigated lands. More rain is still needed in some places, but on the whole the crops are in good condition. In the Bombay Presidency moderate showers fell in parts of the Deccan and Southern Mahratta Country, but the rainfall is generally insufficient, and the crops have suffered much from the drought. In Sind the river remains low, and injury to the *khariif* is feared. Nearly three inches of rain are reported from Hyderabad, and the crops are doing well. In the Berars the rainfall has been slight; but although more rain is needed, the crops have not suffered. Timely and beneficial rain, moderate in quantity but generally sufficient to remove immediate apprehension, has fallen in Indore and Neemuch and at Sutna. In most of the Central India States, however, there was no rain during the week under report, and great anxiety is felt for the crops, though later reports are somewhat more favourable. In Rajputana the condition of the crops is daily becoming more critical. Except for very slight showers, rain continues to hold off, and in Serohi half the crop is reported to be irretrievably lost. Scarcity of fodder is also anticipated.

From British Burma, Bengal, and Assam the reports continue favourable. In Burma the rainfall has been less than that of the previous year, but sufficient. More rain is still wanted in Hazaribagh, Lohardugga and Gya of Bengal, and Gauhati in Assam; elsewhere in those provinces the fall has been ample and in some places in Bengal heavy. In the Central Provinces the break has been succeeded by a general fall varying from half an inch to three inches, but more is required. The rice crop has suffered considerably, but prospects are on the whole still good. Over the North-Western Provinces and Oudh the rainfall has been light and insufficient, but easterly winds and cloudy weather prevail. So far there is no immediate cause for anxiety. In the Punjab, Sialkot, Ferozepore, Rawalpindi, and Dera Ismail Khan are the only stations from which rain is reported, and in the south-eastern districts a failure of the *khariif* is imminent should dry weather continue.

Agricultural operations remain for the most part unchanged. Harvesting is in progress in Madras. Later *khariif* sowings continue in parts of the Bombay Presidency, and preparations for the *rabi* have commenced in the Central Provinces. Ploughing has been nearly completed in Burma, and transplanting of rice seedlings is well advanced. Early rice and jute are being harvested in Bengal, with a fair outturn generally, and transplanting of later rice is going on.

Locusts are still reported from the Deccan, and excessive rain has injured the *ragi* crops in Mercara. Floods have also caused some loss in Durbhunga, Champaran, and other districts of Bengal.

Cattle-disease of a mild type is generally prevalent, and a scarcity of fodder is beginning to be felt in parts of the North-Western Provinces, Punjab, and Rajputana.

Cholera has abated, but fever is on the increase in several provinces.

Prices are rising.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Aug. 22nd)</b>		
Bellary ...	2·08 (average of eight stations).	Standing crops generally good. Rain especially heavy where most needed.
Kurnool ...	2·0 (average of nine stations).	Standing crops thriving. Cattle-disease in six taluks.
Ganjam ...	1·96 (average of sixteen stations).	Standing crops, red gram, gingelly, and sugarcane thriving. Fever, small-pox, and cattle-disease continue. One death from cholera in Chiencole taluk.
Kistna ...	1·38 (average of twelve stations).	Standing crops partly recovering, but rain still needed. Fever, small-pox, guinea-worm, and cattle-disease slight.
Chingleput (Madras) ...	·86 (average of four stations).	Standing crops good where water available; harvest <i>kar</i> , paddy, &c., yield half. Small-pox slight in one taluk. Cattle-disease slight in parts of three taluks.
Coimbatore ...	2·12 (average of fifteen stations).	Standing crops suffering from want of sufficient rain and from insects in parts. Much dry land waste in two taluks for want of rain. Fever and small-pox in parts; 6 deaths from cholera in parts of two taluks.
Tanjore ...	1·57 (average of seven stations).	Standing crops generally good; dry crops in parts of one taluk want rain. Thirty deaths from cholera.
Madura ...	1·25 (average of six stations).	Standing crops fair except in three taluks. Harvest paddy and dry crops in parts.
Malabar ...	3·73 (average of fourteen stations).	First crop progressing. Harvest commenced in four taluks. Small-pox slight in nine taluks; fever in four taluks; 2 deaths from cholera at Palghat. Cattle-disease slight in two taluks.
Travancore ...	3·278	Paddy ripening; harvest begun in parts. Fever and diarrhoea to some extent prevalent.
<i>General Remarks.</i> —General prospects good.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—(Aug. 22nd)</b>		
Kurrachee ...	No rain in Kurrachee; slight showers in Shahbunder and Tatta.	Rain at Kotri on 20th 16 feet 6 inches against 20 feet 1½ inches last year. Damage to <i>kharij</i> crops feared from low state of river. Small-pox in six villages, 19 fresh cases, 1 death, 5 remaining sick; fever in nine talukas. Cattle-disease in Sujawal. Wheat, red rice, and <i>bajri</i> in Kurrachee 24, 32 and 36, in Manjhand 32, 24 and 48, in Ghorabari 20, 32 and 40, and in Sakro 20, 32 and 40 lbs. per rupee, respectively.
Hyderabad ...	.....	River has risen 6 inches since last week, but was 3 feet 7 inches lower on 20th instant than on same date last year. Rice crops are reported to have suffered from blight in Badin. Fever in two, cattle-disease in three, and small-pox in seven talukas. Wheat 24, <i>bajri</i> 39, <i>juari</i> 44, red rice 26, and white rice 22 lbs. per rupee.
Ahmedabad ...	.....	Crops withering for want of rain throughout the district. Prices of grain rising. Cholera in the city, 12 cases, 9 deaths; slight fever in Viramgaon and Dhakrol talukas. Cattle-disease in Parantej. <i>Bajri</i> 26½ and wheat 23½ lbs. per rupee.
Baroda ...	.....	Want of rain felt everywhere. Crops withering. Locusts have appeared in Songad mahal of Naosari division. Health fair. Cholera in mild form continues in Patan, Sidhpur, Naosari, and Moha talukas. Three deaths in Baroda city. <i>Bajri</i> 22 and rice 23 lbs. per rupee.
Surat ...	Nil	Crops withering. Cattle-disease in Olphad and fever in Pardi. Cholera in Surat, 5 cases, 5 deaths. <i>Juari</i> 36 and <i>nagli</i> 41 lbs. per rupee.
Nasik ...	Nil	Crops withering for want of rain. Locusts throughout the district. <i>Kharij</i> sowing continues. Cholera has disappeared in Nasik, elsewhere subsiding, 65 attacks, 22 deaths. <i>Bajri</i> 28, wheat 28½, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	Slight rain on four days; total of week 1·13.	Total rainfall up to date 55·65, being 53 above average. Abnormal temperature 4° to 9° warm. Vapour in air normal. Monsoon wind weak.
Poona ...	.....	Young crops withering for want of rain. Cholera 257 cases, fatal 89. <i>Bajri</i> 37 and <i>juari</i> 15 lbs. per rupee; in Poona <i>bajri</i> 32 and <i>juari</i> 39 lbs. per rupee.
Ahmednagar ...	Nagar, 1·07; Jamkhed, 20; Sheogaon, 15; none in the remaining talukas.	<i>Kharij</i> crops are withering from want of rain. Cholera in the district 265 attacks, 152 deaths. <i>Bajri</i> —maximum 49 lbs. per rupee in Jamkhed, minimum 33 lbs. in Akola; <i>juari</i> —maximum 58 lbs per rupee in Jamkhed; minimum 36 lbs. in Akola.
Sholapur ...	01	Total rainfall 15·65. Crops withering for want of rain. <i>Juari</i> 56 and <i>bajri</i> 50 lbs. per rupee. Cholera 239 cases, 115 deaths.
Dharwar ...	Karajgi, 4·0; Navalgund, 3·94; Nargund, Mundargi, and Ron above 1·0; none at Hangal; elsewhere very slight.	Rain wanted throughout the district. Standing crops fair; sowing of late <i>juari</i> , cotton, and other <i>rabi</i> crops commenced in some parts. Average prices, <i>juari</i> 60 and rice 32 lbs. per rupee. Public health good.
Kanara ...	In Karwar, 13; Kumpta, 75; Sirsi, 64; Hallial, 61.	Total rainfall 104·03. Rice plants in ear on coast; weeding going on above Ghats. Rain wanted. One death by small-pox in Kumpta. Common rice in Karwar 12 seers per rupee, in district average 14 seers.
Rajkot ...	.....	General health fair. Weather hot. Rain much wanted. Cholera in Dhoraji, Und, and Gondal. <i>Bajri</i> 28 and <i>juari</i> 34 lbs. per rupee.
<b>Bengal—(Aug. 22nd)</b>		
Chittagong ...	20	Weather generally hot. Transplanting continues. Prospects fair. Prices steady. Cattle-disease not abated.
Dacca ...	40	<i>Roachia</i> paddy, <i>mung</i> , and <i>maskalai</i> being sown; <i>aus</i> paddy and jute being cut. Prospects good.
24 Pergunnahs (Calcutta) ...	1·0	Prospects of both early and late crops good; transplanting of <i>amun</i> rice going on. Price of common rice stationary. Public health good.
Moorshedabad ...	2·83	<i>Bhadai</i> crops being harvested; <i>amun</i> rice still being transplanted. Prospects of crops favourable. Public health generally good.
Rajshahye ...	2·36	Crops promise well. Fever bad in three police stations.
Burdwan ...	5·23	Good rain throughout the district. Transplanting still going on. Prospects good. Public health fair.
Rungporo ...	2·35	Weather hot and cloudy. <i>Amun</i> being transplanted; <i>aus</i> and jute being cut with fair outturn. Prices of food-grains stationary. Public health good.
Bhagalpur ...	3·22	Prospects of crops good. Low lands flooded, and some damage to crops apprehended.
Purneah ...	2·81	Prospects of crops now good; farming operations normal. Floods in some parts of district. Health fair.
Patna ...	2·67	Transplanting of paddy in progress; prospects of <i>bhadai</i> crops favourable in Barhi sub-division, but not so in Sadra and Behar sub-divisions, where damage has been caused by inundation. Cholera prevailing in the interior.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Durblhunga ...	1.49	Inundation still continues causing considerable damage to crops. Health good.
Hazaribagh ...	1.77	Weather warm and cloudy. Rain during week has done much good towards transplanting of paddy, but more required. Cholera appears to be disappearing; general health good.
Cuttack ...	3.11	Weather cloudy and rainy. <i>Beali</i> rice in ear; <i>sarad</i> rice promising; cotton being plucked; sugarcane and turmeric doing well. Price of rice stationary. Public health good.
<p><i>General Remarks.</i>—Heavy rainfall reported from certain districts during the week, but the fall generally was moderate; more rain is still wanted in Hazaribagh, Lohardugga, and Gya. General prospects of the crops are favourable, except in Durblhunga, Mozufferpore and Chumparun where considerable damage is said to have been caused by high floods; some loss from floods is also reported from parts of Patna, Bhagalpur, Purneah, and Howrah. Transplanting operations are still proceeding almost generally; <i>aus</i> rice and jute harvest is in progress with fair outturn. Jute is said to be rather poor in Patna, and both <i>aus</i> rice and jute are only moderate in Mymensingh. Cholera and fever reported from a few districts only; general health is satisfactory for the season.</p>		
<b>N. W. Provinces and Oudh—</b>		
Benares (Aug. 21st)	No rain	Rain required for <i>kharif</i> crops. Health of men and condition of cattle good. Prices steady.
Allahabad ( „ 22nd)	6 average in six tahsils on 19th and 20th.	Rain still much wanted. Wind east, and heat less. <i>Kharif</i> crops all sown; crops suffering from drought. Cholera increased in city and station, but remains only in one village in district. Prices steady.
Gorakhpur ( „ 20th)	2.6	Weather close and cloudy. Crops flourishing. Cattle-disease in two tahsils. Prices steady.
Jhansi ( „ „ )	Slight shower on the 19th.	Rain hardly sufficient to do much good to the crops. The weather since then cloudy. <i>Shama</i> , <i>kooni</i> , <i>phikar</i> , and rice, &c., are beginning to suffer from want of rain; no injury has yet been done to <i>juari</i> , cotton, and <i>til</i> . Prices rising rapidly. Grass scarce. Health of people and cattle good.
Agra ( „ 21st)	No rain at Sadr, except a few drops on 21st; rain also fell elsewhere on the 20th.	Crops in great need of rain. Well irrigation continues. Fever in three and sporadic cholera in five parganas. Prices rising.
Bareilly ( „ „ )	Rain fell on 20th partially, but promises to be general.	Prices mostly risen. Cattle-disease continues. Fever is increasing.
Meerut ( „ „ )	Rain fell on 21st moderately, but steadily with every prospect of continuing.	Wind changed to the east on 20th. As rain has fallen, very little damage will have been done to the crops. Prices had risen, but will fall at once. Wheat was on the 20th, 16 seers and gram 15 seers per rupee.
Kumaun ( „ „ )	.....	Rain has fallen which will benefit the crops. Rice was beginning to suffer, otherwise crops good. Health good. Cattle-disease continues. Prices stationary.
Lucknow ( „ „ )	Fair rain on 20th, Lucknow, 3; Malahabad, 3.0; Mohanlaljanj, 2.	Rain was much wanted, more rain still required. Condition of people good and of cattle normal. Prices have risen during the past fifteen days.
Partabgarh ( „ „ )	Sadr, .97; Kunda, .4; Patti, .5; reports of very heavy rain in several parts of the district.	Prices stationary. Health good. Crops doing exceedingly well.
Sitapur ( „ „ )	No rain except .9 at Sadr.	More rain required. Prices slightly higher. Health good.
Fyzabad ( „ „ )	No rain	Crops suffering from drought. Health good. Condition of cattle normal.
Cawnpore ( „ „ )	Beneficial rain fell on 19th and 20th; fall appears general.	Condition of crops fair, but more rain wanted. General health of people good, but fever and cholera in a mild form still prevailing. Cattle-disease in two parganas continues. Prices steady.
Farukhabad ( „ „ )	Rain began to fall on the afternoon of the 20th and registered up to 12 A.M. on the 21st instant, 3.6	Weather continues cloudy. Condition of people and the cattle generally good.
Rae Bareilly ( „ 20th)	Sadr, 1.2	Weather cloudy. <i>Kharif</i> crops suffering from drought in tahsil Digbijaiganj. General health good. Prices slightly rising.
<p><i>General Remarks.</i>—Rain, but by no means in sufficient quantity, fell in almost all districts, towards the close of the week. The west wind has given place to the east, and there is some hope of more rain which is still much wanted. A good deal of damage has been done to the crops by drought, and prices have generally risen. Fever and cattle-disease are reported from several districts, and cholera which seems to be decreasing is reported from five.</p>		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—(Aug. 22nd)</b>		
Delhi ...	.....	Rain urgently wanted. Crops suffering. Health good. Prices rising.
Hissar ...	.....	Rain urgently wanted. Crops withering fast. Health good. Prices rising.
Umballa ...	.....	Health fair. Crops suffering from want of rain. Prices rising.
Jullundur ...	.....	Health good. Crops suffering. Fodder very scarce. Sudden rise of prices on 16th which has not been maintained.
Amritsar ...	.....	Health good. Crops withering. Prices rising.
Sialkot ...	Sadr, 1·0	More rain much wanted. Health good. Prices high and fluctuating.
Ferozepore ...	Zira, '6; Moga, 1·40; Muktsar, '5.	More rain much wanted. Health good. Crops backward. Prices rising.
Lahore ...	No rain	Rain much wanted. Crops suffering; prospects bad. Health good. Prices rising.
Rawalpindi ...	1·0	<i>Aharif</i> prospects in Attock and Fattchjung tahsils average, elsewhere good. Fever in Kahuta tahsil, health elsewhere good. Prices rising.
Mooltan ...	.....	Health good and crop prospects fair. Canal running low. Prices rising.
Dera Ismail Khan ...	·40	Health good. Crop prospects fair. Prices rising.
Peshawar ...	.....	Rain much wanted. Fever prevalent. Prices rising.
<b>Central Provinces—(Aug. 22nd)</b>		
Nagpur ...	·56	Weather cloudy and close. Recent rain has benefited <i>khang</i> crops; rice has suffered from deficient rain. 293 deaths from cholera. Price of wheat rising.
Jubbulpore ...	·52	Weather cloudy and hot. Crops suffering from want of rain, those in uplands have dried up in many places. Wheat 18 and rice 13 seers per rupee. Health good.
Saugor (Aug. 21st)	1·55	Crops have suffered from the long break and deficient rainfall. Prices falling. Health good.
Seoni ..	1·32; heavy rain on 19th.	Weather cloudy and hot. More rain is urgently needed. Nine deaths from cholera. Prices rising.
Hoshangabad ...	3·17	Weather cloudy and rainy. <i>Juari</i> and cotton promising; rice and other crops have suffered from long break. Fever prevalent. Small-pox slight. Wheat 15 and rice 9 seers per rupee.
Khandwa ...	3·95	Weather cloudy and rainy. Prospects fair. 41 deaths from cholera. Prices steady.
Raipur ...	·76	Crops on high lands have suffered severely, those on low lands still good; loss from deficient rainfall is calculated at one-third. Preparations for <i>rabi</i> sowings proceeding. Prices rising; common rice 29 and wheat 19 seers per rupee.
Sambalpur (Aug. 18th)	2·81	More rain wanted towards the west, where rice on high lands is suffering. Prospects fair. Health good. Prices rising; common rice 40 seers per rupee.
<b>British Burma—(Aug. 22nd)</b>		
Akyab ...	9·39	Total rainfall up to date 136·71. 12 deaths from cholera in town, 19 in district. 160 deaths of cattle in three townships, elsewhere health of plough cattle good. Sowing progressing. Prospects of crops good.
Rangoon ...	5·72	Total rainfall up to date 55·36. One fatal case of small-pox, otherwise public health good. Price of paddy from Rs. 85 to Rs. 89 per 100 baskets.
Bassein ...	2·64	Total rainfall up to date 60·19. One death from cholera in town, otherwise public health good. 54 deaths of cattle in two townships. Ploughing and planting out progressing.
Prome ...	1·49	Total rainfall up to date 30·04. Public health good. 56 deaths of cattle in three townships. Ploughing and sowing progressing; seedlings and plants in good condition.
Amherst (Moulmein) ...	9·56	Total rainfall up to date 112·85. Public health in Moulmein district good. 106 deaths of cattle in Wagaroo township. Transplanting progressing. Crops healthy in Moulmein town and transplanting progressing. Health of cattle good. Nurseries good. Supply of seedlings for transplanting fair.
Toungoo ...	6·28	Total rainfall up to date 58·31. Public health good. Ploughing continues; sowing and transplanting progressing. Health of plough cattle good. Average prices of paddy Rs. 65 per 100 baskets.
Sandoway ...	8·27	Total rainfall up to date 150·08. Public health good. About three-fourths of culturable area ploughed and about one-third sown and transplanted.
Hanthawaddy ...	.....	Public health and health of cattle good. Ploughing progressing. Ploughing wages from 60 to 100 baskets of paddy per man. Price of paddy from Rs. 90 to Rs. 105 per 100 baskets.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—<i>contd.</i></b>		
Pegu	3.80	Total rainfall up to date 82.17. Public health good. Slight cattle-disease in Moga. Sowing and transplanting continue. Season at present favourable. Prices of paddy from Rs. 90 to Rs. 95 per 100 baskets.
Tharrawaddy	2.10	Total rainfall up to date 68.59. Public health good. 22 deaths of cattle in two townships; health of plough cattle good in all other townships except Gyobingouk and Minbla townships, where slight disease prevails. Ploughing, sowing, and transplanting in progress. Want of rain complained of in Tipun and parts of Gyobingouk. Price of paddy from Rs. 92 to 105 per 100 baskets.
Thonegwa	3.53	Total rainfall up to date 51.78. Public health good. 20 deaths of cattle in two townships; health of cattle good in all other parts of the district. Transplanting of seedlings progressing, but retarded in some parts by insufficiency of rain. Wages for transplanting Re. 1, or one basket of paddy per man per day. Crops generally good all over the district.
Henzada	2.18	Total rainfall up to date 52.82. Public health and health of cattle good. About 90 per cent. ploughed; about 80 per cent. transplanted. Supply of seedlings and general appearance of young plants good in all townships except Kyau'ng.
Thayetmyo	1.13	Total rainfall up to date 22.65. Public health good. 30 deaths of cattle in Myawlet sub-division. Ploughing nearly completed; transplanting about two-thirds done. Crops most promising, but more rain wanted especially in Mindone.
Shwaygyin	3.31	Total rainfall up to date 96.33. Public health fair. 32 deaths of cattle in two townships. Ploughing nearly completed, sowing and transplanting progressing. Prices of paddy Rs. 72 per 100 baskets.
Tavoy	7.53	Total rainfall up to date 132.81. Public health and health of cattle good. General appearance of the plants good. The damaged crops are being replaced. <i>General Remarks.</i> —Except some deaths from cholera in Akyab town and district, public health of province is satisfactory. A few deaths of cattle in Akyab, Tharrawaddy, Pegu, Bassein, Thonegwa, Amherst, and Shwaygyin districts; elsewhere cattle healthy. Rainfall for week fair, but total to date for season considerably below last year in several districts. Agricultural operations elsewhere advancing.
<b>Assam—(Aug. 22nd)</b>		
Gauhati	29	Weather sultry and hot. Transplanting of <i>sali</i> crop in progress. More rain wanted. Public health fair. Cattle disease reported from the interior.
Sylhet	6.50	State and prospects of crops good. Public health generally good; small-pox ragers.
Cachar	4.01	Weather warm. Transplanting of <i>sali</i> crop and reaping of <i>dumahi</i> and <i>murali</i> crops progressing. Common rice 17½ seers per rupee. Eight deaths from small pox reported from Sair.
Dibrugarh	3.61	Weather hot. Transplanting <i>sali dhan</i> in progress. Public health good.
<b>Mysore and Coorg— (Aug. 22nd)</b>		
Bangalore	3.12	Crops in good condition; prospects fair. Health good. Rice 11, <i>ragi</i> 29½, and gram 30 seers per rupee.
Mysore	1.38	Crops and public health good. Rice 12½, <i>ragi</i> 29½, and gram 33 seers per rupee.
Mercara	6.20	Another burst of the monsoon has taken place which was much needed in South Coorg for planting coffee, and transplanting of rice. <i>Ragi</i> crop in Nanjarajapatna taluk has suffered from the excessive rain of last month. Prices of food-grains falling. Public health good. <i>General Remarks.</i> —Rain general in all districts from 2.0 to 6.0. Sowing operations active. Public health good. Prospects favourable. Prices rule easy.
<b>Berar &amp; Hyderabad— (Aug. 22nd)</b>		
Amraoti	66	Weather cloudy. <i>Kharif</i> crops in good condition. Wheat 16 seers and <i>juari</i> 26 seers per rupee.
Akola	.....	Crops in good condition. Rain wanted.
Hyderabad (Aug. 21st)	Average 2.68; no rain in one taluk.	Total rainfall from 1st January 16.50; rainfall proved beneficial to standing crops. <i>Abi</i> sowings recommenced; crops stand undamaged. Tanks in two talukas received considerable quantity of water. General health fair. Weather cloudy. Prices of wheat 15½, coarse rice 10½, white <i>juari</i> 24, yellow <i>juari</i> 27, and <i>tur</i> 24 seers per current sicca rupee.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States— (Aug. 22nd)</b>		
Indore ...	1.45	The fall of rain has removed immediate apprehensions. Cholera continues in Indore city, otherwise health good. Prices steady. Agricultural prospects fair; <i>makka</i> has suffered much from the long break in rain; <i>juari</i> , a later crop, has received less damage.
Morar (Gwalior) ...	Nil	Rain urgently needed. Cholera in Gwalior and a few cases in the fortress.
Sutna ...	1.0	More rain required. Prospects improved. Break in rain apparently ended.
Sehoro ...	Nil	Rain much needed for crops. Health good.
Nemuch ...	1.3	More rain urgently needed. Public health good.
Gooma ...	.38	Health good. Wheat 20 seers per rupee.
Bhopal ...	.....	No report received.
Agar ...	No rain during the week, with exception of slight showers on 20th.	No cases of cholera in city or cantonments. Crops much in need of rain.
Nowgong ...	Nil	<i>Kharif</i> crops withering in consequence of hot dry winds. Prices rising. Health fair.
Manpur ...	Slight showers	Sky cloudy, giving prospects of more rain which is much needed. Health good. Prices stationary.
<b>Rajputana—</b>		
Abu (Aug. 22nd)	No rain	Clear week with occasional clouds. Rain much wanted. Prices rising.
Sirohi ( „ 19th)	No rain	Fair amount of water in wells. Health good. Prospects of crops bad; owing to want of rain the crops have dried up so that at least half the crop is irretrievably lost. Hot bright weather with high winds. No sign of rain, much needed.
Marwar ( „ 17th)	No rain	Tanks all empty; water obtained from wells with great difficulty. Health good. Crops withering. Week almost clear with no clouds. No sign of rain. Great anxiety prevails. If the break continues the prospects will be alarming. Prices rising. Winds south-west.
Meywar ( „ 19th)	.20	Tanks and wells fair. Health good. Crop prospects bad. Barometer falling. Weather warm.
Harowti ( „ 18th)	Kotah, .25; elsewhere Nil.	Rain urgently required to save crops. Grass scorched. Prices rising. Health good, save 21 cholera deaths at Kotah.
Jhallawar ( „ 17th)	No rain	Anxiety about <i>kharif</i> continues. Wells and tanks low. Health good.
Ajmere ( „ 21st)	No rain	High cool winds continue. Heat increased, but clouds appear sometimes. Grass withering. Crops suffering from want of rain. Cholera continues.
Jeypore ( „ „ )	Drops on 20th	Westerly wind. Crop prospects causing much anxiety. Cholera continues. Prices rising.
Bhurlpore	.....	No report received.
Ulwur (Aug. 21st)	No rain	Prospects bad. Crops withering. Tanks and wells failing. Prices fluctuating. Cholera decreasing.

E. C. BUCK,  
Secy. to the Govt. of India.

Lieutenant Charles Le Gendre Justice, from the Wiltshire Regiment. Dated 16th June, 1880, but to rank from 13th March, 1880.

Lieutenant Ernest James Medley, from the Suffolk Regiment. Dated 10th March, 1882, but to rank from 28th May, 1880.

Lieutenant Bernard Walter Cracroft, from the North Lancashire Regiment. Dated 13th March, 1882, but to rank from 1st December, 1880.

Lieutenant Charles Grant Franco Edwards, from the Dorsetshire Regiment. Dated 6th November, 1881, but to rank from 18th December, 1880.

Lieutenant Donald Charles Frederick Macintyre, from the Seaforth Highlanders. Dated 1st January, 1882, but to rank from 1st July, 1881.

Lieutenant Clement Henry Billings, from the East Lancashire Regiment. Dated 6th March, 1882, but to rank from 1st July, 1881."

#### PROMOTIONS.

##### No. 458.—SUBORDINATE MEDICAL DEPARTMENT—

1st Class Apothecary Daniel John Tresham to be Senior Apothecary from the 1st September, 1882, *vice* Senior Apothecary H. D. Cooper, pensioned.

1st Class Assistant Apothecary William Cooper to be 2nd Class Apothecary from the 1st September, 1882, *vice* Apothecary D. J. Tresham, promoted.

1st Class Assistant Apothecary Thomas Tranfield to be 2nd Class Apothecary from the 8th September, 1882, *vice* Apothecary J. A. Perdrian, resigned.

1st Class Assistant Apothecary Isaac Burnett to be 2nd Class Apothecary from the 7th December, 1882, *vice* Apothecary H. F. McDonald, deceased.

Passed Hospital Apprentice Michael Edward Mungavin to be 2nd Class Assistant Apothecary from the 21st July, 1882, *vice* Assistant Apothecary C. E. Kidd, dismissed.

Passed Hospital Apprentice William David Busher to be 2nd Class Assistant Apothecary from the 1st September, 1882, *vice* Assistant Apothecary W. Cooper, promoted.

Passed Hospital Apprentice Henry Richard Watkins Ewan to be 2nd Class Assistant Apothecary from the 8th September, 1882, *vice* Assistant Apothecary T. Tranfield, promoted.

Passed Hospital Apprentice Frederick William Adolphus L'Estrange to be 2nd Class Assistant Apothecary from the 9th October, 1882, *vice* Assistant Apothecary J. W. Hogan, seconded.

Passed Hospital Apprentice Richard John Lewis to be 2nd Class Assistant Apothecary from the 27th October, 1882, *vice* Assistant Apothecary H. Farrell, dismissed.

##### No. 459.—NATIVE ARMY—

###### 16th Native Infantry.

Jemadar Jassa Rae to be Subadar, *vice* Buldeo Pattuck, invalided; Jemadar Gourisankar Agnhotre to be Subadar, *vice* Kalla Sing, invalided; Havildar Udit Sing to be Jemadar, *vice* Jassa Rae, promoted; Havildar Alliar Khan to be Jemadar, *vice* Gourisankar Agnhotre, promoted,—16th April, 1883.

###### 38th Native Infantry.

Havildar Sookhnanandan to be Jemadar, *vice* Ruggha Singh, deceased,—8th February, 1883.

#### REWARDS.

##### No. 460.—COMMISSARIAT DEPARTMENT—

In G. G. O. No. 428 of 1883, for Sergeant William Hamilton *Milton*, read Sergeant William Hamilton *Wilton*.

#### MARINE DEPARTMENT.

#### PROMOTIONS.

No. 38.—Mr. A. J. G. Piffard, 4th. Grade Officer, Indian Marine, to be a 3rd Grade Officer, with effect from the 12th August, 1883.

No. 39.—Mr. George Fennel, Assistant Engineer, 2nd class, Indian Marine, to be an Assistant Engineer, 1st class, with effect from the 2nd August, 1883.

No. 40.—The services of Mr. A. McDonald, Assistant Engineer, 2nd class, Indian Marine, are dispensed with.

G. CHESNEY,

*Secretary to the Government of India.*

### PUBLIC WORKS DEPARTMENT.

#### NOTIFICATIONS.

*Simla, the 17th August 1883.*

No. 1120 G.

RESOLUTION—By the Government of India, Public Works Department.

Formation of a Committee to consider certain proposals for the reorganisation of the Public Works Department.

Read—

1. Despatch from Secretary of State, No. 50, dated 8th September 1881.

" to " " " No. 50, dated 16th December 1881.

" to " " " No. 8, dated 20th February 1882.

2. Despatch No. 18P. W., dated 22nd March 1883, from the Right Hon'ble the Secretary of State for India, conveying orders on the proposals submitted by the Government of India for the reorganisation of the Engineer Establishment of the Public Works Department on an improved footing in regard to promotion and pensions on retirement.
3. Notes and statements prepared in the Public Works Secretariat, shewing the probable effect the above orders would have on the rate of promotion for the next 33 years, and submitting alternative suggestions for securing in the future an accelerated and even rate of promotion in all grades.

**OBSERVATIONS.**—The questions referred to in the preamble have been long under the consideration of the Government of India. Attempts have been made from time to time to deal with the matter, and measures have been adopted on various occasions which have afforded temporary relief to the stagnation of promotion in the establishment.

In December 1881, proposals were forwarded to the Secretary of State, with the view of affording a large measure of relief in the way of accelerated promotion and improved pensions. His Lordship has now provisionally approved certain modified proposals having the same object. These proposals have been examined in the Public Works Department from an actuarial point of view, and certain modifications are suggested in the notes and statements quoted in the heading, the object of which is to secure for the future a more fair and equal rate of promotion in all grades. The Governor General in Council considers it advisable before taking further action to ascertain by reference to a representative committee what measures would, in their opinion, be adequate for the purpose in view, and would satisfy the reasonable claims of the officers of the Department. Advantage will also be taken of this opportunity to elicit representative opinions on the other proposals which have received the provisional sanction of the Secretary of State.

**RESOLUTION.**—With this view the Governor General in Council has resolved to refer the question to a Committee composed of the following officers:—

*President.*

Mr. G. L. Molesworth, C.I.E., Consulting Engineer, to the Government of India for State Railways.

*Members.*

Mr. A. C. Cregeen, M.I.C.E. ("Stanley" Engineer), Engineer-in-Chief, Vizagapatam-Raipur Railway Survey.

Mr. H. Bell, M.I.C.E. ("Stanley" Engineer), Engineer-in-Chief, Dacca-Mymensingh State Railway.

Mr. R. A. Way (Royal Indian Engineering College, Cooper's Hill), Bengal and North-Western Railway Company in temporary employ.

Mr. C. Vincent (Royal Indian Engineering College, Cooper's Hill), Officiating Consulting Architect to Government, Madras.

Mr. E. Pinhey (Royal Indian Engineering College, Cooper's Hill), Assistant Engineer, Canara, Bombay Presidency.

Mr. W. A. Lesmond (Thomason College, Roorkee), Executive Engineer 3rd grade, West Deccan Railway.

Mr. P. W. Dangerfield, Executive Engineer, Rajputana-Malwa Railway.

Madhub Chunder Roy (Presidency College, Calcutta), Executive Engineer 2nd grade, Julpiguri, Bengal.

Major J. G. Hall, R.E., Executive Engineer 1st grade, Ganges Canal, North-Western Provinces.

Major G. F. L. Marshall, R.E., Under Secretary to the Government of India.

*Secretary.*

Mr. W. Harvey.

The subjects to be considered by the Committee and upon which its opinion is requested are stated in the following summary of the objects of the reorganisation scheme as enumerated in paragraph 2 of the despatch quoted in section 1 of the preamble:—

- (a) The reduction of the numerical strength of the Department to such proportions as will suffice for the work to be done.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 25, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

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E. J. DEAN,  
*Publisher, Gazette of India.*

### SURVEY OF INDIA.

#### NOTIFICATION.

*Simla, the 14th August 1883.*

No. 373.—Mr. W. Statesbury, Officiating Surveyor, 4th Grade, is confirmed in that Grade, *vice* Mr. R. Todd, Surveyor, 4th Grade, reduced to Assistant Surveyor, 1st Grade, with effect from 21st July 1883.

G. C. DEPRÉE, *Colonel*,  
*Offg. Surveyor General of India.*

### CALCUTTA UNIVERSITY.

#### NOTICE.

The Senate will proceed in the month of March 1884 to the election of a Tagore Professor for the term of one year to commence on the 1st of September 1884.

The salary of the Professorship is Rs 10,000 per annum, and the Professor will be expected to deliver a course of not less than twelve lectures upon *one* of the following subjects:—

- (1) The Law of Testamentary Devise as administered in British India.
- (2) The Law relating to Damages.
- (3) The Law relating to Joint Hindu Families.
- (4) The Law relating to riparian rights including the Law of Alluvium, Diluvium and the Law of property in navigable and non-navigable rivers.

Candidates for the Professorship are requested to forward their applications to the Registrar on or before the 1st of January 1884, and at the same time to state on which of the abovementioned four subjects they are prepared to lecture.

G. BELLETT,  
*Registrar.*

SENATE HOUSE,  
*The 23rd August 1883.*

## SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

### NOTIFICATION.

*Simla, the 10th August 1883.*

**No. 24.**—The services of 3rd Grade Assistant Surgeon Aupoorbo Krishna Das, of the supernumerary list, are placed at the disposal of the Chief Commissioner, Central Provinces, for employment in the Nagpur and Chattisgarh State Railway.

J. M. CUNINGHAM, M.D.,  
*Surgeon-Genl. with the Govt. of India.*

## TELEGRAPH DEPARTMENT.

### NOTIFICATION.

*Calcutta, the 18th August 1883.*

**No. 9.**—Mr. J. F. Bevan, a Superintendent of the 3rd Grade, is allowed furlough for twelve months, under Sections 48 and 49 of the Civil Leave Code, with effect from the forenoon of the 28th of May 1882. This cancels this Office Notification No. 11, dated 24th June 1882.

A. J. L. CAPPEL,  
*Director General of Telegraphs in India.*

## AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

### NOTIFICATIONS.

*Indore Residency, the 14th August 1883.*

**No. 2102.**—The undermentioned Hospital Assistant passed his English Qualification Examination according to the test laid down in G. G. O. No. 945 of 1868, on the date specified:—

Name.	Date of Rank.	Date of passing English qualification.
Emam Buksh . . . . .	16th April 1883 .	15th April 1883

*The 15th August 1883.*

**No. 2115.**—Captain Donald Robertson, Officiating Political Agent of the 3rd Class, 1st Assistant to the Agent, Governor General, for Central India, is granted privilege leave for one month, with effect from 1st September 1883, or such subsequent date as he may be able to avail himself of the same.

By Order,  
D. ROBERTSON, *Captain,*  
*1st Asst. Agent, Govt. Genl.,*  
*for Central India.*

## CHIEF COMMISSIONER OF AJMER- MERWARA.

### NOTIFICATIONS.

*Mount Abu, the 15th August 1883.*

**No. 667.**—With reference to Notification No. 407, dated 18th May 1883, Major J. H. L.

Greenfield and Colonel C. H. Clay, respectively, made over and received charge of the Office of Cantonment Magistrate, Deoli, in the forenoon of the 2nd August 1883.

**No. 669.**—With reference to Financial Notification No. 361, dated 18th April 1883, in which the Government of India prescribe the use of adhesive stamps for denoting Court Fees amounting to less than ₹10, and impressed stamps for denoting fees amounting to or exceeding ₹10, it is hereby notified for general information that impressed stamps of the value of ₹10 and upwards will be issued in exchange for unused adhesive stamps of equal value, by Treasury Officers, on application being made to them within three months from this date.

By Order,  
E. A. FRASER,  
*1st Asst. to the Chief Commr.*

## RESIDENT IN MYSORE.

### NOTIFICATION.

*Bangalore, the 16th August 1883.*

**No. 13.**—Under the provisions of Section 239 of the Bangalore Municipal Regulations of 1883, the Officiating Resident in Mysore is pleased to sanction the following revised scale of license fees to be levied from tanneries in the Civil and Military Station of Bangalore, with effect from the 1st April 1883:—

I.—In the case of tanneries that may hereafter be established:—

	<i>Per annum.</i>
	<i>₹ a. p.</i>
(1) 1st class (when the cubic contents of the pits used are 3,000 cubic feet or more) . . . . .	100 0 0
(2) 2nd class (when the cubic contents of the pits used are 1,500 cubic feet or more, but less than 3,000 cubic feet) . . . . .	75 0 0
(3) 3rd class (when the cubic contents of the pits used are less than 1,500 cubic feet) . . . . .	50 0 0

II.—In the case of tanneries which are now in existence:—

(1) 1st class (when the cubic contents of the pits used are 3,000 cubic feet or more) . . . . .	50 0 0
(2) 2nd class (when the cubic contents of the pits used are 1,500 cubic feet or more, but less than 3,000 cubic feet) . . . . .	37 0 0
(3) 3rd class (when the cubic contents of the pits used are less than 1,500 cubic feet) . . . . .	25 0 0

By Order,  
H. WYLIE, *Major,*  
*Assistant to the Resident*

**AGENT, GOVERNOR GENERAL, AND CHIEF COMMISSIONER,  
RAJPUTANA, P. W. D.**

**NOTIFICATIONS.**

*Mount Abu, the 16th August 1883.*

**No. 2054 S.**—The land designated below being required for city extension purposes, this declaration is made accordingly :—

District.	Pargana.	Village.	AREA REQUIRED.												Purpose for which required.	REMARKS.			
			Permanent.					Temporary.					TOTAL.						
			A.	R.	P.	Y.	Fl.	A.	R.	P.	Y.	Fl.	A.	R.			P.	Y.	Fl.
Ajmer .	Ajmer .	Ajmer .	5	3	38	2	5	...	5	3	38	2	5	City extension purposes.	Plan might be seen at the Office of the Assistant Commissioner, Ajmer.				

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmer is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

**No. 2055 S.**—The land designated below being required for city extension purposes, this declaration is made accordingly :—

District.	Pargana.	Village.	AREA REQUIRED.									Purpose for which required.	REMARKS.
			Permanent .			Temporary.			TOTAL.				
			A.	R.	P.	A.	R.	P.	A.	R.	P.		
Ajmer .	Ajmer .	Ajmer .	0	1	33½	...	0	1	33½	For city extension purposes.	Plan might be seen at the Office of the Assistant Commissioner, Ajmer.		

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmer is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

*The 20th August 1883.*

**No. 2063 S.**—The land designated below being required for widening the road from Sumeer Mull's Shop opposite Magazine to the new road, Ajmer, declaration is made accordingly :—

District.	Pargana.	Village	AREA REQUIRED.			Purpose for which required.	REMARKS.
			Permanent.	Temporary.	TOTAL.		
			A. R P.	A. R. P.	A. R. P.		
Ajmer .	Ajmer .	Ajmer .	0 3 21	...	0 3 21	Widening the road from Sumeer Mull's Shop opposite the Magazine to the new road, Ajmer.	The plan may be inspected at the Office of the Assistant Commis- sioner, Ajmer.

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

By Order,

E. A. FRASER,

for Secy. to Agent, Govr. Genl., & Chief Commr.,  
Rajputana, P. W. D

## EXAMINER OF

*ACCOUNT of Government Promissory Notes deposited as Security for the faithful performance kept by the Examiner of Accounts and*

WITH WHOM DEPOSITED.			PERSONS ON WHOSE	
PERSON.	Rate of Interest.	Value.	NAME.	Occupation and Address.
Comptroller General. <i>Vide his List, dated 30th June 1883.</i>	4 per cent. of 1865.	20,600	CONVERTED INTO TRUST STOCK. (a) 4 per cent. of 1865.	
			Gunga Ram . . . . .	Cashier, Kasauli Division .
			Anunt Ram . . . . .	Store-keeper, Ferozepore Division.
			Chunder Coomar Banerjee .	Cashier, Fort William Division.
			Madhoo Soodun Choudry .	Cashier, Barrackpore Division.
			Gopee Mohun . . . . .	Store-keeper, Allahabad Division.
			Sreenath Mookerjee . . . .	Store-keeper, Fort William Division.
			Ahmed Khan . . . . .	Contractor, Allahabad Division.
			Khooshial Roy & Co. . . . .	Cashiers, Chakrata Division
			Kedarnath Chatterjee . . . .	Store-keeper, Barrackpore Division.
			Jhundoo Mull . . . . .	Cashier, Umballa Division
			Abinash Chunder Mookerjee	Sub-Overseer, Lucknow Division.
			Bahadur Singh . . . . .	Store-keeper, Umballa Division.
			Adam's Monument Fund .	Agra . . . . .
			Hari Das Bose . . . . .	Cashier, Ferozepore Division.
			Raja Ram . . . . .	Contractor, Lucknow Division.
			Parus Das and Samer Chand	Cashiers, 1st Division, Simla Imperial Circle.
			Surendra Nath Roy . . . . .	Store-keeper, Lucknow Division.
Ditto ditto . . . . .	4½ per cent. of 1870.	1,000	(b) 4½ per cent. of 1870.	
		21,600	Narain Das . . . . .	Cashier, Rawalpindie Division.
Ditto ditto . . . . .	4 per cent.	2,200	HELD IN SAFE CUSTODY ONLY. (i) by Comptroller General.	
			Kunj Lall Bissessur Das . .	Contractor, Darjeeling Division.
			Nanuk Chund . . . . .	Contractor, Umballa Division.
Agent, Bank of Bengal, Lahore. <i>Vide his Safe Custody Receipts, dated 15th August 1881.</i>	4 per cent.	500	(ii) by the Agent, Bank of Bengal, Lahore.	
			Khetter Chunder . . . . .	Contractor, Fort William Division.
			Messrs. Richardson and Cruddas.	Contractors, 1st Simla Imperial Division.
			Messrs. Narpat Roy, T. C. Berry & Co.	Contractors, 1st Simla Imperial Division.
			Messrs. Richardson and Cruddas.	Contractors, 1st Simla Imperial Division.
Ditto ditto, dated 27th July 1882.		9,500		
Ditto ditto, dated 13th September 1882.		500		
Ditto ditto, dated 22nd March 1883.		8,500		
		21,200		



## ACCOUNTS—MILITARY WORKS.

*of Contracts by persons having dealings with the Military Works Department as per Register posted to the 30th June 1883.*

## ACCOUNT HELD.

PARTICULARS OF PROMISSORY NOTES.				TOTAL.	REMARKS.
Number.	Loan of	Per cent.	Amount.		
033077	1865 . .	4 . .	1,000		
062140	1865 . .	4 . .	500		
{ 026924	1842-43 . .	4 . .	1,000		
012324	1835-36 . .	4 . .	500		
{ 060301	1865 . .	4 . .	500		
{ 098046	1865 . .	4 . .	1,000		
{ 069365	1865 . .	4 . .	500		
{ 069366	1865 . .	4 . .	500		
009983	1842-43 . .	4 . .	1,000		
14255	1835-36 . .	4 . .	1,000		
{ 19263	1842-43 . .	4 . .	500		
L015	1844-45 . .	4 . .	1,000		
109823	1865 . .	4 . .	1,000		
093474	1865 . .	4 . .	500		
090124	1842-43 . .	4 . .	2,000		
090035	1842-43 . .	4 . .	100		
121875	1865 . .	4 . .	500		
{ 059259	1872 . .	4 . .	900		
{ 059260	1872 . .	4 . .	1,000		
{ 059261	1872 . .	4 . .	1,100		
128711	1865 . .	4 . .	500		
048344	1842-43 . .	4 . .	1,000		
{ 140598	1865 . .	4 . .	2,000		
{ A014540	1879 . .	4 . .	500		
100060	1843 . .	4 . .	500	20,600	
010119	1870 . .	4½ . .	1,000	1,000	
				21,600	
{ 042967	1842-43 . .	4 . .	1,500		
{ 078465	1865 . .	4 . .	500		
{ 057169	1843 . .	4 . .	100		
{ 068061	1843 . .	4 . .	100	2,200	
080873	1865 . .	4 . .	500		
{ 061199	1872 . .	4 . .	5,000		
{ 094484	1843 . .	4 . .	2,700		
{ 100798	1843 . .	4 . .	1,300		
{ 059377	1865 . .	4 . .	500		
111616	1842-43 . .	4 . .	500		
{ 118500	1843 . .	4 . .	5,000		
{ 051054	1872 . .	4 . .	1,000		
{ 063686	1865 . .	4 . .	1,000		
{ 009135	1879 . .	4 . .	1,000		
027227	1843 . .	4 . .	500	19,000	
				21,200	

R. G. MACDONALD,

Examiner of Accounts Military Works

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th August 1853.

PARTICULARS.	4 PER CENT. LOANS					4½ PER CENT. LOANS					GRAND TOTAL.					
	3½ PER CENT. TRANS-LOAN OF 1863-64	OF 1832-33	OF 1835-36.	OF 1843-43.	OF 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1878.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1870. Of 1878.		TRANSFER LOAN OF 1878. 4½ PER CENT. PORTION.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. DEBT. HERE LOAN OF 1865-67.		
Balance of 31st July 1883	54,100	13,02,720	29,73,300	2,44,97,900	1,02,68,400	2,58,40,537	2,70,30,500	...	9,17,12,637	48,27,800	1,06,95,600	9,90,69,400	11,54,95,600	2,000	60,200	20,74,51,657
<b>Add—</b>																
Amount enforced at Madras between 1st and 15th August 1883	...	...	...	...	...	...	...	...	...	...	...	2,000	2,000	...	...	2,000
Amount enforced at Bombay between 1st and 15th August 1883	...	...	...	38,500	500	1,00,400	...	...	1,37,400	...	7,000	1,37,300	1,44,300	...	...	2,81,700
Amount enforced at Calcutta between 1st and 15th August 1883	...	...	...	63,600	23,000	65,600	...	...	1,42,100	1,000	10,000	6,000	17,000	...	...	1,59,100
<b>Deduct—</b>																
Amount written off in the London Registers	54,100	13,42,720	29,73,300	2,45,98,000	1,02,91,900	2,58,04,437	2,70,30,800	...	9,19,92,157	48,28,600	1,07,15,600	10,01,14,700	11,66,58,900	2,000	60,200	20,78,93,867
	...	...	9,500	6,01,700	62,600	3,16,900	2,03,300	...	11,93,900	1,000	20,500	91,000	1,12,500	...	...	13,06,400
Balance on 15th August 1883	54,100	13,02,720	29,63,800	2,39,06,300	1,02,29,400	2,54,86,537	2,68,17,500	...	9,07,68,257	48,27,600	1,06,95,100	10,00,23,700	11,55,46,400	2,000	60,200	20,68,57,457

**NOTE.**—From 9th June 1967 to 15th June 1968, encased from India 4,764 lakhs; re-transferred from London, 4,026 lakhs.

[illegible]

**PUBLIC DEBT OFFICE,**  
**BANK OF BENGAL;**  
*Calcutta, the 17th August 1883.*

W. D CRUICKSHANK,  
*Depy. Secretary and Treasurer.*

## Statement of the Affairs of the Bank of Bengal for the week ending 21st August 1883.

LIABILITIES.				ASSETS.			
	R	a.	p.		R	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	47,81,621	8	0
Reserve Fund	35,10,866	4	4	Other authorized Investments	55,27,835	0	0
	R	a.	p.	Loans on Government and other authorized Securities	97,28,683	14	0
Public Deposits at Head Office	97,53,238	6	3	Accounts of Credit on Government and other authorized Securities	52,17,262	0	3
Public Deposits at Branches	2,33,79,330	0	10	Bills discounted and purchased	1,85,63,293	1	10
Other Deposits at Head Office and Branches	2,17,70,537	3	1	Balances with other Banks	3,41,950	6	10
Bank Post Bills, &c.	5,85,667	14	9	Bullion	10,038	15	2
Sundries	10,43,036	9	2	Dead Stock	11,97,310	6	7
				Stamps	7,093	10	0
				Sundries	6,51,408	4	1
					4,69,26,197	2	9
					R	a.	p.
				Cash and Cur- rency Notes at Head Office	1,23,12,310	11	0
				Cash and Cur- rency Notes at Branches	2,17,03,958	8	8
					3,40,16,269	3	8
					R	a.	p.
					8,00,42,676	6	5
					RUPES		
					8,00,42,676	6	5

BANK OF BENGAL,  
Calcutta, 23rd August 1883.

J. GORDON,  
Chief Acctt. & Depy. Secretary.

By order of the Directors,

R. HARDIE,  
Secy. & Treasurer.

## Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDER- ED, ESTI- MATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF HULLION		
		General Treasury.	Currency Depart- ment.	Under Assay.	Assayed.	Held on account of the Cur- rency De- partment.
1883.	R	R	R	R	R	R
Aug. 13	...	...	...	...	35,60,184	22,40,681
" 14	...	...	134	...	35,60,321	22,40,820
" 15	1,302	...	...	1,302	35,60,321	22,40,820
" 16	...	...	...	1,302	35,60,076	22,40,820
" 17	...	...	...	1,302	35,60,076	22,40,820
" 18	...	...	...	1,302	35,60,076	22,40,820

J. F. TENNANT, Major-Genl., R.E.,  
Mint Master.

CALCUTTA MINT,  
The 20th August 1883.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

## Lahore Circle.

## NOTE WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Note.	Value.	Name of Claimant.
		R	
9	E 19—43017	50	H. A. Hampton, Esq., Con- tractor, Wazirabad.

LAHORE,  
The 17th August 1883.

W. H. EGERTON,  
for Depy. Commr. of Paper Currency.

## Calcutta Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		R	
141	P 31—53034	20	Mechu Surdar.
142	P 41—61870	100	Superintendent H. S. John- stone.
	" —20280	100	
	" —69094	100	
	" —73739	100	
	" —69688	100	
	" —55056	100	
	" —64218	100	
	" —58376	100	
	" —62836	100	
	" —65609	100	
	" —57697	100	
	" —72210	100	
	" —70873	100	
	" —70874	100	
	" —74582	100	
	" —74583	100	
	" —69071	100	
	" —62176	100	
	" —59063	100	
	" —52110	100	
	" —18935	100	
	" —37118	100	
	" —18278	100	
	" —72108	100	
	P 43—99391	100	Messrs. Mackinnon, Macken- zie & Co.
	" —41973	100	
	" —97714	100	
143	P 44—70550	100	Messrs. Mackinnon, Macken- zie & Co.
	" —16232	100	
	P 39—06008	50	Prithi Raj Rai.
146	P 49—42509	5	

CALCUTTA,  
The 24th August 1883.

J. TAYLOR,  
Asst. Comptlr. Genl., in charge, Paper Currency.

## Madras Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		<i>R</i>	
19	B 73 - 25812	100	{ A. Aronachella Mudliar, Deputy Accountant, Ban- galore Bank, Limited, Bangalore.
	" - 98025	100	
	" - 98026	100	
20	B 65 - 82782	50	The Revd. H. D. Gold- smith, C.M.S., Harris' School, Royapettah.

FORT SAINT GEORGE,  
The 18th August 1883.

H. S. GROVES,  
*Assistant Accountant General,  
in charge of Paper Currency Dept.,  
for Commissioner.*

## MILITARY WORKS DEPARTMENT.

## NOTIFICATION.

## Presidency &amp; Oudh Command.

*Lucknow, the 11th August 1883.*

**No. 15.**—Lieutenant J. Kellie, R.E., Executive Engineer, attached to the Fort William Division, Military Works, has been transferred to the Sauror Division, Military Works, which he joined on the afternoon of the 17th July 1883.

H. McV. CRICHTON, *Major, R.E.,  
Supdg. Engr., Presdy. & Oudh Command,  
Military Works.*

## DIRECTOR GENERAL OF RAILWAYS.

## NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 20th August 1883.*

**No. 37.**—Mr. G. Winnill, of the Locomotive Department, Indus Valley Railway, in Class III of the Revenue Establishment, is appointed to act as Locomotive Superintendent of the Line during the absence of the Locomotive Superintendent, Mr. E. W. M. Hughes, on privilege leave, or until further orders.

*The 21st August 1883.*

**No. 38.**—With reference to Public Works Department Notification No. 194, dated 17th August 1883, Messrs. P. G. Murray and Murzban M. C. Murzban, Traffic Candidates, are posted to the Rajputana-Malwa State Railway.

**No. 39.**—Mr. W. C. L. Floyd, Executive Engineer, 2nd Grade, is appointed to officiate as Superintendent of Way and Works, Rajputana-Malwa State Railway, during the absence on privilege leave of Mr. B. W. Blood.

**No. 40.**—Mr. W. A. Johns, Assistant Engineer, 2nd Grade, Jhansi-Manikpur State Railway, passed the colloquial examination in Hindustani on the 13th August 1883.

H. F. HANCOCK, *Col., R.E.,  
Offg. Director General of Railways.*

RAJPUTANA-MALWA RAILWAY,  
Manager's Office.

## NOTIFICATION.

*Ajmere, the 15th August 1883.*

**No. 2.**—Mr. C. E. Cardew, Assistant Locomotive Superintendent, in Class III of the Revenue Establishment, is granted fifteen months' furlough to Europe on medical certificate and the necessary subsidiary leave, with effect from the afternoon of the 3rd August 1883.

R. GARDINER, *Capt., R.E.,  
Offg. Manager.*

## TREASURE TROVE.

In terms of Section 5 of Act VI of 1878, notice is hereby given that on 6th October 1882, certain treasure (old R39 of the value of about R31-2), was found while the foundation of the wall between the houses of Amiradin wd. Shaik Salaodin and Murad Kha wd. Samser Kha, of Bhadgaon, Taluka Pachora, of the Khandesh Collectorate of the Bombay Presidency, was being dug.

Claimants are hereby required to appear personally or by agent before the Mamledar of Pachora, at Bhadgaon, on the 20th December 1883, when he will proceed to hold an enquiry according to law.

H. OMMANNEY,  
*Actg. Collector of Khandesh.*

DHULIA,  
*The 16th August 1883.*

## CEMETERY NOTICE.

The friends or relatives of Captain Hole of the 39th Regiment, Madras Native Infantry (since disbanded), who died in Coimbatore (Madras Presidency) in 1831, and to whose memory a tomb was erected by his brother officers, are requested to communicate at once with the Revd. W. S. Trotman, the Chaplain of Coimbatore, as to the repairs of this tomb, which is in a very bad state. If the Chaplain receives no communication after three advertisements, of which this is the first, in the *Gazette of India* and in the *Gazette of the Province*, the Government order is that the tomb shall be taken down.

Failing any communication therefore this tomb will be taken down.

W. S. TROTMAN,  
*Chaplain of Coimbatore.*

COIMBATORE,  
*The 15th August 1883.*

## POST OFFICE.

## NOTIFICATIONS.

*Simla, the 7th August 1883.*

The date for the receipt of tenders for the conveyance of mails by sea, on the lines marginally\* noted, has been extended from the 1st September to the 1st November

\* Calcutta—Rangoon (direct).  
Calcutta—Rangoon (via Chittagong and Akyab).  
Madras—Rangoon.  
Bombay—Karachi.  
Bombay—Basrah (via Karachi).

1883. Tenders should reach the Office of the Director General at Calcutta not later than the 1st November 1883.

L. G. WAIT,

Asst. Director General of the Post Office of India,  
Foreign Post Branch.

**Unclaimed Letters held in the Calcutta General Post Office on 23rd August 1883.**

Chambers, P. A. H.	Law, W. J.	Saker, William.
Cheesemure, A.	Macdonald, N.	Sharkey, W. E.
Conlon & Co.	Moossa Collone.	Stevens, R. H.
Dawes, T. B.	Monnier, J. A.	Taylor, Charles.
Fenn, Capt. E. H.	Newton, G. A.	Zachariah, A. C.
Gibson, A. F.	Reich, Solomon.	

**Letters marked "Care of Post Office."**

Agist, John.	Gahan, Capt. R. L.	Nordt, Miss Minnie.
A. Q. R.	Gelseid, Lean.	Pearson, H. J. F. G.
B. B.	Gow, J. F.	Pearson, E. W.
Battersby, Leslie C.	Hallowell, J. A.	Perrins, C. H.
Blunnie, George.	Haly, J. J.	Pine, Arrol.
Boswell, Lt.	H. R. A.	Rains, —.
Bradshaw, D. E.	Hay, Arthur.	Rode, Capt. J.
Buckle, Henry.	Harris, Lord.	Ross, C. Henry.
Bulliwell, H.	Heller, Miss.	Russell, C. A.
Burlington, Charles.	Henderson, J.	Ryan, J. H.
Camar, Madame A.	Horridge, Charles.	Salvator, Madame
Campbell, Dr. M. R.	Hunter, H. C. D.	Amelle.
"Chaperone."	Ingels, H. V.	Sanford, E. C. Aysh-
Chase, J.	Jones, H.	ford.
Claremont, E.	Jones, John.	Specht, Otto.
Cotton, F.	Kavanagh, P.	Taneowitz, M.
Coutt, P. S.	Kirkbride, J.	Tucker, Mrs.
Crispini, C. Umberto.	L. S.	Vaughan, Percy.
Crowther, John.	Labonatto, T.	VansAgnew, Lieut. P. A.
Dalyell, Mrs. R. F.	Langley, Manly G.	Volpo, L.
D'Cruz, Mrs. Bella.	Limberg, Tankel.	Warren, Thomas.
Donovan, John.	Lynn, B.	Wells, T. S.
Dyett, B. H. R.	Matten, Raffaille.	White, Mrs. S.
Ertler, Frau. Merrie.	McClure, A.	Williams, J. M.
"Fells."	Mifsud, George.	Williamson, W. F.
Fouquet, P. S.	Moore, William.	Windemar, Mrs.
Franklin, Mrs. S.	Moore, Miss L.	Young, W. N.
Field, Miss Fanny.	Mosse, W. Forbes.	

**Registered Letters.**

Angelo, Col. R. F.	Nardini, Sig. Raffaele.	Weben, Madame Mar-
Dyett, W. H. R.	Owen, O. N.	tin.
		Wood, Mrs. A.

Calcutta, the 25th August 1883.

Commencing from the 6th September 1883, and until further notice, the Mails for British Burmah and Chittagong and Arrakan will be closed at the Calcutta General Post Office every Thursday instead of on Wednesday. The last Wednesday Mail will be closed in the General Post Office on the 29th August current, and the first Thursday Mail on the 6th September 1883.

**SEA AND FOREIGN MAILS.**

Foreign Mails for	Date.	Per Steamer
	1883.	
Persian Gulf.	31st Aug.	From Bombay.
Madras, Ceylon, and Intermediate Ports.	31st "	Str. Chindwara.
Madras and Ceylon.	4th Sept.	P. & O. Str.
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies.	4th "	Brindisi.
Foreign Mails via Bombay.	26th Aug.	From Bombay.
Foreign Mails via Bombay.	1st Sept.	From Bombay.*
Do. Book Post and Pattern Packets.	31st Aug.	From Bombay.†
Rangoon and Moulmein.	29th "	Str. Purulia.
Chittagong, Akyab, Kyauk Phyo, and Rangoon.	29th "	Str. Mahratta.
Port Blair and Camorta.	30th "	Str. Maharani.

\* Also for South Africa via England; also via Aden for Mauritius, Mahé (Seychelles), Mayotte, Nosé Be and Réunion can be forwarded.

† Also for South Africa via England can be forwarded.

N.B.—The letter-box will close at 7 P. M. precisely; after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,  
Presidency Post Master.

**GOVERNMENT CINCHONA FEBRIFUGE**

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin *R4-8*; per eight ounce tin, *R8-8*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, *for cash only*, at the under-noted rates:—per four ounce tin *R5-8*; per eight ounce tin *R10-8*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سنکونا فبري فيوج**

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے یوٹانکل گارتن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوا یک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیواے اونکے جو کوئی ایک مشق بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ; یک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ۔

اور عوام الناس یوٹانکل گارتن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنہ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلائی اور دیسی دواخانوں میں مکتی ہی ماسیواے قیمت مذکورہ بالا کے محصول قاک چار در آٹھ اونس کے تین کا آٹھ آنہ; اور ایک پونڈ کے تین کا بارہ آنہ

**Meteorological Publications for Sale.**

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

Report on the Meteorology of India, in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	R a. p.
Report on the Meteorology of India, in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8 0 0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8 0 0
Report on the Meteorology of India, in 1878, 4to, 149 pages text, 380 pages tables, 3 plates, 4 charts	8 0 0
Report on the Meteorology of India in 1879, 4to, 164 pages text, 273 pages tables, 4 plates, 4 charts	8 0 0
Report on the Meteorology of India in 1880, 4to, 174 pages text, 286 pages tables, 6 plates, 4 charts	8 0 0

Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	R	a.	p.
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
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Indian Meteorological Memoirs, Vol. I, cloth bound, 4to, 438 pages, 33 plates	10	0	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1	9	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
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Register of Original Observations of six stations in India, in 1880, corrected and reduced	2	0	0
Register of Original Observations of six stations in India, in 1881, corrected and reduced	2	0	0

HENRY F. BLANFORD,  
*Meteorological Reporter  
to the Government of India.*

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
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# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, AUGUST 25, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

### Advertisements and Notices by Private Individuals and Corporations.

#### BENGAL CIVIL FUND.

*At the Half-yearly General Meeting of Subscribers held at the Town Hall on Wednesday, the 25th July 1883, at 10-15 A.M.*

PRESENT:—The Hon'ble W. F. McDonell, v.c.; H. A. Cockerell, Esq., c.s.r.; the Hon'ble L. R. Tottenham; J. Monro, Esq.; H. L. Harrison, Esq.; C. C. Stevens, Esq.; the Hon'ble J. O'Kinealy; J. Westland, Esq.; A. C. Tupp, Esq.; W. H. Grimley, Esq.; R. F. Rampini, Esq.; J. G. Charles, Esq.; J. Scobell Armstrong, Esq.; C. A. Wilkins, Esq.; C. E. Buckland, Esq.; C. W. Bolton, Esq.; F. E. Pargiter, Esq.; C. S. Bayley, Esq.

C. E. Buckland, Esq., in the Chair.

The following report was presented by the Managers:—

#### REPORT.

1. THE Managers submit the proceedings for the past half-year for the consideration and sanction of the meeting.

2. Subject to the approval of the Subscribers, they have admitted to the benefits of the Fund the following families.—

Mrs. Taylor	...	...	£ 300
One daughter	...	...	100
Total	...	...	400

The widow and one daughter of the late Mr. T. Taylor (annuitant of 1852), who died in England on the 4th October 1882.

Mrs. Pears	...	...	£ 300
Three children	...	...	240
Total	...	...	540

The widow and three children (one daughter and two sons) of the late Mr. J. M. Pears, who died in India on the 4th January 1883.

Miss Lang	...	...	£ 150
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The daughter of the late Mr. A. Lang (annuitant of 1852), who died in England on the 28th January 1883.

Mrs. Cochran	...	...	£ 300
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The widow of the late Mr. A. W. Cochran, who died at Dublin on the 16th February 1883.

Mrs. Tobin	...	...	£ 300
Three children	...	...	90
Total	...	...	390

The widow and three children (one son and two daughters) of the late Mr. H. M. Tobin, who died at Darjeeling on the 14th March 1883. The youngest child was a posthumous daughter born on the 18th April 1883.

Mrs. Loch	...	...	£ 300
One daughter	...	...	100
Total	...	...	400

The widow and one daughter of the late Mr. George Loch (annuitant of 1873), who died in England on the 19th March 1883.

Mrs. Dickens	...	...	£ 300
One daughter	...	...	60
Total	...	...	360

The widow and one daughter of the late Mr. P. D. Dickens, who died in France on the 23rd March 1883.

Mrs. Robinson ... ..	£	300
Four children ... ..	£	200
Total	£	500

The widow and four children (three daughters and one son) of the late Mr. H. C. T. Robinson, who died at Bannu on the 28th May 1883.

The Hon'ble Mrs. Forbes	£	300
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The widow of the late Hon'ble R. Forbes, who died in England on the 2nd June 1883.

Mrs. Skipwith ... ..	£	300
One daughter ... ..	£	100
Total	£	400

The widow and one daughter of the late Mr. F. Skipwith (annuitant of 1857). The date of death cannot be stated in this instance, as the Agents of the Fund, who reported the occurrence by telegram, have omitted to furnish the date.

Admission has been granted with effect from the day after death.

3. Mr. A. Christie has incurred the penalty prescribed in Article XXXVII of the Rules by having neglected for more than one year to pay the necessary subscriptions to the Fund on his furlough allowance. Mr. Christie urges forgetfulness as his plea for the omission. As Mr. Christie has now paid up all arrears of subscription together with 8 per cent interest as required by the Rules, the Managers recommend his case to the favourable consideration of the meeting.

4. The votes of the Subscribers on the Resolution passed at the last General Meeting for the amendment of Article III of the Rules have been scrutinized with the following result:—

Amendment of Article III	For.	Against.
5. In accordance with Article XXII of the Revised Rules, the Managers have to report that Mr. H. J. S. Cotton having obtained eight months' leave of absence tendered his resignation as an elected Manager, and that Mr. J. Munro was invited to join the Board of Managers in succession to Mr. Cotton.	122	1

6. The Managers will propose the following addition to, and amendment of, the rules:—

#### ARTICLE XXIX.

(a.)—In the second proviso for the words “continue the whole or any part of his pension,” substitute the word “grant.”

(b.)—In the same proviso, after the word “livelihood” insert “a pension not exceeding that to which he would be entitled if he had not passed the age of 21 years.”

7. As regards the questions pending between the Secretary of State and the Civil Fund it will be remembered that the Secretary of State's decision on the question of the limit of the eight per cent fund, and his offer to take over the Fund were communicated in his despatch No. 16, dated 22nd December 1881. His calculations were based on a valuation of the Fund made by General Hannington for the date April 1st, 1875; and with his despatch he communicated General Hannington's report and a criticism of it by Mr. W. Sutton, the same Actuary who made for the Managers the valuations of 1878. The measure of benefits which he estimated that the Fund, on the conditions allowed by himself, could afford, and which he offered for the future to grant from it, was the unextended scale of the period before 1878, plus twenty-two lakhs worth (that is, two-thirds or three quarters) of the extensions made by the Fund with effect from 1878. The Managers replied on April 5th, 1882, comparing the hard terms which the Secretary of State desired to impose on the Bengal Fund with the great liberality shewn to Madras and Bombay, and claiming a concession in some remote degree approaching to that made to the last two Funds in accepting their *status quo* up to 1875. The Secretary of State answers in a despatch No. 12, dated 9th November 1882 (of which we have received a few paragraphs only) in which he admits that Bengal has received less assistance than Madras or Bombay, but denies any claim on our part to obtain equal terms now. He, however, so far advances the terms he offers as to consent not only to twenty-two lakhs worth, but to the whole of the extensions of benefits we made in 1880 (except Annuitant's “ordinary” subscriptions); but he considers that in doing so he is offering to take over a deficit of nine lakhs of rupees.

The Managers attach copy of that part of the despatch last quoted which they have received from the Government of India and also copy of the reply which they made to the Government upon the 20th March last.

Meantime Mr. Westland undertook a critical examination\* of the valuations upon which the Secretary of State's case was based, and the conclusion he reaches is that the Fund is in a better position than the Secretary of State assumes, and that so far from there being a deficit of nine lakhs of rupees the assets of the Fund “even under the conditions imposed by the Secretary of State are quite equal to meeting all its liabilities, and it is upon this basis alone that any negotiations for its transfer to Government should be entered upon.” The Managers have the matter still under consideration.

Proposed by Mr. Stevens, seconded by Mr. Pargiter, and carried unanimously—

That the Managers' proceedings in admitting the families of the late Messrs. T. Taylor, J. M. Pears, A. Lang, A. W. Cochran, H. M. Tobin, Geo. Loch, P. D. Dickens, and H. C. T. Robinson, the Hon'ble R. Forbes, and Mr. F. Skipwith to the benefits of the Fund be confirmed.

Proposed by Mr. Wilkins, and seconded by Mr. Stevens, and carried unanimously, that Mr. A. Christie be restored to the full rights of a subscriber.

\* Mr. Westland's report has been printed and is available to any subscriber who may write to the Secretary for a copy.

With reference to the proposed amendment of Article XXIX of the rules, *Mr. Westland* explained that the object of the alteration was merely to clear up an ambiguity in the wording of the article, and to enable the Managers to give effect to its real intention. Strictly speaking, the proviso which it was proposed to amend limited the power of the Managers to the *continuance* of the whole or a part of pension which an incumbent had drawn before he reached his majority. The rule, therefore, as it at present stood, did not allow the increase of the pension from £100 to £150, if the son became motherless after he was 21 years of age; whereas the limit would be £150, if the son had become motherless before attaining 21 years. Moreover, the practice of the Managers was to grant these pensions for a limited time only, so that the grant came up for reconsideration after the expiry of short periods. The Managers considered this practice a desirable one, on many grounds, and considered it advisable that the wording of the rule should more clearly cover it.

Proposed by the *Hon'ble W. F. McDonell*, seconded by *Mr. Westland*, and carried unanimously—

That the amendment to Article XXIX of the rules be confirmed, subject to the necessary sanction of the service.

*The Chairman* then read to the meeting paragraph 7 of the Managers' report, on which considerable discussion took place, and it was ultimately proposed by *Mr. Charles*, seconded by *Mr. Wilkins*, and carried unanimously—

“That the Managers be desired to take into early consideration the propriety of relieving annuitants of all their subscriptions according to pledges previously given by subscribers.”

After a vote of thanks to the Chair the meeting dissolved.

CIVIL FUND OFFICE, }  
The 25th July 1883. }

C. E. BUCKLAND,  
*Chairman.*

#### NOTICE.

By an order of the High Court of Judicature at Fort William in Bengal, dated the 18th day of August 1883, made in the matter of Chapter XX of the Code of Civil Procedure and of Coomar Soorendro Narain Deb, of No. 35 and 35-1, Rajah Nobokissen's Street, in the town of Calcutta, inhabitant, an insolvent, the creditors of the said insolvent are directed to appear before the said Court on Saturday, the 8th day of September next, at the hour of 11 o'clock in the forenoon, and produce evidence of the amount and particulars of their respective claims, in order that a schedule may be framed under the provisions of Section 352 of the Code of Civil Procedure.

WILSON & CHATTERJEE,  
*Attorneys.*

#### PROMISSORY NOTES.

##### Lost or Stolen

The Government Promissory Note, No. 018714, of the 4 per cent. Loan of 1842-43, for Rs. 500, originally standing in the name of ———, and last endorsed to Navanidhrail Dalputrai, Vakil, the

proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicate in favour of the proprietor.

NAVANIDHRAI DALPUTRAI, *Vakil,*  
*Inhabitant of Junagudh.*

RAJKOTE,  
The 5th October 1882.

##### Stolen

The whole Government Promissory Note No. A006468, of the reduced 4 per cent. loan of 1879, for Rs. 500, originally standing in the name of Seetanath Mytee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favor of the proprietor.

SEETANATH MYTEE.  
ETAWAH,  
The 13th July 1883.







SUPPLEMENT TO  
**The Gazette of India.**

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N<sup>o</sup> 34.} CALCUTTA, SATURDAY, AUGUST 25, 1883.

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OFFICIAL PAPERS.

*A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

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GOVERNMENT  
DEPARTMENT OF FINANCE

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																	
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholara, Jowar, Holcus Sorghum.			Bulrush Millet (Cam- boo, Bajra), Pennisetia Spicata.		
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Ganjam . . . . .	10 5	10 5	8 13	...	...	...	17 0	17 13	17 13	17 14	22 13	19 8	...	...	...	24 13	21 10	21 10
Vizagapatam . . . . .	9 8	10 0	10 0	...	...	...	9 8	10 2	9 0	11 5	11 5	11 5	24 13	21 10	21 10	22 13	20 13	20 13
Godavary . . . . .	10 13	9 14	12 10	...	...	...	11 11	12 14	13 14	14 0	14 0	17 0	23 0	23 0	26 13	...	...	...
Kistna . . . . .	8 13	8 13	13 3	...	...	...	14 0	14 0	16 3	14 11	14 11	16 13	18 11	18 11	24 14	...	...	...
Nellore . . . . .	9 6	9 14	13 3	...	...	...	13 6	12 14	15 13	14 0	...	17 8	20 3	21 2	23 10	...	18 5	...
Cuddapah . . . . .	12 14	11 13	12 8	...	...	...	12 6	12 6	11 14	13 5	13 5	13 11	29 3	29 3	32 6	31 14	29 0	31 14
Anantapur . . . . .	13 6	13 6	14 6	...	...	...	11 13	11 13	13 14	12 5	12 5	15 2	30 11	30 11	34 30	23 0	21 13	18 13
Bellary . . . . .	...	16 5	14 6	...	...	...	...	12 5	12 5	...	13 8	13 8	...	41	33 0	...	30	22 6
Kurnool . . . . .	12 2	12 11	12 11	...	...	...	10 10	11 0	11 6	11 6	11 6	12 2	35 10	33 10	30 2	31 3	31 3	32 2
Madras . . . . .	11 10	11 10	10 2	...	...	...	13 8	13 8	13 5	15 2	15 2	15 2	22 5	22 5	24 8	23 13	23 13	25 0
Chingleput . . . . .	...	...	...	...	...	...	13 8	13 14	15 0	15 2	14 5	15 14	...	...	...	24 2	24 2	...
North Arcot . . . . .	9 11	10 3	10 8	...	...	...	13 8	13 2	15 0	16 14	14 8	16 14	...	27	5 30	14 29	11 29	3 27
South Arcot . . . . .	10 14	10 14	9 6	...	...	...	14 13	15 11	15 11	14 14	16 10	16 10	...	...	...	25 6	25 6	27 11
Tanjore . . . . .	11 13	11 6	10 5	...	...	...	17 13	17 13	16 3	...	...	...	31 0	31 13	34 3	31 14	30 6	30 6
Trichinopoly . . . . .	9 10	9 10	...	...	...	...	15 13	15 2	13 11	16 11	16 0	14 2	36 6	...	...	32 7	14 26	11 25
Madura . . . . .	11 11	11 0	11 11	...	...	...	16 6	16 0	15 8	16 14	16 14	16 0	38 11	33 14	31 10	32 5	30 14	30 14
Tinnevely . . . . .	9 14	9 14	9 3	...	...	...	15 14	15 14	15 8	16 6	16 6	16 0	...	...	...	27 13	27 0	28 10
Coimbatore . . . . .	13 2	13 14	10 11	...	...	...	14 6	13 14	13 8	15 6	15 6	14 8	27 13	27 0	26 2	27 13	27 0	28 10
Nilgiris . . . . .	10 10	10 10	9 14	...	...	...	13 10	11 3	9 10	12 0	12 0	11 3	23 2	21 10	23 2	22 6	21 0	22 6
Salem . . . . .	13 10	13 10	12 11	...	...	...	14 0	13 14	14 0	15 0	15 0	15 0	32 13	32 13	29 2	26 8	26 8	19 11
South Canara . . . . .	8 10	8 10	8 10	...	...	...	10 3	10 3	9 3	12 8	11 13	11 13	...	...	...	...	...	...
Malabar . . . . .	8 10	8 10	7 3	...	...	...	15 6	14 10	13 5	16 10	15 13	13 13	...	...	...	...	...	...
Bombay . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ahmedabad . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kaira . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Surat . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broach . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tanna (Sulsette) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Colaba (Alibag) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rhandesh (Dhulua) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nasik . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ahmednagar . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Poona . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sholapur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kuladgi (Bagalkot) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Satara . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Belgaum . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dharwar (Hubli) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ratnagiri . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kannia (Kannur) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Panch Mahals (Godhra) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Aden . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Asirgarh . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Baroda . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dasa . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nimach . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nasirabad . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rajkot . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Upper Sindh Frontier . . . . .	14 4	14 4	14 5	25 8	24 8	26 0	11 4	11 4	11 4	13 4	13 4	20 0	32 0	32 0	32 0	...	32 0	28 0
Karachi . . . . .	13 8	13 0	12 5	23 0	23 0	21 8	9 4	9 8	9 8	16 0	16 0	17 0	22 0	22 0	22 0	19 0	18 0	18 0
Haidarabad (Nakur) . . . . .	18 0	18 0	16 0	27 0	32 0	26 0	13 0	13 0	12 0	19 0	19 0	21 0	28 0	28 0	26 0	25 0	24 0	25 0
Shikarpur . . . . .	14 2	14 0	14 0	23 12	24 0	24 8	12 0	12 0	13 2	17 10	19 0	20 0	28 5	30 4	30 4	28 5	30 4	29 2
Sukkur . . . . .	15 8	14 8	14 0	29 0	29 8	29 8	11 8	11 8	12 12	12 8	17 8	19 8	29 0	29 8	29 8	28 8	27 8	26 4
Thar & Parkar (Umarkot) . . . . .	13 5	14 0	17 12	...	...	...	...	...	...	13 0	13 0	13 4	...	...	...	16 4	16 4	18 4
Western Districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Burdwan . . . . .	16 8	16 0	14 0	20 0	30 0	30 0	17 4	17 4	24 0	22 12	22 8	26 8	...	...	...	...	...	...
Banecornah . . . . .	14 12	14 12	13 8	16 0	16 0	15 0	19 0	19 0	22 8	25 0	25 0	29 0	...	...	...	...	...	...
Beerbhoom . . . . .	15 0	15 12	13 4	...	...	...	16 8	16 8	18 12	21 0	21 0	24 0	...	...	...	...	...	...
Midnapore . . . . .	14 0	14 0	14 0	17 0	17 0	...	18 0	18 0	21 0	22 0	22 0	24 8	...	...	...	...	...	...
Hooghly . . . . .	13 0	13 8	18 0	...	...	...	9 0	10 0	10 0	15 0	18 8	19 0	...	...	...	...	...	...
Howrah . . . . .	13 4	13 4	13 4	...	...	...	13 8	13 8	16 0	17 8	17 8	19 8	...	...	...	...	...	...

a In the sub-divisions retail prices of salt are as follow :—Culina 13-8 seers, Cutwa 11-8 seers, and Ranegunge 13-4 seers.  
 b And 12 seers at Kaverimkott 12 seers and at Mahanore, Indas, and Kotulpore 13 seers.

OF INDIA.

ANCE AND COMMERCE.

NDIA FOR THE 2nd HALF OF JULY 1883.

N SEERS OF 80 TOLAHS.

Lesser Millots, Raji, &c. (Kavara, Vora, Nawa, Cheena, Coraloo, Murcha, Nupla, Panicum, &c.)										Gram.						Firewood.						Salt.						DISTRICTS.						
Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Wholesale.			Retail.				
S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.	Ch.		S.		Ch.		S.	Ch.		
Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.		Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	
32	3	32	3	35	3	33	5	33	5	26	10	215	13	215	13	215	13	...	...	...	13	13	13	13	13	13	13	13	13	13	13	13	13	Ganjam
22	3	20	3	26	5	32	13	29	3	25	11	87	8	87	8	93	5	14	10	14	10	14	10	14	10	14	10	14	10	14	10	14	10	Vizagapatnam
29	2	29	2	29	2	31	8	32	8	26	3	194	6	194	6	194	6	14	10	14	10	14	10	14	10	14	10	14	10	14	10	14	10	Odavery
25	0	25	0	35	3	27	6	26	3	21	11	145	13	145	13	145	13	15	11	15	11	16	5	15	3	15	3	15	3	15	3	15	3	Kistna
25	8	25	8	36	6	23	2	23	2	23	2	93	5	93	5	186	10	15	14	14	13	14	13	14	13	14	13	14	13	14	13	14	13	Nellore
31	8	30	0	31	8	35	5	35	5	29	3	194	6	194	6	194	6	17	8	17	2	17	2	17	2	16	10	16	10	16	10	16	10	Cuddapah
31	0	31	0	31	0	38	2	38	2	31	5	...	...	...	...	...	...	14	5	14	5	14	5	14	5	14	5	14	5	14	5	14	5	Anantapur
...	...	36	14	27	3	...	...	34	11	28	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Bellary
...	...	...	...	29	10	30	0	26	10	26	3	182	11	176	14	198	3	14	13	14	6	14	13	14	6	14	0	14	6	14	0	14	6	Kurnool
24	11	24	11	28	0	25	5	25	5	24	10	85	0	85	0	81	6	16	14	16	14	16	11	16	8	16	8	16	8	16	3	16	3	Madras
25	5	24	11	27	6	25	0	25	0	23	6	92	5	92	5	92	5	17	5	17	5	17	5	17	0	17	0	17	0	17	0	17	0	Chingleput
32	8	32	0	34	3	28	10	28	10	24	10	140	0	140	0	140	0	15	6	15	6	14	13	14	13	14	13	14	5	14	5	14	5	North Arcot
26	3	26	3	28	6	25	10	29	11	30	3	201	11	201	11	201	11	18	0	18	6	19	5	17	8	18	0	18	11	18	11	18	11	South Arcot
36	3	36	3	34	0	28	0	28	0	28	14	194	6	194	6	194	6	15	3	15	10	15	10	14	11	15	3	15	3	15	3	15	3	Tanjore
34	2	32	11	27	8	30	13	30	13	33	14	97	3	97	3	97	3	17	13	17	13	17	13	17	0	17	0	17	0	17	0	17	0	Trichinopoly
40	5	41	13	31	0	35	10	37	6	34	11	170	2	170	2	145	13	17	5	17	5	17	5	16	13	16	13	16	13	16	13	16	13	Madura
...	...	...	...	...	...	37	14	37	14	29	11	70	0	70	0	81	10	18	11	18	11	18	11	18	5	18	5	16	5	16	5	16	5	Tinnevely
27	14	27	14	27	14	34	3	33	3	31	5	131	3	131	3	131	3	15	2	15	2	14	2	14	10	14	10	13	10	13	10	13	10	Coimbatore
23	0	21	10	20	13	24	14	23	8	22	6	161	13	161	13	161	13	13	0	13	0	11	0	12	0	12	0	11	0	11	0	11	0	Nilgiris
30	13	30	13	29	0	35	8	35	8	33	8	151	10	151	10	151	10	17	8	16	0	18	0	16	14	15	6	16	13	16	13	16	13	Salem
17	10	17	10	19	6	21	3	21	3	21	3	111	13	111	13	116	6	14	13	14	13	11	0	13	13	13	13	10	0	10	0	10	0	South Canara
18	3	21	14	21	14	26	14	26	14	25	3	121	8	121	8	121	8	14	6	14	6	13	8	13	8	13	8	12	10	12	10	12	10	Malabar
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	No return received						Bombay						
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Ahmedabad
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kaira
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Surat
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Broach
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Tanna (Salsette)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Colaba (Alibag)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Khandesh (Dhulia)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Nasik
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Ahmednagar
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Poona
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Sholapur
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kaladgi (Bagalkot)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Satara
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Belgaum
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Dharwar (Hubli)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Ratnagiri
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kanara (Karwar)
...	...	...	...	...	...	...	...	...	...	...	...																							

\* Not received.

† The figure now given is correct.

‡ In common use.

d In Ghattal retail price of salt 14-4 seers.

e In the sub-divisions retail prices of salt are as follow :—Serampore 13 seers and Johanabad 13-8 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholara, Jowar), Hortens Soryum.			Bulrush Millet (Cumbao, Baira), Pennisetia Spicata		
	Present fortnight.			Present fortnight.			Present fortnight.			Present fortnight.			Present fortnight.			Present fortnight.		
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
<b>Central Districts.</b>																		
Calcutta	14 9	14 4	13 5	18 13	19 6	21 5	10 12	10 12	10 0	16 0	16 0	20 0	...	...	...	20 0	20 0	...
24-Pergunnahs	13 5	13 5	11 12	16 0	17 8	20 0	8 0	8 0	9 0	14 0	16 0	16 0	...	...	...	...	...	...
Nudda	14 8	14 8	14 8	...	26 0	26 0	15 4	15 4	16 13	17 4	17 4	20 0	...	...	...	...	...	...
Khoolna	...	...	...	...	...	...	16 0	16 0	16 0	22 0	24 0	22 0	...	...	...	...	...	...
Jessore	13 4	14 8	14 0	...	...	...	16 0	16 0	17 0	21 4	22 12	22 0	...	...	...	...	...	...
Moorshednabad	15 0	15 0	15 0	...	...	...	15 0	15 0	16 0	20 0	19 0	21 0	...	...	...	...	...	...
Dinapore	16 0	13 14	11 0	17 8	...	17 0	16 12	16 0	16 0	19 0	18 13	19 3	...	...	...	...	...	...
Rajshahye	16 8	17 4	13 8	30 0	30 0	45 0	12 0	15 0	15 0	17 4	17 4	19 4	...	...	...	...	...	...
Rungpore	13 5	13 5	16 0	...	...	...	13 5	13 5	16 0	20 0	20 0	19 0	...	...	...	...	...	...
Bogra	15 0	15 12	16 8	...	...	...	12 0	12 12	15 12	21 0	21 0	26 4	...	...	...	...	...	...
Pahra	18 12	18 12	17 0	...	...	...	8 0	8 0	8 0	19 8	19 8	26 4	...	...	...	...	...	...
Darjeeling	8 0	8 0	8 0	8 0	8 0	8 0	4 0	4 0	5 0	12 0	8 0	13 0	...	...	...	...	...	...
Jalpaiguri	10 0	10 0	9 0	20 0	20 0	20 0	12 8	12 8	11 0	17 0	16 0	18 0	...	...	...	...	...	...
<b>Eastern Districts.</b>																		
Dacca	12 8	12 4	13 5	23 0	19 0	40 0	16 8	15 12	29 0	22 0	19 0	32 0	...	...	...	19 8	...	...
Farrukpore	20 0	20 0	22 0	30 0	30 0	35 0	16 0	16 0	22 0	18 0	18 0	21 0	...	...	...	...	...	...
Backergunge	...	...	...	...	...	...	19 0	19 0	20 0	21 0	21 0	21 0	...	...	...	...	...	...
Mymensingh	11 0	11 0	10 8	...	...	...	13 5	15 8	22 0	19 0	19 8	30 0	...	...	...	...	...	...
Chittagong	10 0	12 0	9 0	...	...	...	14 0	13 0	16 0	21 0	20 0	25 0	...	...	...	...	...	...
Nonkholly	...	...	...	...	...	...	20 0	20 0	26 0	22 0	22 0	23 0	...	...	...	...	...	...
Tipperah	11 6	11 6	11 8	...	...	...	18 12	17 0	22 8	22 8	22 12	24 0	...	...	...	...	...	...
Chittagong Hill Tracts	...	...	...	...	...	...	12 4	12 4	13 5	13 4	13 4	17 12	...	...	...	...	...	...
Hill Tipperah	10 0	10 0	11 0	...	...	...	16 0	17 0	22 0	20 0	22 0	29 0	...	...	...	...	...	...
<b>Behar.</b>																		
Patna	21 0	17 8	18 8	29 12	32 0	34 0	14 0	14 0	12 0	16 0	18 0	22 0	...	...	...	...	...	...
Gya	18 8	19 0	17 8	24 0	25 0	29 0	12 0	12 0	12 8	15 0	15 0	18 8	...	...	...	...	...	...
Shahabad	16 8	17 0	14 8	25 0	24 0	25 0	11 0	11 0	16 0	15 0	15 0	20 8	...	...	...	28 0	28 0	...
Darbhanga	17 0	17 8	16 0	30 0	32 8	32 8	13 0	12 0	14 8	16 0	16 0	17 0	...	...	...	...	...	...
Muzafferpore	16 0	18 0	14 0	28 0	29 0	30 0	12 0	12 0	11 0	16 0	16 0	15 0	...	...	...	...	...	...
Suran	18 0	18 0	16 0	26 0	26 0	27 0	10 0	10 0	10 0	18 0	18 0	20 0	30 0	28 0	30 0	...	...	...
Champaran	17 0	17 0	15 0	26 0	26 0	31 0	13 0	13 0	12 0	17 0	17 0	19 0	...	...	...	...	...	...
Monghyr	19 0	19 0	18 0	32 0	31 0	35 0	10 0	10 0	12 0	17 0	17 0	19 0	...	...	...	...	...	...
Bhagalpur	18 9	18 11	15 12	27 14	25 3	31 8	13 15	13 10	14 10	16 0	15 12	18 14	...	...	...	...	...	...
Purneah	16 6	16 6	14 8	24 0	27 12	30 4	15 2	15 2	17 11	17 10	17 10	21 7	...	...	...	...	...	...
Maldah	18 0	20 0	14 0	...	...	...	15 0	15 0	20 0	17 0	18 0	22 0	...	...	...	...	...	...
South-Pergunnahs	16 8	17 0	16 0	...	...	...	14 8	16 0	15 0	17 0	19 0	20 0	...	...	...	...	...	...
Orissa.	14 0	14 0	13 0	...	...	...	16 0	16 0	18 0	22 0	22 0	23 0	...	...	...	...	...	...
Cuttack	13 2	14 7	13 2	...	...	...	13 2	13 2	15 12	21 0	21 0	27 9	...	...	...	...	...	...
Pooree	13 0	13 2	10 0	...	...	...	21 0	20 0	20 0	23 10	23 10	24 0	...	...	...	...	...	...
Balasore	14 0	14 0	16 0	...	...	...	16 0	16 0	26 0	28 0	28 0	32 0	...	...	...	...	...	...
<b>CHOTA NAGPORE.</b>																		
<b>South-Western Frontier Agency.</b>																		
Hazariabagh	14 0	15 0	12 0	20 0	20 0	...	9 0	10 0	10 0	16 0	16 0	18 0	...	...	...	...	...	...
Lohardugga	15 0	16 0	16 0	20 0	21 0	21 0	18 0	18 0	20 0	22 0	22 0	22 0	...	...	...	...	...	...
Singbhoom	18 0	18 0	20 0	32 0	32 0	28 0	36 0	36 0	32 0	40 0	40 0	36 0	...	...	...	...	...	...
Manbhoom	13 0	13 0	13 0	...	...	...	17 0	17 0	18 0	25 0	27 0	30 0	...	...	...	...	...	...

- \* In the interior retail prices of common rice vary from 25-14 to 30-6 seers.  
 f In the sub-divisions retail prices of salt are as follow: — Baraset and Basarhat 14 seers, Diamond Harbour 10-8 seers, Birgaokpore 12-12 seers, and 1 Dam-Dam 12 seers.  
 g In the sub-divisions retail prices of salt are as follow: — Koshuta 12-12 seers, Meherpore 11 seers, Choudaanga 15 seers and Ranaghat 12 seers.  
 h In Sakthura and Baghat retail price of salt 11 seers.  
 i In the sub-divisions retail prices of salt are as follow: — Jhanda, Magra and Narail 12 seers, and Bongong 13 seers.  
 j In the sub-divisions retail prices of salt are as follow: — Babaga 11 seers, Jungtpore 10 seers, and Kandi 11-8 seers.  
 k In the sub-divisions retail prices of salt are as follow: — Nattora and Nowgong 12 seers.  
 l Retail price of salt at Raingunge 10-8 seers and Nattora 12 seers.  
 m Retail price of salt at Nattora and Nowgong 12 seers.  
 n In the sub-divisions retail prices of salt are as follow: — Gauda 10 seers, and Nilphamari and Kurigram 12 seers.  
 o In Sonagunge retail price of salt 13-4 seers.  
 p Retail price of salt at Kurseong and Siligore 8 seers.  
 q In Alipore (at Fullacott) retail price of salt 10 seers.  
 r In the sub-divisions retail prices of salt are as follow: — Manickgunge 12 seers, and Naraingunge 12 seers.  
 s In the sub-divisions retail prices of salt are as follow: — Gauda 10-8 seers, Madatpore 12 seers, Bhanga 11 seers, and Gopalgunge 12-12 seers.  
 t In the sub-divisions retail prices of salt are as follow: — Patuakhali 9-2 seers, Perazepore 11 seers, and Bhola 9 seers.  
 u In the sub-divisions retail prices of salt are as follow: — Kishoregunge 10-10 seers, Aitua 12 seers, Jamalpore 11 seers, and Netrokona 12-5 seers.  
 v In the sub-divisions retail prices of salt are as follow: — Kishoregunge 10-10 seers, Aitua 12 seers, Jamalpore 11 seers, and Netrokona 12-5 seers.

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragl, &c. (Kavara, Veraga, Saver, Chesna, Coraloo, Murh- wa, Naglee), Panicum Miliaceum, &c.			Grain.			Firewood.			Salt.									DISTRICTS.
Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Wholesale prices per maund of 40 seers.			Retail.						
									Present fort- night.	Past fort- night.	Correspond- ing fortnight of 1882.	Present fort- night.	Past fort- night.	Correspond- ing fortnight of 1882.				
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.				
...	...	...	17 12	18 13	21 5	90 0	90 0	90 0	2 12 0	2 12 0	2 10 0	14 0	14 0	14 9	<i>Central Districts.</i>			
...	...	...	17 8	17 8	17 8	80 0	80 0	90 0	2 14 0	2 14 0	3 0 0	13 5	13 5	13 5	Calcutta . . . . .			
...	...	...	20 0	20 0	22 15	...	...	...	3 0 0	3 0 0	3 0 0	11 10 1/2	11 10 1/2	11 10 1/2	24-Pergunnahs . . . . .			
...	...	...	16 0	16 0	12 0	180 0	180 0	160 0	3 4 0	3 4 0	3 2 0	10 8 1/2	10 8 1/2	11 0	Nuddea . . . . .			
...	...	...	18 0	19 12	16 0	120 0	120 0	120 0	3 2 0	3 2 0	3 2 0	11 0	11 0	12 8	Khoolna . . . . .			
...	...	...	23 0	23 0	22 0	120 0	120 0	120 0	3 8 0	3 6 0	...	11 0 1/2	10 0	12 8	Jessore . . . . .			
...	...	...	19 0	17 7	20 0	160 0	160 0	180 0	3 7 0	3 7 0	...	11 8 1/2	11 6	12 8	Moorshedabad . . . . .			
...	...	...	21 0	20 10	19 4 to 21 0	240 0	240 0	240 0	3 2 6	3 2 6	...	12 0 1/2	12 0	12 0	Dinapore . . . . .			
...	...	...	17 3	17 3	15 0	110 0	110 0	130 0	3 5 3	3 5 0	3 5 3	11 14 1/2	11 14	11 8	Rajshahye . . . . .			
...	...	...	16 8	18 12	15 12	71 4	69 0	67 8	3 2 0	3 8 0	3 5 4	12 0	10 8	10 8	Rungpore . . . . .			
...	...	...	18 4	18 6	20 0	200 0	200 0	200 0	3 4 0	3 4 0	3 3 6	12 0 1/2	12 0	12 0	Bogra . . . . .			
10 0	9 0	8 0	8 0	8 0	9 0	128 0	128 0	160 0	4 8 0	4 8 0	4 8 0	8 0 1/2	8 0	8 0	Pubna . . . . .			
...	...	...	16 0	16 0	16 0	128 0	128 0	128 0	3 6 0	3 6 0	3 4 0	11 8 1/2	11 0	11 0	Darjeeling . . . . .			
...	...	...	17 4	18 8	20 0	110 0	120 0	106 8	3 4 0	3 4 0	3 3 0	12 4 1/2	12 0	12 4	Jalpaiguri . . . . .			
...	...	...	16 0	16 0	12 0	120 0	120 0	...	3 7 0	3 7 0	2 13 9 1/2	11 8 1/2	11 0	11 0	<i>Eastern Districts.</i>			
...	...	...	18 0	18 0	18 0	120 0	120 0	100 0	2 11 0	2 11 0	3 11 0	13 0 1/2	13 0	10 9	Dacca . . . . .			
...	...	...	15 8	15 8	16 0	...	...	...	3 4 0	...	...	12 4 1/2	12 8	12 8	Furzedpore . . . . .			
...	...	...	13 0	12 0	16 0	40 0	40 0	80 0	...	4 0 0	2 14 0	10 0 1/2	9 0	13 0	Backergunge . . . . .			
...	...	...	12 0	12 0	14 0	...	...	...	3 2 0	3 2 0	3 2 0	10 0 1/2	10 0	11 0	Mymensingh . . . . .			
...	...	...	18 0	16 0	18 0	...	...	...	3 5 0	3 5 0	...	12 0 1/2	12 0	12 8	Chittagong . . . . .			
...	...	...	...	...	...	320 0	320 0	320 0	6 0 0	6 4 0	3 4 0	6 0	6 0	10 9	Noakholly . . . . .			
...	...	...	12 0	12 0	14 0	...	...	...	3 4 0	3 4 0	3 6 0	11 0	11 0	10 0	Tipperah . . . . .			
...	...	...	26 0	26 0	30 0	130 0	130 0	130 0	3 0 0	3 0 0	3 0 0	10 8	10 8	10 8	Chittagong Hill Tracts			
...	...	...	22 0	23 0	25 0	180 0	180 0	180 0	3 6 0	...	...	11 0 1/2	12 0	12 8	Hill Tipperah . . . . .			
...	...	...	27 0	27 0	28 0	...	...	...	...	...	...	...	...	...	<i>Behar.</i>			
...	...	...	28 0	28 0	29 0	120 0	120 0	120 0	3 1 0	3 1 0	3 1 0	12 8 1/2	12 8	12 8	Patna . . . . .			
32 8	30 0	35 0	22 8	24 0	22 0	160 0	160 0	160 0	3 10 0	3 10 0	3 4 6	10 0 1/2	10 0	10 4	Gya . . . . .			
...	...	...	24 0	22 0	23 0	140 0	140 0	140 0	3 6 0	3 7 0	3 4 0	11 0 1/2	11 8	12 0	Shahabad . . . . .			
30 0	30 0	31 0	25 0	26 0	27 0	160 0	160 0	160 0	3 6 0	3 6 0	3 6 0	11 0 2 1/2	11 0	11 0	Durbhunga . . . . .			
...	...	...	28 0	28 0	28 0	...	...	...	...	...	3 8 0	11 8 1/2	11 8	11 0	Mozufferpore . . . . .			
...	...	...	25 11	25 3	26 4	126 0	147 0	126 0	3 1 9	3 2 9	3 1 0	12 9 1/2	11 8	12 10	Saran . . . . .			
...	...	...	22 11	24 0	25 14	126 8	138 6	126 4	3 0 0	3 1 0	2 15 1 1/2	12 10 1/2	12 10	12 10	Chumpran . . . . .			
...	...	...	20 0	16 0	22 0	160 0	120 0	160 0	3 8 0	3 8 0	3 8 0	10 0 1/2	10 0	10 0	Monghyr . . . . .			
...	...	...	22 8	22 0	22 0	160 0	160 0	200 0	3 4 0	3 4 0	3 2 0	12 0	12 0	12 0	Bhagalpur . . . . .			
...	...	...	19 0	20 0	20 0	200 0	200 0	200 0	...	...	3 12 0	10 0	10 0	10 8	Purneah . . . . .			
18 6	13 2	17 1	18 6	17 1	21 0	80 0	80 0	160 0	2 12 0	2 12 0	3 0 0	14 0	14 0	13 0	<i>Orissa.</i>			
...	...	...	17 1	18 6	14 0	90 0	100 0	100 0	2 12 0	2 12 0	2 12 0	14 0 1/2	14 0	14 8	Cuttack . . . . .			
...	...	...	14 0	14 0	13 0	120 0	120 0	140 0	4 6 0	4 6 0	...	8 0 1/2	9 2	13 0	Pooree . . . . .			
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Balasore . . . . .			
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	<i>CHOTA NAGPUR.</i>			
30 0	30 0	32 0	18 0	18 8	18 0	240 0	240 0	200 0	3 13 0	4 2 0	3 11 3	10 0 1/2	9 0	10 10	<i>South-Western Frontier Agency.</i>			
28 0	28 0	32 0	14 0	14 0	15 0	100 0	110 0	120 0	4 7 0	4 2 0	4 4 0	8 1/2	9 0	9 0	Hazaribagh . . . . .			
...	...	...	24 0	24 0	24 0	160 0	160 0	180 0	5 8 0	5 8 0	1 7 0	5 8	6 0	8 0	Lohardugga . . . . .			
...	...	...	17 0	17 0	17 0	120 0	120 0	120 0	3 10 0	3 8 0	...	10 0 1/2	10 0	11 0	Singbhoom . . . . .			
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Mamnbhoom . . . . .			

a Retail price of salt at Kumeriah 10 seers, and Hathazaree and Cox's Bazar 8 seers.  
b In the interior retail prices of salt range from 8 to 12-3 seers.  
c In the sub-divisions retail prices of salt are as follow :—Brahmuderiah 12 seers, and Chandpore 13 seers.  
d In Nowada retail price of salt 10 seers.  
e In sub-division retail prices of salt are as follow :—Buxar 11-8 seers, and Bhubana 10-8 seers.  
f In the sub-divisions retail prices of salt are as follow :—Madhubani 10 seers, and Tajpur 11-8 seers.  
g In the interior retail prices of salt range from 10 to 12 seers.  
h In the sub-divisions retail prices of salt are as follow :—Bawan 12-12 seers, and Gopalgunge 12 seers.  
i In the interior retail prices of salt range from 10 to 12-8 seers.  
j In the sub-divisions retail prices of salt are as follow :—Begusarai 10 seers, and Jamui 11 seers.  
k In the sub-divisions retail prices of salt are as follow :—Banka 11 seers, and Muddhehpore and Soopole 10 seers.  
l In the sub-divisions retail prices of salt are as follow :—Kissengunge 8 seers and Arrareah (at Itanecgunge) 10 seers.  
m In Khoorda retail price of salt 13 seers.  
n In retail price of salt (at Bhadrak) 10 seers.  
o Retail price of salt at Kharruckdha 11-8 seers.  
p Retail price of salt at Daltongunge 9 seers.  
q Retail prices of salt at Raghunathpore 11-8 seers, Barrabazar 10 seers, and Jobindpore 11 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPE

QUANTITIES PER RUPEE																		
DISTRICTS.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Zizania Sorghum.			Burmese Millet (Cumbho, Bajra), Pennisetia Spicata.		
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.
Sylhet	18 4	13 4	10 8	...	...	...	14 0	14 0	17 0	17 8	17 8	35 0	...	...	...	...	...	...
Cachar	9 2	9 2	9 2	16 0	16 0	16 0	22 13	12 13	20 0	16 0	16 0	22 12	...	...	...	...	...	...
Goalpara	20 0	20 0	22 0	...	...	...	12 0	12 0	14 0	20 0	18 0	17 0	...	...	...	...	...	...
Garo Hills	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	13 0	13 0	16 0	...	...	...	...	...	...
Kamrup	18 0	19 0	16 0	...	...	...	13 12	13 4	12 8	15 8	15 8	18 0	...	...	...	...	...	...
Darrang	...	...	...	...	...	...	10 0	10 0	8 0	13 0	13 0	16 0	...	...	...	...	...	...
Nowgong	...	...	...	...	...	...	10 0	13 8	13 8	16 0	16 0	16 0	...	...	...	...	...	...
Sibsagar	...	...	...	...	...	...	6 8	6 8	6 8	16 0	16 0	16 0	...	...	...	...	...	...
Lakhimpur	8 0	8 0	8 0	7 0	7 0	10 0	6 0	6 0	8 0	11 0	11 0	16 0	...	...	...	...	...	...
Khasi & Jaintia Hills	...	8 0	8 0	...	...	...	8 0	9 0	10 0	9 0	10 0	11 0	...	...	...	...	...	...
Naga Hills	...	...	...	...	...	...	4 0	5 0	5 0	5 0	8 0	8 0	...	...	...	...	...	...
Dehra Doo	17 8	17 8	18 0	30 0	30 0	29 0	6 8	6 8	6 0	11 0	11 0	11 0	24 0	24 0	22 0	24 0	24 0	18 0
Saharanpur	19 5	19 5	19 5	30 1	32 4	27 15	7 8	7 8	7 9	11 13	11 13	12 14	23 10	23 10	22 10	24 12	8 21	8 21
Muzaffarnagar	18 2	19 0	18 11	33 0	33 0	29 11	6 9	6 9	6 9	12 2	12 2	14 5	30 12	30 12	27 8	26 6	26 6	21 0
Meerut	17 8	18 0	17 8	30 0	30 0	25 0	7 0	7 0	6 0	14 0	14 0	15 0	29 0	29 0	26 0	20 0	20 0	21 0
Bulandshahr	19 8	19 4	19 0	27 0	28 0	24 0	6 0	6 0	6 0	10 0	9 11	10 0	26 0	26 0	24 0	16 0	16 0	22 0
Aligarh	17 4	17 8	17 4	24 8	24 8	23 0	7 0	7 0	6 0	11 8	11 8	13 0	25 8	25 8	23 0	16 0	16 0	16 0
Kanun	14 0	14 0	16 0	18 0	18 0	17 0	10 0	10 0	10 0	11 0	12 0	13 0	...	...	...	...	...	...
Garhwal	22 0	22 0	23 8	23 0	23 0	25 0	9 0	9 0	9 0	15 0	15 0	15 0	...	...	...	30 0	30 0	30 0
Rijoor	18 9	18 8	16 14	30 6	30 15	25 10	10 2	10 6	10 2	11 4	11 0	12 6	23 1	22 4	22 8	8 21	6 21	14 19
Moradabad	19 11	19 1	18 12	30 0	28 12	23 12	9 1	9 1	9 6	13 12	13 13	13 2	23 2	23 2	22 4	6 15	10 10	15 10
Budoun	19 3	18 4	17 8	28 12	28 0	22 12	7 3	8 6	9 9	12 0	13 3	13 12	19 3	...	20 6	18 0	...	20 0
Bareilly	17 13	17 3	16 14	25 0	23 12	21 4	7 8	7 8	7 8	13 2	12 13	13 12	23 12	23 12	22 1	4 16	4 17	8 20
Shahjahanpur	19 8	20 4	18 6	33 0	33 0	24 4	9 12	10 0	9 4	15 8	15 8	14 8	...	...	...	...	...	...
Tarai Pergunnahs	22 8	20 0	20 0	37 8	30 0	30 0	8 12	8 8	7 8	14 0	14 0	14 0	20 0	17 0	0 20	0 17	0 18	0 20
Muttra	17 8	17 8	17 8	24 8	24 8	22 0	7 0	7 0	...	12 8	12 8	14 0	24 0	18 0	0 25	0 18	0 18	0 20
Agra	16 12	16 8	17 0	23 0	23 0	23 0	5 12	5 12	6 8	12 0	12 0	14 0	23 0	22 0	0 23	0 21	0 20	8 20
Farrukhabad	17 15	17 15	17 11	24 14	25 6	22 0	7 2	7 2	7 0	12 10	12 9	13 7	24 4	25 11	22 2	6 20	11 20	1 0
Mainpuri	17 8	17 4	18 8	23 8	23 12	24 8	4 0	4 0	4 0	10 0	10 0	12 0	...	...	...	...	...	...
Etawah	16 12	16 0	17 0	20 8	20 0	23 0	6 0	6 0	6 0	12 8	12 8	14 8	20 0	20 0	0 25	0 18	0 18	0 16
Etah	19 0	18 10	18 8	24 13	25 0	22 8	8 0	8 0	8 0	13 3	13 5	13 0	15 0	20 0	0 20	0 19	11 21	8 19
Jalaun	18 8	18 0	20 0	20 0	20 0	20 0	10 0	10 0	10 0	11 0	11 0	12 0	25 0	25 0	0 23	0 20	0 22	0 22
Jhansi	20 12	20 8	22 0	29 14	33 9	32 2	9 0	9 0	8 8	16 0	16 0	15 0	30 0	30 0	4 27	...	...	...
Lalitpur	22 12	21 0	22 0	40 0	40 0	37 0	9 0	9 0	10 0	13 0	13 0	12 0	36 0	36 0	0 32	0 30	0 30	0 26
Cawnpore	18 0	18 0	17 8	27 0	26 8	26 0	10 0	10 0	11 0	13 8	13 8	15 0	27 8	26 0	0 25	8 23	8 23	0 25
Fatehpur	16 10	16 4	16 12	24 12	24 12	24 0	11 4	11 4	11 4	15 8	15 0	13 8	34 0	32 0	0 33	0 30	0 30	0 30
Banda	22 0	22 0	18 0	33 0	33 0	25 0	8 0	8 0	9 0	14 8	15 0	13 8	30 0	30 0	8 29	0 29	8 29	0 28
Allahabad	16 14	17 4	17 8	27 12	26 10	25 8	10 8	10 0	11 8	15 8	15 0	17 0	25 14	22 0	0 25	0 23	1 20	0 24
Hamirpur	18 4	16 8	16 0	17 14	...	20 0	10 12	10 0	9 0	...	...	...	...	...	...	...	...	...
Jaunpur	19 18	19 0	18 10	31 1	30 0	30 11	7 12	7 12	7 1	14 2	14 2	15 8	...	...	...	...	...	...
Gorakhpur	18 14	18 14	16 3	25 3	25 3	22 8	12 9	12 9	12 9	15 5	16 3	16 3	...	...	...	...	...	...
Basti	19 0	18 0	15 8	32 0	30 0	38 0	13 0	13 0	12 0	16 0	16 0	14 0	...	...	...	...	...	...
Assanagarh	17 11	17 11	18 7	25 1	25 1	27 5	10 5	10 5	8 14	14 12	14 12	17 11	29 8	29 8	...	20 10	20 10	20 0
Mirzapur	16 0	16 0	17 0	26 0	25 0	22 0	8 0	8 0	10 0	12 0	12 0	18 0	26 0	26 0	0 27	0 24	0 24	0 26
Benares	17 1	16 0	15 11	25 0	23 14	24 15	10 13	10 9	11 15	16 0	17 1	16 8	26 0	27 2	26 8	27 10	28 12	27 0
Ghazipur	19 5	19 5	18 0	27 0	27 0	25 12	9 0	9 0	10 15	16 1	16 1	19 15	28 5	28 5	5 30	26 6	26 6	20 0
Balia	18 12	18 4	15 0	27 8	27 8	25 0	10 0	10 0	10 0	18 12	18 12	15 0	...	...	...	...	...	...
Pilibhit	19 7	19 10	18 6	32 4	33 3	28 4	13 1	12 13	15 0	14 8	14 8	16 0	20 0	18 12	16 4	...	...	...
Sultanpur	20 0	20 0	19 4	32 0	32 0	29 0	11 0	11 0	11 0	16 0	16 0	17 0	...	...	...	...	...	...
Partabgarh	19 9	19 14	19 6	31 0	30 4	28 13	15 5	16 0	16 6	17 0	17 2	17 9	...	...	...	...	...	...
Fyzabad	17 8	18 0	16 4	27 0	20 0	26 0	10 8	10 8	10 0	15 8	17 0	16 0	...	...	...	...	...	...
Kheri	22 8	22 12	19 4	35 8	35 8	27 0	7 0	7 0	7 0	14 0	14 0	15 0	45 0	45 0	0 31	...	...	...
Lucknow	17 6	17 9	16 8	27 9	28 0	23 6	6 0	6 0	6 0	12 10	12 10	14 0	28 8	29 8	8 22	4 23	7 1	2 22
Bara Banki	18 0	18 0	17 0	28 0	30 0	24 0	10 0	10 0	10 0	15 0	14 0	14 0	30 0	32 0	0 29	0 21	0 19	0 19
Bharaich	19 0	18 0	16 0	38 0	39 0	34 0	10 0	10 0	9 0	16 0	16 0	18 0	38 0	38 0	0 30	0 20	0 20	0 18
Rai Bareilly	18 10	18 0	19 4	26 2	26 0	24 8	...	...	...	15 12	15 8	16 8	...	...	...	...	...	...
Sitapur	20 10	20 10	19 4	33 14	34 12	26 14	8 0	8 0	8 0	16 0	16 0	17 6	27 12	28 12	20 12	23 10	24 12	19 0
Gonda	<																	



### INDEX FOR THE 2nd HALF OF JULY 1888—continued.

IN SEERS OF 80 TOLAHS.

Lesser Millets, Bagl. do. (Kavara, Vengro, Sawar, Cheena, Coraloo, Murhwa, Niglee), Pan- gram Millacum, &c.			Gram.			Firewood.			Salt.									DISTRICTS.			PROVINCE.							
Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Wholesale.				Retail.						
Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present night.				Past fortnight.				Corresponding fortnight of 1882.		
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R. a.	R. a.	R. a.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		S. Ch.	S. Ch.	S. Ch.				
...	...	...	16 12	16 0	16 8	108 0	108 0	108 0	3 6	3 5	3 6	11 12	12 0	11 12	Sylhet . . . . .													
...	...	...	12 13	12 13	16 0	80 0	80 0	80 0	3 10	3 10	3 10	10 10	10 10	10 10	Cachar . . . . .													
...	...	...	13 0	12 0	14 0	120 0	120 0	120 0	3 6	3 8	3 4	12 0	12 0	12 0	Góálpára . . . . .													
...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	5 6	5 6	5 6	6 6	6 6	6 6	Gáro Hills . . . . .													
...	...	...	11 8	11 8	13 4	160 0	160 0	160 0	3 8	3 8	3 8	11 8	11 8	11 8	Kámrup . . . . .													
...	...	...	9 9	9 6	8 13	160 0	160 0	160 0	4 8	4 8	4 8	8 0	8 0	8 0	Darrang . . . . .													
...	...	...	8 0	8 0	8 0	100 0	100 0	120 0	4 8	4 12	3 12	8 0	8 0	9 0	Nowgong . . . . .													
...	...	...	10 0	10 0	10 0	80 0	80 0	80 0	4 8	4 8	4 4	8 0	8 0	8 8	Sibsagar . . . . .													
...	...	...	10 0	10 0	12 0	160 0	160 0	120 0	4 8	4 8	5 0	8 0	8 0	8 0	Lakhimpur . . . . .													
...	...	...	...	...	10 0	...	...	...	5 0	5 0	5 0	8 0	8 0	8 0	Khási & Jaintia Hills													
...	...	...	2 0	2 0	2 0	120 0	120 0	120 0	16 0	13 0	13 0	2 8	3 0	3 0	Nága Hills . . . . .													
...	...	...	22 0	22 8	19 8	160 0	160 0	160 0	S. Ch.	S. Ch.	S. Ch.	10 8	10 8	10 8	Dehra Dún . . . . .													
...	...	...	25 13	27 15	24 11	129 0	129 0	150 8	12 14	12 14	12 1	12 10	12 10	11 13	Sahāranpur . . . . .													
...	...	...	25 13	26 6	33 10	110 0	110 0	132 0	12 6	12 6	11 10	11 8	11 8	11 4	Muzaffarnagar . . . . .													
...	...	...	25 0	25 8	21 8	110 0	110 0	110 0	12 8	12 8	12 0	12 0	12 0	11 8	Meerut . . . . .													
...	...	...	23 0	24 0	22 0	140 0	140 0	140 0	12 0	12 0	10 0	...	...	...	Bulandshahr . . . . .													
...	...	...	23 0	23 0	21 8	120 0	120 0	130 0	12 8	12 8	12 0	12 0	12 0	11 8	Aligarh . . . . .													
...	...	...	12 0	12 0	11 8	200 0	200 0	200 0	8 0	8 0	7 0	7 0	7 0	7 0	Kumaun . . . . .													
...	...	...	10 0	10 0	9 0	280 0	280 0	200 0	8 8	8 8	7 8	7 13	7 13	7 0	Garhwāl . . . . .													
...	...	...	21 15	23 1	20 13	135 0	135 0	135 0	...	...	...	10 13	10 11	10 4	Bijnor . . . . .													
...	...	...	23 2	22 8	21 4	125 0	125 0	137 8	12 10	12 10	12 12	12 8	12 8	11 14	Moradabad . . . . .													
...	...	...	24 0	22 14	19 3	192 0	192 0	192 0	11 6	11 1	10 15	10 12	10 12	10 3	Budaun . . . . .													
...	...	...	22 8	21 14	19 6	100 0	100 0	125 0	12 8	12 3	11 14	11 14	11 14	11 4	Bareilly . . . . .													
...	...	...	23 8	24 0	20 12	160 0	160 0	160 0	13 0	13 0	12 6	11 0	11 0	10 8	Shāhjahanpur . . . . .													
...	...	...	20 0	20 0	17 0	120 0	120 0	120 0	11 4	14 0	11 0	10 0	13 8	11 0	Tarái Pergunnahs													
...	...	...	25 8	24 12	22 0	120 0	120 0	100 0	14 0	14 0	14 0	13 0	13 0	12 0	Muttra . . . . .													
...	...	...	23 8	23 0	22 0	100 0	100 0	100 0	13 8	13 8	12 8	13 0	13 0	12 0	Agra . . . . .													
...	...	...	22 5	24 5	21 9	156 8	156 8	156 8	12 4	11 11	12 4	11 9	11 4	11 9	Farukhabad . . . . .													
...	...	...	21 8	22 0	22 0	160 0	160 0	160 0	11 8	12 0	12 0	11 0	11 0	11 0	Mainpuri . . . . .													
...	...	...	23 8	24 0	23 8	100 0	100 0	100 0	12 0	12 0	10 8	11 0	11 0	10 0	Etāwah . . . . .													
...	...	...	22 13	22 10	20 8	139 0	160 0	160 0	12 3	12 0	12 8	12 8	12 0	11 0	Etāh . . . . .													
...	...	...	28 0	28 0	28 0	140 0	140 0	140 0	11 0	11 0	12 0	10 0	10 0	11 0	Jalaun . . . . .													
...	...	...	27 2	26 10	26 6	200 0	200 0	200 0	11 0	11 0	11 8	10 0	10 0	10 8	Jēnsi . . . . .													
...	...	...	31 4	33 0	33 0	180 0	180 0	140 0	11 0	11 0	11 0	10 4	10 8	10 4	Lalitpur . . . . .													
...	...	...	26 0	25 8	23 12	135 0	145 0	140 0	13 4	13 4	12 8	13 0	13 0	12 0	Cawnpore . . . . .													
...	...	...	27 12	26 0	24 6	200 0	200 0	200 0	11 0	11 0	10 2	10 12	10 12	9 14	Fatehpur . . . . .													
...	...	...	37 0	34 0	32 0	160 0	160 0	160 0	11 8	10 4	12 4	11 0	10 0	12 0	Banda . . . . .													
...	...	...	29 0	29 4	24 8	120 0	120 0	140 0	12 0	12 0	11 8	11 0	11 0	10 12	Allahabad . . . . .													
...	...	...	31 8	26 0	26 0	140 0	140 0	140 0	11 4	11 4	11 13	10 0	9 0	10 0	Hamirpur . . . . .													
...	...	...	31 1	29 10	24 11	148 12	148 12	169 8	10 12	10 12	9 11	10 10	10 10	9 9	Jaunpur . . . . .													
...	...	...	29 11	29 11	21 9	160 0	160 0	160 0	10 9	10 9	10 6	10 6	10 6	10 6	Gorakhpur . . . . .													
...	...	...	30 0	30 0	26 0	150 0	150 0	130 0	8 8	8 8	9 8	8 0	8 0	7 0	Basti . . . . .													
...	...	...	25 15	25 15	23 10	147 8	147 8	147 8	10 8	10 8	10 8	9 14	9 14	10 0	Azangarh . . . . .													
...	...	...	26 0	25 0	22 0	60 0	60 0	103 0	10 0	10 0	10 0	8 0	8 0	9 0	Mirzapur . . . . .													
...	...	...	24 6	25 8	22 4	100 0	110 0	120 0	10 6	10 6	11 4	10 2	10 2	10 2	Benares . . . . .													
...	...	...	28 0	28 0	26 6	128 12	128 12	130 8	10 15	10 15	9 10	10 5	10 5	9 0	Ghāzipur . . . . .													
...	...	...	26 4	26 4	25 0	90 0	90 0	100 0	11 4	11 4	10 0	11 4	11 4	10 4	Balia . . . . .													
...	...	...	21 6	23 0	18 8	150 0	150 0	150 0	12 8	13 0	12 12	12 0	12 6	11 12	Pilibhīt . . . . .													
...	...	...	31 0	31 0	26 0	160 0	160 0	160 0	12 0	12 0	11 8	11 12	11 12	11 0	Sultānpur . . . . .													
...	...	...	27 5	27 4	23 0	200 0	200 0	200 0	11 0	...	11 0	10 10	10 12	10 10	Partābgarh . . . . .													
...	...	...	26 0	27 8	23 0	120 0	120 0	140 0	11 0	11 0	11 0	10 8	10 0	10 0	Fyzabad . . . . .													
...	...	...	27 0	28 8	18 8	120 0	160 0	160 0	10 12	11 0	11 4	10 8	11 0	10 0	Kheri . . . . .													
...	...	...	22 10	23 6	20 11	115 0	115 0	115 0	11 0	11 0	10 0	10 8	10 8	9 8	Lucknow . . . . .													
...	...	...	25 0	27 0	22 0	130 0	120 0	130 0	12 0	12 0	12 0	11 0	11 0	10 0	Bāra Banki . . . . .													
...	...	...	30 0	29 0	26 0	160 0	160 0	160 0	...	...	...	9 8	9 8	9 0	Bhāraich . . . . .													
...	...	...	24 8	24 8	20 4	160 0	160 0	160 0	...	...	...	10 0	9 0	9 0	Kai Bareli . . . . .													
...	...	...	27 8	26 10	21 0	160 0	160 0	160 0	12 8	12 8	12 8	11 8	11 8	10 9	Sitapur . . . . .													
...	...	...	33 10	34 0	27 8	200 0	200 0	240 0	11 4	11 4	11 8	11 0	11 0	11 4	Gonda . . . . .													
...	...	...	26 0	25 8	25 0	160 0	160 0	160 0	...	...	...	11 0	11 0	11 0	Unāo . . . . .													
...	...	...	20 10	20 10	22 8	200 0	200 0	240 0	9 6	9 6	8 8	7 8	7 8	8 7	Hardui . . . . .													
...	...	...	32 0	40 0	28 0	95 0	95 0	95 0	15 0	14 8	15 4	14 8	14 0	15 0	Gujránwāla (a). . . . .													
...	...	...	30 0	40 0	29 0	80 0	80 0	80 0	14 0	15 0	15 0	14 0	14 0	14 0	Lahore . . . . .													
...	...	...	33 0	38 0	32 8	95 0	90 0	70 0	13 4	13 12	13 4	13 0	13 8	13 0	Ferozepore (b) . . . . .													
...	...	...	37 0	38 0	37 0	120 0	120 0	120 0	12 0	13 0	11 8	11 8	12 8	11 0	Sirsa (c) . . . . .													
...	...	...	29 0	30 0	28 0	120 0	80 0	80 0	12 0	12 0	10 8	11 8	11 8	10 0	Hissar (d) . . . . .													
...	...	...	24 0	24 0	24 12	100 0	100 0	100 0	11 12	12 0	7 2	11 8	11 8	6 8	Rohtak (d) . . . . .													
...	...	...	24 8	24 8	21 2	120 0	120 0	120 0	12 0	12 0	12 0	12 0	12 0	12 0	Gurgaon . . . . .													
...	...	...	23 0	25 0	22 8	80 0	80 0	85 0	12 12	13 0	12 8	11 0	12 0	11 8	Dellā . . . . .													
...	...	...	25 0	26 0	24 8	140 0	140 0	160																				

(c) Jowar falling; wheat, barley, rice, bajra, gram and salt rising.

(d) Barley, bajra, jowar and gram rising.



## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.		QUANTITIES PER RUPEE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
		Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Choum, Jawar, Zoisium Sorghum).			Sorghum Millet (Cumoo, Bajra, Panicum Spina).																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
		Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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### THE 2nd HALF OF JULY 1883—continued.

30 TOLAHS.

Millet, Rice, Kharu, Veragu, Cheona, Coratoo, Nuzice, Pansitacum, &c.										Grain.					Firewood.					Salt.					Distillers.										
Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Wholesale.			Retail.			Distillers.		
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## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.		QUANTITIES PER RUPEE																																			
		Wheat.						Barley.						Rice (best sort).						Rice (common).						Great Millet (Cholum, Jowar), <i>Holcus Sorghum.</i>						Burrush Millet (Cumbho, Bajra), <i>Pennisclaria Spirost.</i>					
		Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.						
		S.	Ch.	S.	Ch.		S.	Ch.	S.	Ch.		S.	Ch.	S.	Ch.		S.	Ch.	S.	Ch.		S.	Ch.	S.	Ch.		S.	Ch.	S.	Ch.		S.	Ch.	S.	Ch.	S.	Ch.
Bangalore		No return received						...						...						...						...						...					
Kolar		No return received						...						...						...						...						...					
Tunkur		No return received						...						...						...						...						...					
Mysore		No return received						...						...						...						...						...					
Hasan		No return received						...						...						...						...						...					
Shimoga		No return received						...						...						...						...						...					
Kadur		No return received						...						...						...						...						...					
Chitaldroog		No return received						...						...						...						...						...					
Coorg		8	9	8	11	7	15	10	0	9	14	8	8	13	1	13	0	10	9	17	6	17	8	13	0	...	...	...	...	...	...						
Jeypore		17	4	17	0	16	12	22	8	22	8	21	8	6	0	6	0	7	0	9	0	9	0	9	0	22	8	24	0	18	8	21	0	20	8	19	0
Kishengurh		17	0	17	4	16	0	23	12	23	4	21	8	9	0	10	0	8	0	10	0	11	0	9	0	24	8	26	0	21	0	17	8	18	4	17	0
Kerrowlee		19	6	20	0	16	0	25	10	25	0	18	8	12	0	12	8	12	8	13	0	13	12	13	8	25	10	25	0	19	0	21	9	21	4	16	0
Ulwur		19	4	19	3	18	7	26	1	25	12	23	5	8	10	8	10	8	0	11	0	11	0	11	8	24	11	22	14	23	5	23	2	22	4	17	0
Bhurtpore (City)		18	13	18	11	17	7	27	4	27	4	22	13	7	12	7	12	6	12	9	6	9	6	11	4	21	11	21	8	20	11	22	8	22	12	17	1
Ajmere		15	8	15	8	15	0	23	0	22	8	22	8	5	0	5	0	5	0	8	0	8	0	8	0	19	0	19	0	18	0	17	0	16	0	18	0
Deoli Cantonment		19	9	19	6	16	5	26	9	25	14	20	7	...	...	...	...	...	13	8	13	0	10	8	25	8	25	0	20	0	18	0	18	0	18	0	
Erinpura		16	9	16	0	16	4	25	4	27	8	28	0	...	...	...	...	...	8	0	8	2	8	0	20	0	20	0	22	0	20	0	19	0	22	0	
Sirohee		13	8	13	4	17	0	25	0	25	0	28	0	7	0	7	0	7	0	8	0	8	0	8	0	18	0	18	0	17	0	18	0	18	0	21	0
Abu		12	15	12	8	15	6	19	12	19	2	22	12	6	10	6	12	6	8	8	2	8	4	8	0	...	...	...	...	...	...	...	...	...	...	...	
Anadra		14	4	13	12	17	8	22	8	21	12	26	0	7	4	7	8	7	8	9	0	9	0	9	0	...	...	...	...	...	...	...	...	...	...		
Hilly Tracts of Meywar		20	8	20	0	22	0	26	0	27	0	28	0	...	...	...	...	...	16	0	15	0	18	0	...	...	...	...	...	...	...	...	...	...	...		
Meywar (Oodeypore)		14	1	13	10	15	2	20	5	18	0	19	14	10	2	10	2	10	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Bánawára (Meywar Agency)		22	8	21	14	22	8	...	...	...	...	...	...	10	0	10	0	10	0	17	8	17	8	18	12	...	...	...	...	...	...	...	...	...	...		
Partábnarh ( " )		18	7	16	6	16	11	...	...	...	...	...	...	10	0	10	0	10	15	11	4	11	4	13	7	...	...	...	...	...	...	...	...	...	...		
Marwar (Jodhpore)		15	15	15	15	15	15	22	8	20	0	21	4	6	4	6	4	6	4	8	12	7	8	7	8	20	10	20	0	22	8	18	12	17	8	18	1
Bikaner		No return received						...						...						...						...						...					
Boondee		21	0	21	0	17	0	30	0	30	0	27	0	9	0	10	0	9	0	10	0	10	8	9	8	26	0	27	0	28	4	...	...	...	...		
Kota		21	0	20	0	16	8	25	0	25	0	19	4	10	0	10	0	8	12	13	0	13	0	11	0	26	0	26	0	20	4	14	0	15	0	16	0
Tonk		18	4	18	12	14	0	24	8	24	8	20	14	6	8	7	0	7	0	8	8	7	8	10	0	26	8	26	0	22	6	...	...	...	...		
Jballawar		17	8	17	14	16	1	23	10	23	10	15	14	...	...	...	...	...	8	14	8	14	8	14	23	7	22	10	16	4	17	1	17	1	13	0	
Shahpoora		19	0	20	0	16	0	23	12	23	7	21	8	12	2	13	8	9	4	16	4	16	0	13	2	16	8	17	0	17	0	16	4	17	0	16	4
Dholpur		No return received						...						...						...						...						...					
Indore		No return received						...						...						...						...						...					
Gwalior		No return received						...						...						...						...						...					
Gooná		No return received						...						...						...						...						...					
Baghelkhand (Sutna)		No return received						...						...						...						...						...					

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)

**INDIA FOR THE 2nd HALF OF JULY 1883 —concluded.**

SEERS OF 80 TOLAHS.

[illegible]

† Ten pies per bundle.

‡ Eight pies per bundle.

D. BARBOUR,  
*Secretary to the Government of India.*

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF JULY 1883 PUBLISHED IN PAGES 1406 AND 1407 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 11th AUGUST 1883.

		QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
District.	Wheat.	Rice.						Great Millet (Chollum, Jowar). <i>Holcus Sorghum.</i>						Bulrush Millet (Cunboo, Bajra). <i>Pennisetum Spikeata.</i>						Gram.						Firewood.						Salt.																																																																																																																																																																																																																																																																																																																																																																																																																																																			
		Barley.		Best sort.		Common.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		Corresponding fort- night of last year.		Present fortnight.		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GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXIX of 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 29TH JULY 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 29TH JULY 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 29TH JULY 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 29TH JULY 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
4th Aug. 1883	<i>Guaranteed.</i> Eastern Bengal . . .	172	R 96,253	R 560	207	R 69,203	R 335	R 12,63,891	R 428	R 14,75,950	R 419	R 2,12,059	R ...
28th July 1883	Oudh and Rohilkhand	547	66,582	122	547	67,373	123	17,92,641	191	20,66,744	222	2,74,103	...
4th Aug. 1883	Sind, Punjab & Delhi .	676	1,49,871	222	749	1,95,981	262	32,62,335	281	41,76,018	331	9,13,683	...
28th July 1883	Madras . . . . .	861	1,46,596	170	861	1,22,033	142	24,22,972	165	22,34,769	153	...	1,88,203
28th ditto	South Indian . . . .	655	55,007	84	655	71,294	109	13,26,354	118	13,39,943	120	13,589	...
4th Aug. 1883	Great Indian Peninsula	1,450	3,84,958	265	1,451	3,17,515	219	1,22,80,654	494	1,30,29,451	526	748,777	...
28th July 1883	Bombay, Baroda and Central India . . .	461	1,21,877	264	461	93,740	203	39,84,240	504	41,26,231	527	1,41,991	...
	<b>TOTAL</b> . . . . .	4,822	10,21,144	212	4,931	9,37,229	190	2,63,83,087	319	2,84,49,086	339	21,15,993	...
1st Aug. 1883	<i>State.</i> East Indian . . . . .	1,507	8,19,538	544	1,509	7,94,777	527	1,50,18,307	581	1,77,02,579	690	26,84,272	...
4th ditto	Calcutta and South-Eastern . . . . .	33	4,693	142	56	6,350	113	67,914	132	1,02,296	114	34,382	...
4th ditto	Nalhati . . . . .	27	1,154	43	27	1,389	51	23,116	50	27,393	60	4,282	...
4th ditto	Northern Bengal . . .	230	34,594	150	239	43,170	181	6,15,528	154	6,65,486	169	49,958	...
28th July 1883	Tirhoot . . . . .	78	12,077	155	166	13,622	82	2,15,878	150	2,80,019	100	64,141	...
30th June 1883	Patna-Gya . . . . .	57	6,947	122	...	(a) ...	...	(b) 1,28,067	173	(c) 1,19,253	161	...	8,814
28th July 1883	Muttra-Mathras . . .	29	1,667	57	29	2,033	70	37,712	76	42,136	85	4,424	...
28th ditto	Cawnpore-Furrakhabad	87	6,190	71	87	6,382	73	1,14,801	77	1,10,906	75	...	3,895
1st Aug. 1883	Dildarnagar-Ghazipur	12	577	48	12	611	51	17,365	85	18,312	90	947	...
1st ditto	Rajputana-Malwa . . .	1,117	1,15,599	103	1,117	1,55,630	139	36,63,606	191	42,00,604	221	5,86,998	...
1st ditto	Wardha Coal . . . . .	45	2,629	58	45	8,327	185	1,89,675	246	2,52,561	330	62,886	...
1st ditto	Nagpur & Chhattisgarh	98	4,755	49	149	8,512	57	2,29,893	137	5,65,267	223	3,35,374	...
1st ditto	Rangoon and Irrawaddy Valley . . .	161	17,504	109	161	18,738	116	5,07,457	184	4,93,196	180	...	14,261
1st ditto	Sindia . . . . .	75	5,790	77	75	4,845	65	1,10,062	85	1,05,577	83	...	4,445
9th July 1883	Punjab Northern . . .	409	51,580	126	419	59,980	143	10,14,953	148	10,35,976	145	20,922	...
8th ditto	Indus Valley and Kandahar . . .	660	95,510	145	660	1,14,219	173	15,04,133	133	26,41,216	235	11,37,083	...
1st Aug. 1883	Muttra-Achnera . . .	23	1,206	52	23	1,100	48	20,791	53	24,342	62	3,551	...
1st ditto	Kaunia-Dhurla . . . .	32	1,295	40	32	1,508	47	25,658	47	32,009	59	6,351	...
1st ditto	Rewari-Ferozepore . . .	...	...	...	89	4,280	48	...	...	1,10,465	73	1,10,465	...
	<b>TOTAL</b> . . . . .	3,173	3,63,767	115	3,386	4,50,696	133	84,86,609	156	1,08,26,919	186	23,40,310	...
3th July 1883	<i>Native States.</i> Bhavnagar-Gondal . . .	194	9,322	48	193	9,360	48	3,62,587	109	4,04,680	123	42,093	...
1st Aug. 1883	Nizam's . . . . .	121	14,878	123	121	15,693	130	2,92,398	141	2,58,008	125	...	34,390
1st July 1883	Mysore . . . . .	86	6,538	76	86	5,125	60	96,264	65	87,320	60	...	8,944
1st Aug. 1883	Jodhpore . . . . .	19	98	5	19	400	21	(d) 261	3	12,316	38	12,055	...
	<b>TOTAL</b> . . . . .	420	30,836	73	419	30,578	73	7,51,510	108	7,62,324	107	10,814	...
	<b>GRAND TOTAL</b> . . . .	9,922	22,35,285	225	10,245	22,13,280	216	5,05,89,513	298	5,77,40,908	333	71,51,395	...
	<b>GROSS ESTIMATED EXPENSES</b> . . . .	...	...	...	...	...	...	2,46,62,878	145	2,75,06,542	159	...	...
	<b>NET RECEIPTS</b> . . . . .	...	...	...	...	...	...	2,59,26,635	153	3,02,34,366	174	43,07,731	...

(a) Return not received.

(b) Total receipts from 1st April to 30th June 1883.

(c) Total receipts from 1st April to 30th June 1883.

(d) Total receipts from 21st June to 29th July 1882.

SIMLA,  
18th August 1883.

R. A. SARGEANT, Major, R.E.,  
Offy. Under-Secretary.

GOVERNMENT OF INDIA.  
DEPARTMENT OF FINANCE AND COMMERCE.

*Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first four months of the official year 1883-84, and of the twelve preceding years.*  
(IN THOUSANDS OF RUPEES.)

FOR THE FOUR MONTHS, APRIL TO JULY.																										
S.	BOMBAY.				SINDH.				MADRAS.				BRITISH BURMA.				TOTAL BRITISH INDIA.				YEAR.					
	On Imports of Liquors.		On other Imports.		On Exports.		Total Revenue.	On Imports of Liquors.		On other Imports.		On Exports.		Total Revenue.	On Imports of Liquors.		On other Imports.		Total Revenue.	On Imports of Liquors.		On other Imports.		Total Revenue.		
.	3.38	21.67	7.18	32.23	2.81	10.10	1.33	14.24	41	32	41	1.14	1.19	3.94	4.94	10.07	45	1.36	7.73	9.54	8.24	37.39	45.63	21.59	67.22	1871-72.
.	4.37	21.36	6.57	32.70	1.80	12.99	1.21	16.00	39	29	80	1.48	1.40	4.28	4.00	9.68	1.13	1.67	14.56	17.36	9.09	40.59	49.68	27.54	77.22	1872-73.
.	3.63	20.85	5.26	29.74	2.15	11.54	1.26	14.95	42	21	36	99	1.32	4.59	4.93	10.84	1.20	1.55	12.41	15.16	8.72	38.74	47.46	24.22	71.68	1873-74.
.	4.04	24.63	4.40	33.07	2.19	12.28	1.34	15.81	43	16	39	98	1.17	4.89	4.56	10.62	1.48	2.35	8.57	12.40	9.31	44.31	53.62	19.26	72.88	1874-75.
.	3.88	27.24	5.90	37.02	2.41	13.70	3.25	19.36	44	31	80	1.55	1.49	5.07	5.25	11.81	1.23	1.45	15.72	18.40	9.45	47.77	57.22	30.92	88.14	1875-76.
.	4.32	20.34	3.61	28.30	2.76	10.94	45	14.15	41	13	8	67	1.92	4.20	3.10	9.22	1.65	1.74	10.62	14.01	11.06	37.40	48.46	17.89	66.35	1876-77.
.	5.14	25.71	3.72	34.57	3.13	13.21	48	16.82	75	25	14	1.14	1.71	2.52	63	4.86	1.81	1.94	8.87	12.62	12.54	43.63	56.17	13.84	70.01	1877-78.
.	4.51	21.09	4.61	30.21	2.88	12.57	70	16.15	63	14	9	86	2.00	3.47	1.52	6.99	2.68	2.36	10.99	16.03	12.70	39.63	52.33	17.91	70.24	1878-79.
.	3.95	19.59	2.76	26.30	3.03	10.36	73	14.12	1.00	29	7	1.36	1.73	2.78	1.74	6.25	2.39	1.84	14.45	18.68	12.10	34.86	46.96	19.75	66.71	1879-80.
.	4.46	17.54	3.01	25.01	2.90	13.71	63	17.24	1.50	34	9	1.93	1.78	3.42	3.33	8.53	1.67	2.37	14.38	18.42	12.31	37.38	49.69	21.44	71.13	1880-81.
.	4.66	17.46	4.62	26.74	3.56	13.30	60	17.46	1.37	50	12	1.99	1.76	3.43	2.54	7.73	2.34	2.35	16.77	21.46	13.69	37.04	50.73	24.65	75.38	1881-82.
.	4.93	...	4.90	9.83	3.64	—88*	51	3.27	1.17	2	20	1.39	1.79	...	1.39	3.18	2.98	3	22.75	25.76	14.51	—83*	13.68	29.75	43.43	1882-83.
.	4.84	3	6.24	11.11	3.66	16	41	4.23	1.26	1	16	1.43	1.76	2	1.99	3.77	2.83	7	17.10	20.00	14.35	29	14.64	25.90	40.54	1883-84.

\* The amount refunded is greater than the duty collected.

DEPARTMENT OF FINANCE AND COMMERCE,  
STATISTICAL BRANCH;  
Calcutta, 23rd August 1883.

D. BARBOUR,  
Secretary to the Government of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 35. } SIMLA, SATURDAY, SEPTEMBER 1, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**PART I.**—Government of India Notifications, Appointments, Promotions, Leave of Absence, General Orders, Rules and Regulations.

**PART II.**—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Supdt. of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

**PART III.**—Advertisements and Notices by private individuals and Corporations.

**PART IV.**—Acts of the Governor General's Council assented to by the Governor General:—

The British Burma Pilots Act, 1883.

**PART V.**—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—

*Nothing for publication.*

SUPPLEMENT No. 35.

## PART I.

Government of India Notifications, Appointments, Promotions, &c.

### HOME DEPARTMENT.

#### NOTIFICATIONS.—POLICE.

*Simla, the 27th August 1883.*

**No. 253.**—The services of Mr. W. C. Fasson, Assistant Superintendent of Police, Wokha, in the Naga Hills District, are replaced at the disposal of the Government of Bengal.

*The 29th August 1883.*

**No. 257.**—Mr. F. C. Crawford to officiate as Assistant Superintendent of Police, Hyderabad Assigned Districts, during the absence on furlough of Mr. E. A. Hobson, or until further orders.

#### FORESTS.

*The 27th August 1883.*

**No. 678 F.**—Mr. E. E. Wylly, the Officer in charge of the forests of Khordah in the Pooree District of Orissa, is appointed a Sub-Assistant Conservator of Forests, with effect from the 10th February 1883, and is attached to the Bengal Forest Department.

A. MACKENZIE,

*Secy. to the Govt. of India.*

### FOREIGN DEPARTMENT.

#### NOTIFICATIONS.—GENERAL.

*Simla, the 27th August, 1883.*

**No. 2095 G.**—Major F. A. Wilson, Political Agent of the 3rd Class, is appointed to officiate as a Resident of the 2nd Class, and is posted temporarily as Resident in Nipal, with effect from the date of assuming charge, during the absence on privilege leave of Mr. C. E. R. Girdlestone.

*The 28th August, 1883.*

**No. 2116 G.**—The following promotions are made in the Berar Commission, under the provisions of Rule 4, Section 4, of the Pay and Acting Allowance Code, with effect from the 24th May, 1883, in consequence of the transfer to foreign service of Mr. A. J. Dunlop, Assistant Commissioner of the 2nd Class:—

Mr. R. D. Hare, Assistant Commissioner of the 3rd Class, to be Assistant Commissioner of the 2nd Class.

Lieutenant P. J. Melvill, Assistant Commissioner of the 3rd Class, *sub. pro tem.*, to be Assistant Commissioner of the 3rd Class.

#### MILITARY.

*The 27th August, 1883.*

**No. 2093 G.**—Lieutenant J. B. Edwards, Officiating Squadron Officer, is appointed to be Squadron Officer, 2nd Regiment, Central India Horse, *vice* Lieutenant E. D. H. Daly, transferred to the half-pay list.

C. GRANT,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

The following Addendum to the Codes of the Financial Department is published for general information:—

*Simla, the 30th August 1883.*

No. 2961.

C. P. C.

*Section 106, Rule 1 B.*

*Strike out the word "or" in the second line, and insert the following after the word "Department":—*

*"or an officer in the Superior Branch of the Telegraph Department."*

*And also insert the following note under the Rule:—*

[NOTE.—The operation of the Rule in respect to officers in the Superior Branch of the Telegraph Department shall be postponed for two years from the 10th August 1883, and no officer shall be removed from the office held by him on the 10th August 1883 by reason of the rule until five years have expired from his first appointment to such office.]

*The 31st August 1883.*

No. 2971.—Mr. E. R. Douglas, having been placed on special duty, made over charge of his duties as Deputy Director General of the Post Office of India to Mr. Philip Sheridan before noon on the 1st August 1883.

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 27th August, 1883.*

## PROMOTIONS.

No. 473.—COLONEL'S ALLOWANCE—

In continuation of G. G. O. No. 489 of 1881, paragraph 8, and under the orders of the Secretary of State for India, His Excellency the Governor General in Council notifies that the following arrangements will take effect with respect to the numbers of Colonel's allowances to be allotted to Classes III and IV therein referred to, *viz.*, officers of the General Lists, and those who entered the several Staff Corps after the 12th September, 1866, and before the 1st July, 1881, respectively.

2. For the purpose of regulating the succession to the Colonel's allowance, officers of the General Lists of Cavalry and Infantry of the three presidencies will be placed on an amalgamated list according to seniority.

3. The numbers of the General List officers forming Class III, excluding those who have joined the Staff Corps, line regiments, and new line regiments, stood as follows on the 14th March, 1862:—

Bengal	...	...	...	...	222
Madras	...	...	...	...	108
Bombay	...	...	...	...	68
Total					398

and calculated in the proportion of 1 in 30 officers, with an allowance of one in addition when the remainder exceeds ten, the fixed establishment of Colonel's allowances for the amalgamated list of officers of Class III will be 13.

4. As soon as the senior of these officers then remaining on the amalgamated list completes 12 years' service as substantive Lieutenant-Colonel, he will succeed to the Colonel's allowance; the next to him will succeed likewise on the same condition, and so on, until the 13 seniors then remaining in the service attain to the Colonel's allowance. Thereafter the fixed number of 13 Colonel's allowances will be maintained, the officers succeeding to vacancies occurring therein in order of seniority without

reference to qualifying service, so long as there are any of the officers of the General Lists remaining.

5. For the officers of Class IV, *viz.*, officers who entered the Staff Corps after the 12th September, 1866, and before the 1st July, 1881, there will be a separate list of officers of this class for each presidency, arranged according to seniority by substantive rank. The numbers of these officers as they stood on the 30th June, 1881 were—

Bengal	...	...	...	...	591
Madras	...	...	...	...	175
Bombay	...	...	...	...	207

and calculating by the rule above mentioned, the number of Colonel's allowances for the officers of Class IV of the three presidencies, respectively, will be :—

Bengal	...	...	...	...	20
Madras	...	...	...	...	6
Bombay	...	...	...	...	7

6. When the senior of each separate list has completed 12 years' service as substantive Lieutenant-Colonel, he will succeed to the Colonel's allowance on the list to which he belongs, and the next to him in succession in the same way, until the above establishment of Colonel's allowances fixed for each list, respectively, is complete. Thenceforward these numbers of Colonel's allowances will be maintained so long as any officers belonging to Class IV remain in the Bengal, Madras, or Bombay army, vacancies in each list being filled by the seniors without reference to qualifying service.

*The 31st August, 1883.*

#### APPOINTMENTS.

##### No. 474.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Mark Ancrum Kerr, Leicestershire Regiment, Wing Officer, 1st Gurkha Regiment,—10th December, 1881.

Lieutenant Herbert Ralph Brander, Leinster Regiment, Wing Officer, 32nd Native Infantry,—27th February, 1882.

Lieutenant James Harry Christie, West Yorkshire Regiment, Officiating Wing Officer, 21st Native Infantry,—12th March, 1882.

Lieutenant Arthur Vincent Hatch, Connaught Rangers, Officiating Wing Officer, 1st Goorkha Regiment,—20th March, 1882.

Lieutenant William Arthur Watson, Worcestershire Regiment, Officiating Squadron Officer, 2nd Regiment, Central India Horse,—23rd June, 1882.

Lieutenant Kellow Chesney, West Riding Regiment, Officiating Squadron Officer, 18th Bengal Cavalry,—1st July, 1882.

Lieutenant Charles Patrick William Pirie, Devonshire Regiment, Officiating Squadron Officer, 15th Bengal Cavalry,—1st July, 1882.

Lieutenant William Rutherford Little, Connaught Rangers, Wing Officer, 21st Native Infantry,—2nd July, 1882.

Lieutenant Richard Money Maxwell, Royal Irish Regiment, Wing Officer, 6th Native Infantry,—14th July, 1882.

Lieutenant David Montgomery Thompson, Royal Irish Regiment, Officiating Wing Officer, 32nd Native Infantry,—18th July, 1882.

Lieutenant Gilbert Hamilton deLaey Lacy, Leicestershire Regiment, Wing Officer, 45th Native Infantry,—25th July, 1882.

##### No. 475.—MILITARY ACCOUNT DEPARTMENT—

Lieutenant H. E. Passy, Assistant Military Accountant, on probation, is confirmed in his appointment, with effect from the 18th July, 1882.

##### No. 476.—PUNJAB FRONTIER FORCE—

*No. 4 Mountain Battery.*

Lieutenant C. C. Townsend, 2nd Subaltern, to be 1st Subaltern, *vice* Lieutenant A. Eardley-Wilmot, who reverts to regimental duty.

*5th Punjab Cavalry.*

Lieutenant-Colonel F. Hammond, 2nd-in-Command and Officiating Commandant, to be Commandant, *vice* Lieutenant-Colonel B. Williams, appointed Director of Army Remount Operations.

Major (Brevet Lieutenant-Colonel) J. C. Stewart, 2nd Squadron Commander, to be 2nd-in-Command, *vice* Lieutenant-Colonel F. Hammond.

Major F. S. Carr, 3rd Squadron Commander, to be 2nd Squadron Commander, *vice* Major (Brevet Lieutenant-Colonel) J. C. Stewart.

Captain (Brevet Major) W. J. Vousden, *v.c.*, Squadron Officer, to be 3rd Squadron Commander, *vice* Major F. S. Carr.

Captain J. B. Watts, Squadron Officer, to be Squadron Commander during the time Major W. J. Vousden, *v.c.*, is seconded for staff employ.

Lieutenant H. Templer, Officiating Squadron Officer, to be Squadron Officer, *vice* Captain J. B. Watts.

Dated 22nd June, 1883.

#### FURLOUGH AND LEAVE.

No. 477.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant P. B. Lindsell, Bengal S. C., Squadron Officer, 15th Bengal Cavalry, (*p. a.*) for one year, under rule I of the regulations of 1875.

**No. 478.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Lieutenant Colonel (Brevet Colonel) J. Johnstone, c.s.i.; Infantry, (m. c.) for six months  
Major D. J. Stewart, General List, Infantry, (m. c.) for 182 days.  
Major H. H. P. Cowper, General List, Cavalry, (m. c.) for three months.  
Major S. B. Home, General List, Infantry, (m. c.) for three months.  
Lieutenant J. H. C. Harrison, R.E., (p. a.) for 183 days.

#### PENSIONS.

**No. 479.**—Sergeant-Major John Shannahan, Chief Warder, Chunar Garrison, is transferred to the Pension establishment.

#### PROMOTIONS.

**No. 480.**—The following promotions are made, subject to Her Majesty's approval :—

##### BENGAL STAFF CORPS.

###### *To be Lieutenant-Colonel.*

Major Richard Percival Davis, —22nd August, 1883.

###### *To be Majors.*

Captain William Brydon, —28th August, 1883.  
Captain Lorn Robert Henry Dick Campbell, —28th August, 1883.

##### BENGAL ARMY.

###### *To be Colonel.*

Lieutenant-Colonel (Brevet Colonel) Rowley Sale Hill, c.b., Bengal Infantry, —29th August, 1883.

##### BREVET.

###### *To be Colonels.*

Lieutenant-Colonel George Wynne Cole, Madras Infantry, —1st July, 1881.  
Lieutenant-Colonel David Robertson, Bengal General List, Infantry, —18th July, 1883.  
Lieutenant-Colonel James May, Bengal Infantry, —9th August, 1883.  
Lieutenant-Colonel James Clephane Minto, Bengal S. C., —19th August, 1883.  
Lieutenant-Colonel Henry McDonnell De Wendt Douglas, Bengal S. C., —29th August, 1883.

**No. 481.**—The promotion of Lieutenant-Colonel Charles Samuel Steward, Madras Cavalry, to the rank of Colonel by brevet, is antedated to the 1st July, 1881, subject to Her Majesty's approval.

#### **No. 482 —ORDNANCE DEPARTMENT—**

Sub-Conductor James Packer, on probation, is confirmed in his present grade from the 29th January, 1883.

#### **No. 483.—NATIVE ARMY—**

##### *20th Native Infantry.*

Jemadar Buriham Singh to be Subadar, *vice* Chhuter Singh, deceased; Havildar Sawun Singh to be Jemadar, *vice* Buriham Singh, promoted, —16th May, 1883.

Havildar Hussan Khan to be Jemadar, *vice* Shaz Ali, resigned, —3rd January, 1883.

G. CHESNEY,

*Secretary to the Government of India.*

### PUBLIC WORKS DEPARTMENT.

#### NOTIFICATIONS.

*Simla, the 27th August 1883.*

**No. 202.**—Referring to Government of India, Public Works Department, Notification No. 112, dated 2nd May 1883. Captain R. Gardiner, R.E., Officiating Manager, Rajputana-Malwa Railway, is appointed to officiate as Manager and Engineer-in-Chief of the Bhavnagar-Gondal Railway, during the absence of Mr. H. Dangerfield, or until further orders.

While so officiating, Captain Gardiner will hold temporary rank of Class I, Grade 3, of the Revenue Scale.

Mr. H. Dangerfield, Manager and Engineer-in-Chief of the Bhavnagar-Gondal Railway, is appointed to officiate as Manager of the Rajputana-Malwa Railway, *vice* Captain Gardiner, transferred to the Bhavnagar-Gondal Railway.

While so officiating, Mr. Dangerfield will hold temporary rank in Class I, Grade 2, of the Revenue Scale.

Mr. W. Harvey, Assistant to Director General of Railways, is appointed to officiate as Deputy Manager of the Rajputana-Malwa Railway, *vice* Lieutenant W. V. Constable, R.E., who will revert to his substantive appointment of Assistant Manager of the Line.

While acting as Deputy Manager, Mr. Harvey will officiate in Class II of the Revenue Scale.

*The 28th August 1883.*

**No. 203.**—Mr. H. E. Grant, Assistant Engineer, 3rd Grade, Central India, having passed the examination prescribed in paragraphs 16—18, Chapter II, of the Public Works Code, on the 7th July 1883, is promoted to Assistant Engineer, 2nd Grade, with effect from that date.

*The 29th August 1883.*

**No. 204.**—Mr. W. E. Curry, Assistant Engineer, 2nd Grade, Railway Branch, is on return from furlough posted temporarily, on probation, to the Accounts Branch of the Public Works Department, with the rank of Assistant Examiner, 1st Grade, and is attached to the Office of Examiner, Public Works Accounts, Madras.

*The 31st August 1883.*

**No. 205.**—With reference to Government of India, Public Works Department, Notification No. 199, dated 24th August 1883, the services of Major Sydney Smith, R.E., are placed temporarily at the disposal of the Government of Madras.

W. S. TREVOR, Colonel, R.E.,

*Secy. to the Govt. of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 1, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th August, 1883, and is hereby promulgated for general information :—

ACT No. XII OF 1883.

### THE BRITISH BURMA PILOTS ACT, 1883.

#### CONTENTS.

##### PREAMBLE.

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Commencement.
2. Definition of "port."

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3. Licensing of pilots.
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5. Power to make rules to regulate conduct of pilots.

##### *Special Court.*

6. Power to direct investigation by special Court into charges against pilots.
7. Constitution of Court.
8. Appointment of president.
9. Assessors.
10. Appointment of assessors.
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12. Copy of grounds of charge to be supplied to pilot.
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16. Power of Chief Commissioner to make rules.

##### *Power to cancel, suspend or reduce Licenses.*

17. Power to cancel, suspend or reduce license for misconduct, &c.
18. Power to suspend license pending trial or investigation.

##### *Delegation of Functions of Chief Commissioner.*

19. Power to delegate functions of Chief Commissioner.

*An Act to provide for the licensing and control of Pilots in British Burma and for investigating certain charges against them.*

WHEREAS it is expedient to provide for the licensing and control of pilots in British Burma, and for investigating certain charges against them; It is hereby enacted as follows :—

##### *Preliminary.*

1. (1) This Act may be called the British Burma Pilots Act, 1883.

Short title.

- (2) It extends to the territories for the time being administered by the Chief Commissioner of British Burma; and

Local extent.

- (3) It shall come into force on such date as the Chief Commissioner may fix in this behalf.

Commencement.

2. In this Act—

"Port" means any port, or any part of a navigable river or channel, in which the Indian Ports Act, XII of 1875, is for the time being in force.

*Licensing of Pilots.*

**3.** The Chief Commissioner may, from time to time, appoint, or cause to be appointed, competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port, and make rules—

- (a) for the conduct of the examinations and for the qualifications to be required;
- (b) establishing grades of pilots, and determining the duties which may be undertaken by pilots of each grade;
- (c) for the grant to qualified persons of licenses to act as pilots of any grade at any port; and
- (d) for the fees to be paid for the examinations and licenses.

**4. (1)** A person shall not act as a pilot at any port, after such date as the Chief Commissioner may fix in this behalf for that port, except as permitted by a license granted under section 3.

(2) Any person acting as a pilot in contravention of this section shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

*Regulation of Pilots.*

**5. (1)** The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, make rules to regulate the conduct of pilots licensed under this Act in all matters connected with the performance of their duties as such pilots.

(2) Any such rule may contain a provision that a pilot committing a breach of the rule shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both:

Provided that a prosecution shall not be instituted in respect of any such breach except by order of such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

*Special Court.*

**6. (1)** If the Chief Commissioner has reason to believe that there are grounds for charging any pilot licensed under this Act with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section 5, and that the charge cannot be satisfactorily investigated by an ordinary Court, he may direct that a special Court be constituted, under this Act, at the port at which it will, in his opinion, be most convenient for the parties and witnesses to attend, and shall then send to the Court a statement of the grounds of the charge, and direct the Court to make an investigation into the charge.

(2) When the Chief Commissioner directs an investigation under this section, he may, if he thinks fit, appoint a person to act as prosecutor in the investigation.

**7.** Every Court constituted under section 6 shall consist of a president sitting with three assessors.

**8. (1)** The president shall be such person as the Chief Commissioner appoints in this behalf, either generally or for any specified case.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code. X

**9.** One of the assessors shall be a master of a seagoing vessel lying in the port at which the investigation is to be made, another shall be a merchant residing at that port, and the third shall be a person who has personally exercised the calling of a pilot for not less than five years.

**10. (1)** The assessor who is the master of a seagoing vessel shall be appointed in each case by the Chief Commissioner, and shall be summoned by the president.

(2) The other assessors shall be summoned by the president in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the Chief Commissioner in the *British Burma Gazette*. If there are no such lists, or if it is impracticable to procure the attendance of two persons one of whom is named in the list of merchants and the other in list of pilots, the other assessors or assessor, as the case may be, shall be appointed and summoned by the president.

**11.** The assessors shall receive such fees as the Chief Commissioner may, from time to time, by rule, prescribe.

**12.** Before any investigation under this Act is commenced, the special Court shall supply the pilot with a copy of the statement sent, under section 6, to the Court.

**13.** For the purpose of an investigation under this Act, the special Court may summon the pilot to appear before it, and shall give him full opportunity of making a defence, either in person or otherwise.

**14.** For the purpose of an investigation under this Act, the special Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

**15.** On the completion of the investigation, the special Court shall send to the Chief Commissioner a full report of the conclusions at which it has arrived. The report shall be in accordance with the opinion of the majority of the members of the Court, or, if the Court is equally divided, in accordance with the opinion of the president and with the member with whom he concurs. In the latter case, any member who does not concur in the report may separately record his opinion.

**16. (1)** The Chief Commissioner may, from time to time, make rules to carry into effect the provisions of this Act with respect to the special Court, and in particular with respect to—

Power of Chief Commissioner to make rules.

- (a) the mode in which the president shall, under section 10, summon the assessors;
- (b) the amount of the fees to be paid to the assessors; and
- (c) the procedure of the Court.

(2) All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

*Power to cancel, suspend or reduce Licenses.*

**17.** The Chief Commissioner may cancel or suspend, or reduce the grade of, any license granted to a pilot under this Act in the following cases, that is to say:—

Power to cancel, suspend or reduce license for misconduct, &c.

- (a) if the pilot is found guilty by a Criminal Court of any offence punishable under section 5, or of any other offence the commission of which, in the opinion of the Chief Commissioner, shows him to be unfit to discharge the duties of a pilot; or

(b) if, on considering a report submitted under section 15 of this Act, or transmitted under section 17 of the Indian Merchant Shipping Act, 1883, the Chief Commissioner is of opinion that the pilot is incompetent, or has been guilty of any misconduct in the discharge of his duty as pilot, or of any breach of a rule made under section 5 of this Act.

V of 1883.

**18.** When a prosecution has been instituted against a pilot under section 5, or an investigation has been ordered in respect of him under section 6, or an investigation affecting his conduct has been ordered under Chapter II of the Indian Merchant Shipping Act, 1883, the Chief Commissioner may suspend his license until the trial is concluded or the report of the investigation is submitted or transmitted to the Chief Commissioner, as the case may be.

*Delegation of Functions of Chief Commissioner.*

**19.** The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, delegate his functions under section 6, section 8, section 10, sub-section (1), or section 18 to such person as he thinks fit.

Power to delegate functions of Chief Commissioner.

D. FITZPATRICK,

*Secretary to the Government of India.*





## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR  
THE WEEK ENDING THE 28th AUGUST 1883.

**GENERAL REMARKS.**—The favourable change in the weather noticed last week has been maintained during the one under report. A fresh burst of the monsoon on the Western Ghats has brought good and opportune rain to the districts of the Konkan, Deccan, and Southern Mahratta Country. Parts of these tracts, however, continue in need of rain, and in Guzerat, where the fall was very slight, it is urgently needed. In Sind, according to latest reports, the river is 6 feet below last year's level, and the crops have suffered from scarcity of water. From Bombay the monsoon has extended to the Berars, Hyderabad, and Central India. In the former prospects are excellent, in the latter very much improved, and all cause for immediate anxiety is removed in most of the States. Rajputana is still for the most part without rain, and in many States much anxiety is felt as to crops and fodder.

In the Madras Presidency the weather continues favourable, although in Madura, Tanjore, and Coimbatore the unirrigated crops need more rain.

In British Burma the generally insufficient rainfall compared with the past year is beginning to affect the rice crop in the midland districts, but elsewhere prospects are good. Rain is also wanted in the Gauhati district of Assam. In the Cachar district lying to the south-east of Gauhati a heavy fall has again caused considerable damage. In Bengal the rainfall of the week has been generally good, and though more is required in places, prospects are good. In a few localities floods have done some damage. Good rain in the Central Provinces has greatly benefited the standing crops, which now offer hopes of a fair yield. Rice, though much retarded by the long break, is expected to return only a quarter below the average outturn if favourable weather continues. More rain is wanted in the Saugor, Damoh, and Jubbulpore districts. In North-Western Provinces and Oudh the rainfall of the week though fairly general has been insufficient and unequal. The eastern as well as the western districts are now in need of rain, and the *kharif* crops are being irrigated where possible. Rain continues to hold off in the Punjab, and the crops on unirrigated lands in the south-eastern districts are reported to be rapidly failing. The supply of grass and fodder is also running short.

Agricultural operations remain unchanged. Ploughing and sowing are nearly completed in Burma, and transplanting is well advanced. Rice and jute are being reaped in Bengal, and rice in Assam. Early *kharif* grains are coming into the market in Northern India. Harvesting is going on in Madras. Locusts are still reported from the Deccan.

Cholera is generally on the decrease, but would appear to be severe at present in Nagpur. Fever is spreading, and small-pox is reported in several districts. Cattle-disease in mild form continues generally prevalent.

Prices are for the most part stationary, except in Rajputana where they are rising.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Aug. 29th)</b>		
Bellary ...	1·88 (average of eight stations).	Standing crops generally good. Agricultural operations in progress.
Kurnool ...	2·76 (average of nine stations).	Standing crops thriving. Cattle-disease in six taluks.
Ganjam ...	3·49 (average of seventeen stations).	Standing crops, red gram, gingelly, and sugarcane thriving. One death from cholera in Berhampore; fever, small-pox, and cattle-disease slight.
Kistna ...	1·45 (average of eleven stations).	Standing crops generally good. Small-pox, guinea-worm, and cattle-disease slight.
Chingleput (Madras) ...	1·11 (average of ten stations).	Standing crops good where water available. Small-pox and cattle-disease slight in parts of three taluks.
Coimbatore ...	·36 (average of seven stations).	Standing crops suffering from want of sufficient rain and from insects in parts. Much dry land waste in one taluk. Harvest dry crops in parts, yield below average. Eleven deaths from cholera; fever in three taluks and small-pox in parts.
Tanjore ...	·89 (average of five stations).	Standing crops generally good, but one taluk wants rain. Thirty-two deaths from cholera.
Madura ...	.....	Standing crops fading, except in three taluks. Harvest paddy and dry crops in parts.
Malabar ...	4·14 (average of fourteen stations).	Harvesting continues in five taluks, elsewhere first crop in good condition. Four deaths from cholera in Palghat; small-pox slight in all taluks, fever in four taluks; cattle-disease slight in one taluk.
Travancore ...	·92	Harvest progressing. One death from small-pox; fever and dysentery prevail.
<i>General Remarks</i> —No rain in Madura. General prospects good.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—(Aug. 29th)</b>		
Kurrachee ...	<i>Nil</i>	River very low at Kotri on 27th 13 feet against 19 feet on same date last year. Fever in five talukas. Cattle-disease in four talukas; some deaths among cows and buffaloes at Sakro and Mirpur Botoro. Wheat, red rice, and <i>bajri</i> in Kurrachee 24, 28 and 36, in Schwan 32 and 40, in Tatta 28, 28 and 36, and in Shabbandar 20, 36 and 40 lbs. per rupee, respectively.
Hyderabad ...	.....	River has fallen 3 feet 3 inches since last week and was 6 feet lower on 27th than on same date last year. Crops reported to have suffered from want of water throughout the district. Days hot, nights cool. Small-pox in eight, fever in three, cattle-disease in four talukas. Wheat 24, <i>bajri</i> 35, <i>juari</i> 44, red rice 26, and white rice 22 lbs. per rupee.
Ahmedabad ...	.....	Rain urgently wanted throughout the district. Crops withering. Cholera in the city, 24 cases, 20 deaths; slight fever in Viramgaum. Cattle-disease in Parantej abating. <i>Bajri</i> 24½ and wheat 21½ lbs. per rupee.
Baroda ...	46	Total rainfall 32·68. Crops withering for want of rain. Public health generally fair; cholera in mild form continues in Pantan and Sidhpur in Kadi division and in the city of Baroda; outbreak of the epidemic reported during the week in Petland and Charanda mahals of the Baroda division; gradually disappearing from Naosari and Moha mahals of Naosari division. <i>Bajri</i> 22½ to 24½ and rice 21 and 22 lbs. per current sicca rupee.
Surat ...	26	Total rainfall 38·33. Slight improvement in crops. Fever in Jalalpur; cholera in Surat, 2 cases fatal and in Bulsar 16 cases, 10 deaths. <i>Juari</i> 37 and <i>nagli</i> 43 lbs. per rupee.
Nasik ...	Good rain throughout the district.	Crops thriving. <i>Kharif</i> sowing still continues. Locusts in all talukas doing no particular damage at present. Cholera subsiding, 62 attacks, 34 deaths; small-pox in the Niphad taluka. <i>Bajri</i> 28, wheat 28½, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	Rain daily; heavy on 27th; total of week 5·89.	Total rainfall to date 61·54, being 4·33 above average. Abnormal temperature 1° to 4° cool. Vapour in air excessive on 28th. Abnormal wind south-easterly and strong on 25th and 26th. Barometer low.
Poona ...	Opportune rain throughout the district; maximum 5·10 at Indapur.	Cholera subsiding, 122 cases, fatal 4. <i>Bajri</i> 37 and <i>juari</i> 46 lbs. per rupee, in Poona <i>bajri</i> 32 and <i>juari</i> 41 lbs.
Ahmednagar ...	Jamkhed, 7·73; Sheogaon, 7·38; Newasa, 6·95; Karjat, 6·57; Nagar, 6·53; Rahuri, 5·76; Shrigonda, 5·13; Kopergaon, 4·70; Parner, 3·63; Akola, 3·12; Sanganner, 4·11.	The rainfall has benefited the <i>kharif</i> crops. Cholera 110 attacks, 55 deaths. <i>Bajri</i> —maximum 49 lbs. per rupee in Jamkhed, minimum 23 lbs. in Akola; <i>juari</i> —maximum 60 lbs. per rupee in Newasa, minimum 36 lbs. in Akola.
Sholapur ...	80	Total rainfall 23·65. Crops improved. <i>Juari</i> 59 and <i>bajri</i> 50 lbs. per rupee. Cholera 104 cases, 40 deaths.
Dharwar ...	Heavy rain; Navalgund, 4·98; in other eastern talukas between 2·21 at Naragund and 6·66 at Ron; Hubli, 2·12; elsewhere slight.	More rain urgently required for rice in Hangal and Kod talukas and Mugad Petha. Standing crops promising. <i>Rabi</i> sowing in progress in some parts, and fields being prepared for it in others. Public health good. <i>Juari</i> 60 and rice 42 lbs. per rupee.
Kanara ...	Karwar, 8·27; Kumpita, 7·19; Sirsi, 2·57; Mallial, 3·32.	Total rainfall 112·30. Sugarcane, rice plants, pepper, and cardamoms flourishing. Sowing of <i>ragi</i> , <i>coolli</i> , &c., continues above ghat. Partial fever above ghat. Common rice in Karwar 12 seers per rupee, in district average 14½ seers.
Rajkot ...	.....	General health fair. Weather hot. Rain much wanted. Crops withering. Cholera in Chabhadia and Dhoraji. <i>Bajri</i> 28 and <i>juari</i> 33 lbs. per rupee.
<b>Bengal—(Aug. 29th)</b>		
Chittagong ...	1·69	<i>General Remarks.</i> —Good and opportune rain in the Deccan, Konkan and greater part of Southern Mahratta Country, in parts of which and in most districts of Guzerat it is urgently wanted. River very low in Sind, and crops injured by want of rain. Locusts in Nasik, Khandesh, Ahmednagar, Tanna, Colaba, Ratnagiri. Cholera subsiding in the Deccan and prevalent in a mild form in Guzerat and Konkan; fever, small-pox, and cattle-disease in a few districts.
Dacca ...	94	Weather hot with occasional rain. Harvesting of early rice proceeding with fair outturn; transplanting of late rice still in progress. Prices steady. Public health good.
24-Pergunnahs (Calcutta) ...	1·22	<i>Roachia</i> paddy being sown; <i>aus</i> paddy and jute being cut. Prospects good.
Moorshedabad ...	.....	Prospects of both early and late crops satisfactory; transplanting of <i>aman</i> paddy still going on in some parts of district; <i>aus</i> paddy harvest has begun. Price of common rice stationary. Public health good. Rivers rising.
Rajshahye ...	1·08	No report received.
Burdwan ...	95	<i>Aus</i> paddy and jute good. Much rain wanted for <i>aman</i> paddy. Fever prevalent in some villages. Transplanting continues. Prospects favourable. Fever prevalent.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Rungpore ...	3.21	Weather hot and cloudy. Prospects of crops good. Transplanting of rice in low lands nearly finished; harvesting of <i>aus</i> rice and jute going on. Cholera not entirely disappeared from Kaligunge; fever increasing in Sadr sub-division. Public health generally good.
Bhagalpur ...	.33	Prospects of crops generally good. Some damage has been done by floods in north of district.
Purneah ...	1.37	Prospects of crops good. Farming operations normal. Health normal. Rivers in flood.
Patna ...	.81	Prospects of <i>bhadoi</i> crops seem favourable; transplanting of paddy continues. Cholera still reported from the interior.
Durbhunga ...	.10	Inundation has abated. Crops generally doing well, except where damaged by inundation. Health good.
Hazaribagh ...	.10	Weather close. Sky cloudy. Crops seem to suffer for want of rain in several parts of district. Prices rising rapidly. General health good.
Cuttack ...	2.45	Weather hot and cloudy. <i>Beali</i> rice flowering; <i>sarad</i> rice being transplanted. Price of rice stationary. Public health good. Scattered cases of cholera in the interior.
<i>General Remarks.</i> —Rain in varying quantities fell all over the province during the week, but the rain was generally very moderate. In some places more rain is still needed. Transplanting operations are still being carried on in almost all districts. <i>Aus</i> rice and jute are being harvested generally with fair results. The inundation in the Patna division is subsiding, it has caused considerable damage to the crops particularly in Mozufferpore. Some damage has been also done by floods in Bhagalpur, Madnapore, and Howrah. Fever has appeared in some districts and seems to be gradually spreading, but the public health is still generally good.		
<b>N. W. Provinces and Oudh—</b>		
Benares (Aug. 28th)	Benares, .6; Chandausi, .3.	Drought beginning to be felt. Health of men and condition of cattle good. Prices steady.
Allahabad ( „ 29th)	Meja, 1.0 on 24th August; .50 in four tahsils on 21st and 26th August.	Easterly wind with clouds and heat, but little rain. Some good done, especially in Bara, but more rain wanted. Rice crops suffering from drought. Irrigation going on. Cholera rather less. Prices rising slightly; barley risen 2 seers 7 chittacks.
Gorakhpur ( „ 27th)	...	Weather close and sultry. Rain wanted. Early <i>kharif</i> crops beginning to come into market. Prices steady. Prospects still excellent. Slight cattle-disease.
Jhansi ( „ „ )	Fall on the 20th and 21st August.	The rain has been most beneficial to the crops; more rain wanted, especially in pargana Jhansi, where the soil is <i>arakur</i> . Prices falling. Health good. Rain has begun to fall again.
Agra ( „ 28th)	.1 to 3.3 in four parganas on the 22nd August, but not general or nearly sufficient.	<i>Bajri</i> and maize much injured; cotton, indigo, and other rain crops considerably injured. Well irrigation continues. Fever in three and sporadic cholera in five parganas. Prices stationary.
Bareilly ( „ „ )	Rain general throughout district, varying from 1.0 to 2.0.	Prices have slightly fallen. Crops promising well, but rice requires more rain. Cattle-disease diminishing. Fever still prevalent.
Meerut ( „ „ )	Meerut, .8; Mowana, 1.3; Hapur, .5; no rain in rest of district; no rain since 21st August.	Wind easterly. Rain urgently needed. Irrigated crops doing well; unirrigated suffering greatly from want of rain. Slight cholera in tahsil Ghaziabad, otherwise health good. Prices fell after the fall of rain, but are again rising.
Kumaun ( „ „ )	Rain partial and insufficient.	Crops suffering. General health good. No change in prices. Cattle-disease continues.
Lucknow ( „ „ )	Lucknow, 1.6; Malahabad, 1.0; no rain at Mohanlalgaon.	Weather dry. <i>Mash</i> and <i>moh</i> are being sown. Rain sadly wanted for the drying rice and <i>kodo</i> crops. Condition of people good and of cattle normal. Prices steady.
Partabgarh ( „ „ )	Sadr, .4; Kunda, .5; Patti, 1.0.	More rain is urgently required. Rice, <i>kakun</i> , and other crops being irrigated from tanks. General health good. Prices stationary.
Sitapur ( „ „ )	Sidhouli, .8; Misrik, 1.4 on the 21st August; Biswan, 2.1 on 24th August.	Prices slightly better than last week.
Fyzabad ( „ „ )	Sadr, 4.4; Akbarpur, 4.3; Bikapur, 1.9; Tanda, 1.2.	Prospects good. More rain required at Tanda tahsil. Health good. Cattle-disease in parts of three tahsils.
Rae Bareli (Aug. 27th)	Sadr, .4	Wind changed to east; clouds gather and disperse. Crops suffering from drought. Rain much wanted. General health good. Prices rising.
Cawnpore ( „ 28th)	.....	Weather cloudy and wind easterly. Rain much wanted. Crops commencing to suffer from drought. Health fair, but there is some cholera in Sheorajpur, Akbarpur, and the Sadr tahsil; and fever is still prevalent. Cattle-disease in two parganas, but not virulent. Prices slightly risen.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh</b> <i>contd.</i> Farakhabad (Aug. 28th)	Good rain in the early part of the week.	Bright sunshine after rain; sky now again overcast. Condition of the crops greatly improved. Condition of the people and cattle generally good. <i>General Remarks.</i> —A little rain has fallen in all districts, but more is much wanted, and the effects of the drought are beginning to be felt even in Benares. There was heavy rain in Fyzabad, and the weather prospects there and in Gorakhpur are good, but in most other districts the crops have suffered. Irrigation is being extensively resorted to where possible. Prices have changed little, their tendency during the week was generally to fall. Cholera continues to decrease.
<b>Punjab</b> (Aug. 28th)		
Delhi	.....	Crops withering for want of rain. Anxiety felt regarding fodder supplies. Health good. Prices falling, but still high.
Hissar	.....	Rain urgently wanted. Crops withering. Health good. Prices fluctuating.
Umballa	No rain	Crops have suffered from continued drought. Health fair. Prices stationary.
Jullundur	20	Health good. Crops suffering. Dearth of fodder causing alarm. Prices rising.
Amritsar	.....	Health good. Crops withering. Prices falling, but still high.
Sialkot	Daska, 1.50; Pasem, 1.0; Zattarwal, .30.	More rain is urgently wanted all over the district. Health good. Prices stationary.
Ferozepore	.....	Rain urgently wanted. Health good. Crop prospects bad. Prices falling, but still high.
Lahore	.....	Rain wanted. Health good. Crops suffering. Prospects bad. Prices high.
Rawalpindi	65	Fever in Kabuta and Pindi Gheb tahsils, health elsewhere good. <i>Kharif</i> prospects in Rawalpindi and Fattchguj tahsils average, elsewhere good. Prices rising.
Mooltan	.....	Health good. Crops want rain. Prices stationary.
Dera Ismail Khan	.....	Rain much wanted. Health good. Crop prospects fair. Prices slightly falling.
Peshawar	.....	Rain much wanted. Fever continues and is spreading. Prices falling. <i>General Remarks.</i> Slight rain in a few districts, but more is much needed throughout the province, especially in the south-east where the crops of unirrigated lands are rapidly failing, and anxiety is being felt regarding the supply of grass and fodder. The fall in prices of food-grains in some of the districts is due to the demand for export to Bombay having ceased.
<b>Central Provinces—</b> (Aug. 29th)		
Nagpur	5.60	Rain has been most beneficial to <i>kharif</i> crops. Cholera 426 deaths. Prices of rice and pulse rising, of wheat falling.
Jubbulpore	1.97	Weather cloudy and hot. More rain wanted to improve the crops. Prices stationary. Health good.
Saugor (Aug. 28th)	1.41	Rain still deficient, especially in Banda where crops are backward and drooping. Prices steady. Health good.
Seoni	3.21	Weather cloudy and oppressive. Crops reviving, but more rain wanted. Five deaths from cholera. Wheat 21½ and rice 13½ seers per rupee.
Hoshangabad	7.44	Weather cloudy and rainy. Prospects improving. Recent rain has greatly benefited the crops. Health good. Wheat 15 and rice 9 seers per rupee.
Khandwa	5.92	Weather cloudy and rainy. Prospects good. Fourteen deaths from cholera. Prices rising.
Raipur	4.11	Prospects much improved; two-thirds of the <i>kharif</i> crops will be saved if rain continues. Cholera declining at Rajnandgaon. Prices falling.
Sambalpur (Aug. 25th)	62	Rain much wanted in west and north and also for transplanting rice which is suffering on high lands. Land for <i>rabi</i> sowings not breaking up well. Health good. Common rice 40½ seers per rupee. <i>General Remarks.</i> —Good rain has fallen except in the Saugor, Damoh, and Jubbulpore districts where more is wanted, elsewhere the <i>kharif</i> crops have greatly benefited and with the exception of rice, offer hopes of an average harvest. The rice crop has suffered in the eastern and southern districts, and transplanting has been greatly delayed, but there has been heavy rain since in these districts, and if the weather continues favourable the rice crop should not fall short of a twelve-anna one.
<b>British Burma—</b> (Aug. 29th)		
Akyab	5.01	Total rainfall up to date 141.75. Four deaths from cholera in the jail. 9 in Rathaidoung township. Health of plough cattle good, except in two townships, where 92 cattle died. Ploughing completed; sowing nearly over; general appearance of young plants healthy.
Rangoon	1.85	Total rainfall up to date 57.21. One fatal case of cholera, otherwise public health good. Price of paddy from Rs. 88 to Rs. 91 per 100 baskets.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—contd.</b>		
Bassein ...	4.59	Total rainfall up to date 65.38. Five deaths from cholera in town and 5 in Thigwin township, otherwise public health good. Fifty-six deaths of cattle in four townships. Ploughing and planting out progressing; about four-fifths ploughed.
Amherst (Moulmein) ...	7.80	Total rainfall up to date 120.65. Public health and health of cattle in Moulmein town and district good. Transplanting progressing; about 95 per cent. transplanted. Crops healthy in Moulmein town. High water prevents much progress of ploughing, sowing, and transplanting. Nurseries good. Supply of seedlings for transplanting good.
Toungoo ...	1.97	Total rainfall up to date 60.28. Public health and health of plough cattle good. Ploughing continues; sowing and transplanting progressing. Average price of paddy Rs. 65 per 100 baskets.
Kyoukphyoo ...	For week ending 18th August, 11.68; for week ending 25th August, 2.92.	Total rainfall up to date 124.33. Public health good, except 2 deaths from cholera in the jail, and an outbreak of cholera in Kyoukphyoo township. Health of cattle good. Sowing almost completed.
Sadoway ...	4.01	Total rainfall up to date 154.09. Public health good. Ploughing completed; half culturable area sown and transplanted.
Hanthawaddy ...	.....	Public health and health of cattle good. Ploughing progressing. Ploughing wages from 60 to 100 baskets of paddy per man. Price of paddy from Rs. 90 to Rs. 100 per 100 baskets.
Pegu ...	3.71	Total rainfall up to date 86.18. Public health good. Slight cattle-disease in Hlegu, no deaths. Transplanting continues. Second flood in river, but not so high as first. Season up to date favourable. Price of paddy from Rs. 90 to 95 per 100 baskets.
Tharrawaddy ...	4.40	Total rainfall up to date 72.99. Public health good. Thirty-eight deaths of cattle in three townships. Health of plough cattle good in all other townships, except in the Gyobingouk and Minhla townships, where slight disease prevails. Ploughing, sowing, and transplanting progressing. Want of rain complained of in Tapun. Price of paddy from Rs. 95 to Rs. 105 per 100 baskets.
Prome ...	.50	Total rainfall up to date 30.54. Thirty-five deaths from small-pox in Mahatlawan and Pongde, otherwise public health good. Health of cattle good. 1,25,500 acres ploughed; 1,12,500 acres planted. Rainfall has been scanty in several places and seedlings have died for want of sufficient rain and will have to be replanted. Price of paddy Rs. 84 per 100 baskets.
Thonegwa ...	7.56	Total rainfall up to date 59.34. Five deaths from cholera in one township, otherwise public health good. One death of cattle in Donabya township; health of plough cattle in all other parts of the district good. Ploughing completed in Pyapone township; progressing in all the other townships. Transplanting progressing. Supply of seedlings and general appearance of young plants good, except in Shwayloun township, where a little damage has been caused by rats. Transplanting wages Re. 1 on one basket of paddy per day. General prospects good. Price of paddy from Rs. 80 to Rs. 85 per 100 baskets.
Henzada ...	6.14	Total rainfall up to date 58.96. One death from small-pox in Henzada township, otherwise public health good. Health of cattle good. About 95 per cent. ploughed, about 85 per cent. transplanted. Seedlings and plants in good condition in all townships, except Kyangin, where the former owing to want of early rain are very scarce.
Thayetmyo ...	1.35	Total rainfall up to date 23.96. Public health good. Thirty-six deaths of cattle in Thamboola and 15 in Allannmyo. Ploughing nearly finished; transplanting about three-fourths done. Crops in some places promising, but more rain wanted.
Shwaygyin ...	4.89	Total rainfall up to date 101.25. Public health and health of cattle good. Ploughing almost completed; sowing and transplanting about two-thirds finished. Ploughing wages per acre per buffalo 9 baskets, per bullock 5 baskets, per man 6½. Sowing and transplanting wages 1½ baskets if specially hired; one basket a day or 60 baskets for the whole sowing. Supply of seedlings adequate. Price of paddy Rs. 70 per 100 baskets.
Tavoy ...	19.15	Total rainfall up to date 151.96. Public health of cattle good. General appearance of the plants good. Total area damaged not known as the cultivators are busy replanting.
Mergui	2.80 for week ending 11th August and 6.21 for week ending 18th August.	Total rainfall up to date 94.95. Public health and health of cattle good. Ploughing and sowing progressing. Price of paddy Rs. 75 per 100 baskets.
<b>General Remarks.</b> —Rainfall all over the province insufficient compared with last year. Complaints of insufficient rain in the tract where the Henzada, Tharrawaddy, and Prome districts meet in the north part of the Irrawaddy delta. Public health good, with the exception of slight cholera in Arakan, and small-pox in parts of Prome. Health of cattle keeps good. Ploughing and sowing almost finished; transplanting is well forward. Price of paddy keeps up.		
<b>Assam—(Aug. 29th)</b>		
Gauhati ...	3.70	Weather seasonable. More rain urgently wanted. Transplanting of <i>sali</i> crop retarded for want of rain. Public health fair. Cattle-disease still prevalent in the interior.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Assam—contd.</b>		
Sylhet ...	3.50	State and prospects of crops favourable. Small-pox reported from Karimganj and Sunaganj.
Cachar ...	9.51; heavy rains at night.	Rivers Barak, Sonai, and Katakhal are full to brink. Low-lying lands and several paddy fields are flooded over. Damage done to the standing crops in several villages of Katigora and Hailakandi. Apprehension of further damage all over the district. Reaping of <i>dumahi</i> and <i>murali</i> progressing.
Dibrugarh ...	2.86	Weather seasonable. Transplanting <i>sali dhan</i> in progress. Cattle-disease reported. Public health good.
<b>Mysore and Coorg— (Aug. 29th)</b>		
Bangalore ...	26	Crops, season, prospects, and public health good.
Mysore ...	Rainfall general throughout the district.	Crops and prospects favourably reported on.
Mercara ...	14.86	Monsoon continues. Crops doing well. Prices show tendency to fall considerably, consequent on prospects of good crop in Mysore. More labour needed on coffee estates.
<b>Berar &amp; Hyderabad— (Aug. 29th)</b>		
Amraoti ...	4.33	Monsoon continues. Crops doing well. Prices show tendency to fall considerably, consequent on prospects of good crop in Mysore. More labour needed on coffee estates.
Akola ...	3.0	<i>General Remarks</i> —Rainfall from .80 to 2.50 in districts. <i>Ragi</i> , horse gram, and other dry crops have been sown. Public health good and prospects favourable. Prices continue easy.
Hyderabad ...	Average 4.34.	
<b>Central India States— (Aug. 29th)</b>		
Indore ...	1.35	Crops much benefited by recent rain. Wheat 16 seers and <i>juari</i> 26 seers per rupee. <i>Kharif</i> crops in excellent condition.
Morar (Gwalior) ...	1.92	Total rainfall from 1st January 2.84. Rain has benefited standing crops. Rain in one taluka being very heavy, nearly 14.0 in three days, has damaged <i>kharif</i> crops to some extent. Weather cloudy. Prices—wheat 16, coarse rice 10½, white <i>juari</i> 23½, yellow <i>juari</i> 28½, and <i>tur</i> 24 seers per current sicca rupee.
Sutna ...	1.91	Prospects have much improved and the apprehensions which existed regarding scarcity are for the present in this part of Malwa almost at an end. The grass crop is reviving and the <i>kharif</i> promises a moderate yield. Cholera still lingers in Indore city, otherwise health good. Prices are steady.
Rutlam ...	.....	More rain still wanted. Cholera decreasing. Prospects generally improved.
Neemuch ...	1.85	Weather hot. Health good.
Goona ...	.33	No report received.
Bhopal ...	.....	Crops somewhat improving. Health good.
Agar ...	1.88	More rain much wanted. Wheat 21 seers 4 chittacks per rupee.
Sehore ...	3.25	No report received.
Nowgong ...	.88	Crops much improved throughout Western Malwa. Health good.
Manpur ...	2.0	Prospects of crops favourable. Health good.
<b>Rajputana—</b>		
Abu (Aug. 29th)	.....	Crops suffering for want of rain. Health fair. Prices rising.
Sirohi ( „ 26th)	No rain	Tanks and wells fair. Health very good. Crop prospects bad, suffering much from want of rain. A few slight showers felt in districts.
Marwar ( „ 24th)	No rain	Some very slight local showers. Unirrigated crops and grass largely lost. Prices rising. Heat very great. Seven deaths from cholera in Kotah and a few cases in Sangode; elsewhere health good.
Meywar ( „ 26th)	No rain	Sultry days. Prospects improved.
Harowti ( „ 25th)	Deolce, .04; Tonk, .43; Kotah, .31.	Intense heat. Clouds constantly gather, but disperse again. <i>Kharif</i> crops in <i>barance</i> lands lost, elsewhere much stunted. Fodder failing. Cattle-disease and cholera continue.
Jhallawar ( „ 24th)	.58	No report received.
Ajmere ( „ 28th)	No rain	Crops withering day by day. Tanks and wells failing. Prices slightly rising. Wheat 15, barley 20, <i>bajri</i> 18, <i>juari</i> 21, and gram 20 seers per rupee. Cholera increasing in one tahsil, otherwise decreasing.
Jeypero ( „ „ )	Rain on 21st, 21; on 22nd heavy shower.	
Bhurtpore ...	.....	
Ulwur (Aug. 28th)	.....	



## ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF APRIL 1883.

## No. I.—As to age and sex.

	FIJI.				NATAL.				TOTAL.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years ...	7	5	12	41.84 to every 100 men.	17	11	28	41.03 to every 100 men.	24	16	40
From 2 to 10 years ...	29	13	42		47	48	95		76	61	137
" 10 " 20 " ...	114	47	161		97	49	146		211	96	307
" 20 " 30 " ...	213	81	294		176	74	250		389	155	544
" 30 " 40 " ...	2	6	8		39	22	61		41	28	69
" 40 " 50 " ...	...	1	1		18	3	21		18	4	22
Above 50 ...	...	...	...		...	...	...		...	...	...
GRAND TOTAL ...	365	153	518		394	207	601		759	360	1,119

## No. II.—As to places whence emigrants come to Calcutta for embarkation.

	FIJI.				NATAL.				TOTAL.	
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.
Orissa ...	...	...	...	...	...	...	...	...	...	...
Western Bengal ...	...	...	...	...	...	...	...	...	...	...
Central ditto ...	...	...	...	...	...	1	1	...	1	1
Eastern ditto ...	...	...	...	...	...	...	...	...	...	...
Behar ...	10	1	11	...	50	15	65	...	60	16
North-Western Provinces ...	177	74	251	...	87	35	122	...	264	109
Oudh ...	123	59	182	...	33	11	44	...	156	70
Central India ...	6	6	12	...	9	6	15	...	15	12
Punjab ...	40	7	47	...	5	1	6	...	45	8
Nepal ...	7	6	13	...	8	3	11	...	15	9
Mixed, Madras & Bombay, &c. ...	2	...	2	...	202	135	337	...	204	135
GRAND TOTAL ...	365	153	518		394	207	601		759	360

## No. III.—As to caste and religion.

	FIJI.				NATAL.				TOTAL.	
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.
Brahmins, high caste ...	108	44	152	...	53	23	76	...	161	67
Agriculturist ...	111	30	141	...	51	13	64	...	162	43
Artisans ...	18	9	27	...	11	4	15	...	29	13
Low castes ...	81	33	114	...	256	156	412	...	337	189
Musulmans ...	47	37	84	...	23	11	34	...	70	48
Christians ...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	365	153	518		394	207	601		759	360

## Memo.

	Male.	Female.	Total.
1. Hindoos ...	689	312	1,001
2. Musulmans ...	70	48	118
3. Christians ...	...	...	...
TOTAL ...	759	360	1,119

E. C. BUCK,  
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

STEPS FOR GIVING GREATER PUBLICITY TO LEGISLATIVE MEASURES.

Nos. 1104-14, dated the 23rd August, 1883.

From—D. FITZPATRICK, Esq., Secretary to the Government of India, Legislative Department,

To—Local Governments and Administrations.

I AM now directed to acknowledge your letter No. , dated and to communicate the further decision of the Government of India on certain points referred to in my Circular Nos. 1030-40, dated 9th September, 1882, on the subject of giving greater publicity to legislative measures.

2. The matters now remaining to be settled are the following :—

- (a) the publication of Bills, Statements of Objects and Reasons, Reports of Select Committees and Debates of the Legislative Council in a cheap form for sale and gratuitous distribution (paragraph 4 of the Circular) ;
- (b) the question of the steps to be taken for the sale and gratuitous distribution of such papers, both English and Vernacular copies (paragraphs 7 and 8 of the Circular) ;
- (c) the question of improving the translations of Bills and connected documents (paragraph 5 of the Circular) ;
- (d) the question of preparing an Urdu translation in the Legislative Department for general use (paragraph 6 of the Circular).

3. In regard to the first of these points, it has been arranged to print English copies of Bills and the other documents referred to on cheap paper and to sell them at the rate of three pies per sheet (of four pages) or part of a sheet, except in the case of papers running over sixty-four pages, which will be sold at a special price calculated at a rate decreasing as the number of pages increases. The whole set of papers published in a year will also be made available to annual subscribers at the rate of two rupees, exclusive of postage. The papers will be printed by the Superintendent of Government Printing at Calcutta or Simla, as the case may be, and the price of each collection to casual purchasers will be noted on each copy issued.

The copies printed in this style will also be supplied for gratuitous distribution.

4. In regard to the second point, namely, the steps to be taken for the sale and gratuitous distribution of these papers, I am to say that the Governor General in Council, having considered the proposals made by the several Local Governments, is content to leave the matter in their hands. I am accordingly to enquire what number of copies of the English reprints mentioned in paragraph 3 of this letter <sup>the Governor in Council</sup> His Honour the Lieutenant-Governor <sup>you</sup> would wish to be ordinarily supplied for sale and for gratuitous distribution (otherwise than to the Press) in

the Madras Presidency  
the Bombay Presidency  
Bengal  
the North-Western Provinces and Oudh  
the Panjáb  
the Central Provinces  
British Burma  
Ajmer-Merwára  
Coorg  
Assam  
the Haidarâbad Assigned Districts

The distribution to the Press will be made by the

Legislative Department of the Government of India, a copy of each collection of papers being forwarded to the Editor of each of the newspapers mentioned in the list forwarded with your letter No. , dated .

In connection with the supply of these papers to the Press, it is observed that in several of the communications received from local officers and private persons it is proposed that they should be supplied gratuitously to all newspapers without distinction. This, however, is, the Governor General in Council considers, more than could reasonably be expected. Ephemeral papers are constantly being started and dropping off, which can have no claim to consideration, and it will be sufficient to supply copies of legislative papers to those papers only which have succeeded in thoroughly establishing themselves. It will, of course, be understood that the selection of newspapers for this purpose will be in no sense a matter of favour, but will turn entirely on the importance of the paper. These principles should be borne in mind in making any addi-

tions to the list of newspapers in

the Madras Presidency	-----
the Bombay Presidency	-----
Bengal	-----
the North-Western Provinces and Oudh	-----
the Panjab	-----
the Central Provinces	-----
British Burma	-----
Cooch	-----
Assam	-----

which are to be sup-

plied with copies.

5. Cheap reprints of translations of Bills and connected documents prepared under the orders of Local Governments should be published, made available for sale to the public and distributed gratuitously in the same manner as the English reprints above referred to, and I am to request that

the necessary steps may be taken for effecting this in

the Madras Presidency	-----
the Bombay Presidency	-----
Bengal	-----
the North-Western Provinces and Oudh	-----
the Panjab	-----
the Central Provinces	-----
British Burma	-----
Cooch	-----
Assam	-----
the Hyderabad Assigned Districts	-----

6. In connection with the supply of legislative papers to the public, I am directed to observe that it appears from some of the replies to the Circular of the 9th September, 1882, that local officers sometimes neglect to ascertain the opinions of the people around them on Bills which are forwarded to them. It was assumed in paragraph 2 of the previous Circular that District and Sub-divisional Officers were fully aware of the importance attached to this matter; and I am now to request that measures may be taken to prevent its falling out of sight.

7. I am also to state for <sup>the information of the Governor in Council</sup> ~~the information of His Honour the Lieutenant-Governor~~ <sup>your information</sup> that, in order to give wide notice of the time at which Bills circulated for opinion will be taken up again, the date, where one is fixed, will be printed on the Bill itself.

8. In regard to the third point noted above, namely, the question of improving the translations of Bills and connected documents, it would appear from the replies to the Circular that while, as might be expected in the case of a matter of such difficulty, errors are from time to time detected and there is room for improvement, the work is on the whole fairly well done. The chief charge made against the translators is the unnecessary use by them of foreign words. It is probable that this charge is, to a certain extent, well-founded; but, on the other hand, it must be remembered that it is, as observed in several of the opinions received, impossible to translate such papers as Bills into certain Indian languages without borrowing to some extent from Persian, Arabic or Sanskrit,—sometimes the translator will find it best even to use English words and phrases. If such words and phrases are used in moderation and with discrimination, they would probably not be found to present any difficulty to persons sufficiently educated to read Bills, especially as the words and phrases so used must constantly recur and must accordingly soon become familiar, if they have not already become familiar, to persons of that class. The difficulty might, however, be effectually removed by appending an explanatory footnote, as has been suggested in some of the opinions received, whenever an unfamiliar word or phrase is unavoidably used in a

translation ; and I am to request that this plan may be adopted in the translations prepared under <sup>the orders of the Governor in Council</sup> ~~the orders of His Honour the Lieutenant-Governor~~ <sup>your orders</sup>.

It must not, however, be supposed that the Governor General in Council underrates the importance of having all translations expressed in the plainest and simplest language possible ; and I am to request that you will impress upon the

translators in

the necessity of avoiding the use of words

and phrases, whether Persian, Arabic, Sanskrit or English, which are not in common use among the class of people for whose benefit the translations are made.

9. It is suggested in some of the opinions received that the translations of Bills should be free and not literal, but this suggestion does not commend itself to the Governor General in Council. No doubt, Bills of a technical character may not be easily understood by the majority even of educated people, and it is for this reason that it was proposed to make Statements of Objects and Reasons fuller and more explanatory ; but it is indispensable that whatever is published as a translation (as distinguished from an explanation) of a Bill should be a close and literal translation. A person attempting to make a free translation of a Bill would have to contend not only with the difficulties of a translator but also with those of a draftsman, and would run a very great risk of producing something differing from the original Bill in material particulars ; therefore, translations of Bills should be exact, but translations of Statements of Objects and Reasons, Reports of Select Committees and Debates in Council might with advantage be made free.

10. The translations prepared in this Department, to be presently referred to, will be made on the principles set forth in paragraphs 8 and 9 above.

11. As regards the local translating staffs, their organization must be left to the Local Governments ; but the Governor General in Council would observe that the translators should, when possible, be persons possessing a fair knowledge of law.

12. In regard to the fourth point noted in paragraph 2 above, I am to inform you that it has been determined, in accordance with the opinions received in answer to the former Circular, to issue Urdu or Hindustani translations of Bills, Statements of Objects and Reasons, Reports of Select Committees and Debates from this Department for general use, and also transliterated versions of the same in the Nāgrī character. Arrangements will be set on foot for preparing these translations and transliterations, and, meanwhile, I am to enquire how many copies of each would ordinarily be

required for distribution and sale in

the Madras Presidency  
the Bombay Presidency  
Bengal  
The North-Western Provinces and Oudh  
the Panjab  
the Central Provinces  
British Burma  
Coorg  
Assam  
the Hyderabad Assigned Districts

These translations and transliterations are, it is hardly necessary to say, not intended to supersede translations into any other languages which the Local Governments may find it necessary to issue.

13. Translations of Acts into Urdu or Hindustani, and transliterated versions in the Nāgrī character, will also be prepared in this Department, and I am to enquire how many copies of these would be required in

the Madras Presidency  
the Bombay Presidency  
Bengal  
the North-Western Provinces and Oudh  
the Panjab  
the Central Provinces  
British Burma  
Ajmer Merwara  
Coorg  
Assam  
the Hyderabad Assigned Districts

D. FITZPATRICK,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 29th August, 1883.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. O. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

BURMA PILOTS BILL.

The Hon'ble Mr. ILBERT moved that the Report of the Select Committee on the Bill to provide for the grant of licenses to Pilots in British Burma and for investigating certain charges against them be taken into consideration. He said:—

“ My Lord, this Bill was introduced by the Hon'ble Mr. Whitley Stokes in March, 1882, and its main object, as explained by him, was to give the force of law to certain rules which, under existing circumstances, rest exclusively on the authority of executive orders. It provided amongst other things for constituting special Courts of Inquiry for investigating charges against pilots. When I took up the Bill I felt some doubts whether it had been drawn up on the most appropriate lines, and it appeared to me that some of its provisions were open to rather serious objections. For instance, every charge against a pilot, however simple, had to be sent for trial before an elaborately and expensively constituted Court, including in its number assessors drawn from various classes of experts. Now, a Court of this kind is probably necessary for investigating charges which cannot be properly investigated except by persons possessing nautical or other special knowledge; but it would be absurd to summon such a Court to consider whether a pilot was or was not drunk on some particular day. Again, the Bill covered part of the same ground which is occupied by the Merchant Shipping Acts, and Hon'ble Members will remember that our latest Merchant Shipping Act, which is modelled on a corresponding English Statute, provides for the holding of Courts of Inquiry to investigate shipping casualties, and enables those Courts to try charges preferred against masters, mates and engineers in connection with those casualties. The result would be that there might be sitting at the same time, at the same place, and in connection with the same casualty two separate and independent Courts—one constituted under the Merchant Shipping Act and investigating a charge against the master of a ship, and the other constituted under the Pilots Act and investigating a charge against the pilot. Furthermore, I could not help thinking that there was a good deal of force in the objection taken by two of the Burma pilots, namely, that the power given to the Chief Commissioner to dismiss, suspend and degrade was somewhat arbitrary. I agree with them in thinking that this power should not be exercised without some preliminary judicial investigation.

Lastly it seemed to me worth while enquiring whether any special Act was necessary for British Burma at all, and whether the objects of the Bill might not appropriately be met by an amendment of the Merchant Shipping Act and the Indian Ports Act. We referred this point to the maritime Local Governments, but were satisfied with the replies we received that whilst special legislation is necessary for British Burma, yet the difficulty which this Bill was intended to meet is either not likely to arise in other parts of British India, or could be more suitably dealt with under the provisions of the existing law.

"This being so, we determined to proceed with the Bill, but to amend it in such a way as to remove the objections to which I have referred. The Bill in its present form provides for the grant of licenses to pilots, and enables the Chief Commissioner to make rules regulating the conduct of licensed pilots. Breach of these rules is punishable by fine or imprisonment. If a pilot is charged with an offence of a simple nature, such as drunkenness or refusing to take charge of a ship, he goes before the ordinary Courts, and is dealt with in the ordinary way. If, on the other hand, the Local Government thinks there are grounds for charging him with incompetency or misconduct in the discharge of his duties as pilot, or with a breach of rules made under the Act, and that the charge is of such a nature that it cannot be satisfactorily investigated by an ordinary Court, provision is made for summoning a special Court with duly qualified assessors. This Court will submit their report to the Chief Commissioner, but will have no power to punish. With the Chief Commissioner will rest the power to dismiss, suspend or degrade a pilot in the following cases:—

(a) if the pilot is found guilty by a Criminal Court of any offence punishable under the rules, or of any other offence the commission of which, in the opinion of the Chief Commissioner, shows him to be unfit to discharge the duties of a pilot; or

(b) if, on considering a report submitted by a special Court under the Act, or transmitted under section 17 of the Merchant Shipping Act, 1883, the Chief Commissioner is of opinion that the pilot is incompetent or has been guilty of any misconduct in the discharge of his duty as pilot or of any breach of a rule under section 5.

"It will be observed that it is proposed to empower the Chief Commissioner to act on the report of an investigation into a casualty under the Merchant Shipping Act, and I presume that, in cases in which the pilot has been allowed a full opportunity of defending himself in the course of such an investigation, the Chief Commissioner would act on that report and dispense with any special enquiry under the Pilots Act. But the Committee have suggested, and I should like to emphasise the suggestion, that, for the purpose of facilitating this proceeding and preventing the necessity for summoning two Courts, it is very desirable to amend the Merchant Shipping Act in such a way as to enable a Court of Inquiry held under that Act to formulate and try a charge against a pilot in somewhat the same manner as it can formulate and try a charge against a master, mate or engineer."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### UNIVERSITIES DEGREES BILL.

The Hon'ble MR. ILBERT moved that the Bill to authorize the Universities of Calcutta, Madras and Bombay to grant certain honorary degrees be referred to a Select Committee consisting of the Hon'ble Messrs. Gibbs and Reynolds and the Mover. He said:—

"This Bill was introduced by the Hon'ble Mr. Gibbs last February, and the only order passed upon it was that it should be published in the official Gazette. On looking into the papers, however, it seemed desirable to make one or two minor amendments which could be more conveniently dealt with by a Select Committee. But no action will be taken upon the Bill until Mr. Gibbs returns."

The Motion was put and agreed to.

### MÚLTÁN LAWS BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to declare the law in force in certain lands which have been, or hereafter may be, ceded by the Baháwalpúr State for occupation by the Indus Valley State Railway. He said that, under an existing Act (Act X of 1880), the law in force in the Múltán District was declared to be in force in certain lands which had been before the passing of that Act ceded for the purpose of the Indus Valley State Railway and annexed to the Múltán District. Since the passing of the Act of 1880 certain other lands had been ceded for the same purpose and annexed to Múltán, and it was obvious that the Act could not apply to them. Under these circumstances, it was thought convenient to repeal the Act and re-enact it in a more general form, so as to declare the law which was to be in force in all lands either already ceded, or hereafter to be ceded, for the purposes of this Railway, and which had been or might be annexed to Múltán or any other district of the Panjáb.

The Motion was put and agreed to.

### BENGAL TENANCY BILL.

The Hon'ble SIR STEUART BAYLEY moved that the Hon'ble Mr. Hunter be added to the Select Committee on the Bill to amend and consolidate certain enactments relating to the law of Landlord and Tenant within the territories under the administration of the Lieutenant-Governor of Bengal.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 5th September, 1883.

D. FITZPATRICK,

SIMLA;  
The 31st August, 1883. }

*Secretary to the Government of India,  
Legislative Department.*

### GOVERNMENT OF INDIA.

### HOME DEPARTMENT.

#### SANITARY MEASURES TO BE APPLIED TO SHIPS PROCEEDING FROM INDIA, INDO CHINA, CEYLON, MALTA, AND CYPRUS ON THEIR ARRIVAL IN THE FRENCH PORTS OF THE MEDITERRANEAN, THE OCEAN, AND THE CHANNEL.

The following is published for general information :—

Dated Calcutta, the 15th July 1883.

From—MONSIEUR G. LEMAIRE, Consul-General for France at Calcutta,

To—The Secretary to the Government of India, Foreign Department.

The Minister for Foreign Affairs has informed me by telegraph that the following sanitary measures will, until the issue of new orders, be applied to ships coming from India, Indo-China, Ceylon, Malta, and Cyprus on their arrival in the French ports of the Mediterranean, the ocean, and the channel :—

*1st.*—In the French Mediterranean ports suspected vessels, *i.e.*, vessels coming from India, Indo-China, Ceylon, Malta, and Cyprus will be submitted to a quarantine of seven days, as far as crew and passengers are concerned. Disinfection and sanitary unloading of the ships are obligatory.

In case of established infection the quarantine will last ten days, and the disinfection will be carried out with the greatest severity.

*2nd.*—In the French ports on the ocean and in the channel the quarantine of observation will be applied to all vessels coming from India, Egypt, Malta, and Cyprus.

Any infected vessel will be submitted to a quarantine of seven days. Disinfection of the ships is in any case obligatory.

A. MACKENZIE,

*Secretary to the Government of India.*







# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 1, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

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E. J. DEAN,  
*Publisher, Gazette of India.*

### CALCUTTA UNIVERSITY.

#### NOTICE.

The Senate will proceed in the month of March 1884 to the election of a Tagore Professor for the term of one year to commence on the 1st of September 1884.

The salary of the Professorship is Rs 10,000 per annum, and the Professor will be expected to deliver a course of not less than twelve lectures upon one of the following subjects:—

- (1) The Law of Testamentary Devise, as administered in British India.
- (2) The Law relating to Damages.
- (3) The Law relating to Joint Hindu Families.
- (4) The Law relating to riparian rights including the Law of Alluvium, Diluvium and the Law of property in navigable and non-navigable rivers.

Candidates for the Professorship are requested to forward their applications to the Registrar on or before the 1st of January 1884, and at the same time to state on which of the abovementioned four subjects they are prepared to lecture.

G. BELLETT,  
*Registrar.*

SENATE HOUSE,  
*The 23rd August 1883.*

### SURVEY OF INDIA.

#### NOTIFICATION.

*Simla, the 24th August 1883.*

No. 374.—Major D. C. Andrew, Deputy Superintendent, Survey of India, is granted privilege leave for three months, under Sections 70 to 73, Chapter V, of the Civil Leave Code, with effect from the forenoon of the 21st August 1883.

G. C. DEPRÉE, Colonel,  
*Offg. Surveyor General of India.*

No. 1343.—Account of Revenue and Expenditure of the Government of India for the first eleven

N. B.—Amounts are converted into

	REVENUE.	Estimates, 1882-83.	April 1881 to February 1882.	April 1882 to February 1883.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue* . . . . .	22,172,000	18,425,488	18,194,069	...	231,419
II	Opium . . . . .	9,500,000	9,146,400	8,695,000	...	451,400
III	Salt . . . . .	6,049,000	6,670,890	5,552,532	...	1,118,358
IV	Stamps . . . . .	3,312,000	3,055,331	3,068,061	12,730	...
V	Excise . . . . .	3,331,000	3,049,631	3,205,362	155,731	...
VI	Provincial Rates . . . . .	2,649,000	2,579,309	2,350,698	...	228,611
VII	Customs . . . . .	1,181,000	2,105,509	1,083,679	...	1,021,830
VIII	Assessed Taxes . . . . .	538,000	525,551	504,134	...	21,417
IX	Forest . . . . .	806,900	567,292	724,600	157,308	...
X	Registration . . . . .	284,000	256,679	259,857	3,178	...
XI	Tributes from Native States . . . . .	701,000	526,821	518,297	...	8,524
XII	Post Office . . . . .	967,000	872,820	889,386	16,566	...
XIII	Telegraph . . . . .	493,700	374,437	404,409	29,972	...
XIV	Mint . . . . .	145,000	35,061	125,602	90,541	...
XV	Law and Justice . . . . .	659,000	558,575	569,413	10,838	...
XVI	Police . . . . .	248,000	211,629	198,143	...	13,486
XVII	Marine . . . . .	183,000	180,640	176,505	...	4,135
XVIII	Education . . . . .	177,000	167,337	177,040	9,703	...
XIX	Medical . . . . .	39,000	31,437	36,899	5,462	...
XX	Scientific and other Minor Depart- ments.	65,500	59,494	62,763	3,269	...
XXI	Interest . . . . .	647,000	807,561	640,347	...	167,214
XXII	Receipts in aid of Superannuations, &c.	206,800	140,339	140,603	264	...
XXIII	Stationery and Printing . . . . .	59,000	44,284	46,288	2,004	...
XXIV	Miscellaneous . . . . .	262,000	287,218	222,329	...	64,889
	<i>Productive Public Works.</i>	54,705,900	50,679,733	47,846,016	...	2,833,717
XXV	State Railways (Gross Earnings) . . . . .	2,775,800	2,174,038	2,443,903	269,865	...
XXVI	Guaranteed and Subsidized Railways (Net Traffic Receipts).	3,473,000	3,634,003	3,826,300	192,297	...
XXVII	East Indian Railway (Net Traffic Receipts).	2,660,000	2,988,627	2,487,872	...	500,755
XXVIII	Irrigation and Navigation (direct Re- ceipts).	843,800	674,121	835,900	161,779	...
XXIX	Madras Irrigation and Canal Com- pany (Net Traffic Receipts).	—15,000				
	<i>Unproductive Public Works.</i>					
XXXI	State Railways . . . . .	...	...	...	...	...
XXXII	Subsidized Railways . . . . .	...	...	...	...	...
XXXIII	Irrigation and Navigation . . . . .	133,000	27,453	121,084	93,631	...
XXXIV	Military Works . . . . .	469,000	453,197	419,400	...	33,797
XXXV	Civil Buildings, Roads and Services } . . . . .					
XXXVI	Army . . . . .	813,500	929,264	811,857	...	117,407
XXXVII	Military Operations in Afghanistan . . . . .	...	325,491	1,380	...	324,111
	Do. do. in Egypt . . . . .	...	...	32,901	32,901	...
		65,859,000	61,885,927	58,826,613	...	3,059,314
	England, including Army, Public Works, &c.	219,000	2,643,462	†287,460	...	2,356,002
	GRAND TOTAL . . . . .	66,078,000	64,529,389	59,114,073	...	5,415,316

\* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

† Includes Instalment for 1881-82 and adjustment of future instalments on account of Military Operations in Afghanistan received from Her Majesty's Treasury, £2,306,000.

COMPT. GENL.'S OFFICE,

Calcutta, the 31st August 1883.

months of the year 1882-83, as compared with the corresponding period of 1881-82.  
sterling at R10 to the pound sterling.

	EXPENDITURE.	Estimates, 1882-83.	April 1881 to February 1882.	April 1882 to February 1883.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt† . . . . .	3,609,300	3,276,646	3,470,623	193,977	...
2	Do. on Deposits . . . . .	457,200	399,756	323,112	...	76,644
3	Refunds and Drawbacks . . . . .	511,000	357,204	274,776	...	82,428
4	Assignments and Compensations . . . . .	1,233,100	601,510	620,321	...	18,811
5	Land Revenue . . . . .	3,167,000	2,603,087	2,676,561	73,474	...
6	Opium (including cost of production) . . . . .	2,249,900	1,972,524	2,247,511	274,987	...
7	Salt ( do. do. ) . . . . .	639,000	408,609	403,890	...	4,719
8	Stamps . . . . .	80,000	70,658	71,228	570	...
9	Excise . . . . .	99,000	87,629	87,086	...	543
10	Provincial Rates . . . . .	49,000	45,394	50,597	5,203	...
11	Customs . . . . .	163,000	177,777	143,467	...	34,310
12	Assessed Taxes . . . . .	15,000	12,246	11,719	...	527
13	Forests . . . . .	575,800	400,863	453,100	62,237	...
14	Registration . . . . .	186,000	160,837	166,762	5,925	...
15	Post Office . . . . .	1,069,400	945,494	989,219	43,725	...
16	Telegraph . . . . .	514,900	381,219	425,986	44,767	...
17	Mint . . . . .	104,400	65,772	77,274	11,502	...
18	General Administration . . . . .	1,286,300	1,117,532	1,171,277	53,745	...
19	Law and Justice . . . . .	3,345,700	2,872,055	2,953,084	81,029	...
20	Police . . . . .	2,635,000	2,250,139	2,326,127	75,988	...
21	Marine (including river Navigation) . . . . .	376,300	347,473	327,973	...	19,500
22	Education . . . . .	1,148,600	947,579	1,006,139	58,560	...
23	Ecclesiastical . . . . .	162,000	147,527	147,280	...	247
24	Medical . . . . .	695,500	595,673	611,752	16,079	...
25	Political . . . . .	492,700	538,117	431,361	...	106,756
26	Scientific and other Minor Departments . . . . .	420,800	479,077	391,797	...	87,280
27	Territorial and Political Pensions . . . . .	640,800	603,073	603,939	866	...
28	Civil Furlough and Absentee Allowances . . . . .	4,000	4,033	896	...	3,137
29	Superannuation Allowances and Pensions . . . . .	741,000	654,583	725,814	71,231	...
30	Stationery and Printing . . . . .	309,000	402,078	302,122	...	99,956
31	Miscellaneous . . . . .	253,000	228,855	246,995	18,140	...
32	Famine Relief . . . . .	...	1,920	94,279	92,359	...
33	Protective Works—Railways . . . . .	422,500	229,922	264,906	34,984	...
34	Do. do. Irrigation . . . . .	327,500	91,408	204,163	112,755	...
35	Reduction of Debt . . . . .	750,000	...	...	...	...
51	Exchange on transactions with London . . . . .	2,775,000	3,083,413	2,887,716	...	195,697
<i>Productive Public Works.</i>		31,508,700	26,561,682	27,190,852	629,170	...
36	State Railways (Working and Maintenance) . . . . .	1,741,050	1,577,651	1,512,709	...	64,942
37	Guaranteed and Subsidized Railways (Interest and Profits). . . . .	547,000	418,289	562,500	144,211	...
38	East Indian Railway (Interest and Profits). . . . .	214,700	198,164	247,154	48,990	...
39	Irrigation and Navigation (Working and Maintenance). . . . .	503,000	519,492	428,009	...	91,483
40	Madras Irrigation & Canal Co. (Interest, &c.) . . . . .	—200				
<i>Unproductive Public Works.</i>		592,000	314,054	338,882	24,828	...
42	State Railways (Capital Account) . . . . .	...	...	...	...	...
43	Do. (Working and Maintenance) . . . . .	35,500	...	20,572	20,572	...
44	Subsidized Railways . . . . .	...	...	32,950	32,950	...
45	Southern Mahratta Railway . . . . .	120,000	—248,586	188,572	437,158	...
46	Frontier Railways . . . . .	973,800	369,781	654,000	284,219	...
47	Irrigation and Navigation . . . . .	5,280,300	3,391,782	4,125,400	733,618	...
48	Military Works . . . . .	12,103,000	11,792,874	10,959,562	...	833,312
49	Civil Buildings, Roads and Services . . . . .	...	2,080,697	16,211	...	2,064,486
50	Army . . . . .	...	...	1,226,886	1,226,886	...
	Do. do. in Egypt . . . . .	...	...	...	...	...
England, including Army, P.W. Guaranteed Interest, &c. . . . .		53,616,800	46,975,880	47,504,259	528,379	...
		14,166,200	13,368,976	13,092,871	...	276,105
		67,783,000	60,344,856	60,597,130	252,274	...
<i>Productive Public Works—Capital Expenditure.</i>						
In India—						
52	State Railways . . . . .	1,318,000	1,027,851	910,055	...	117,796
53	East Indian Railway . . . . .	485,000	423,036	108,594	...	314,442
54	Irrigation and Navigation . . . . .	897,000	445,071	425,329	...	19,742
55	Miscellaneous Public Improvements . . . . .	...	59,924	...	...	59,924
In England—						
	State Railways . . . . .	550,000	325,562	317,341	...	8,221
	Madras Irrigation and Canal Co.'s Undertaking. . . . .	...	...	1,755,310	1,755,310	...
	East Indian Railway . . . . .	...	580,300	439,396	...	140,904
		3,250,000	2,861,744	3,956,025	1,094,281	...
GRAND TOTAL . . . . .		71,033,000	63,206,600	64,553,155	1,346,555	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

N. B.—The Receipts and Charges on account of Irrigation and Navigation, Provincial, have been treated as entirely Productive in absence of details.

C. E. CRAWLEY,  
Offg. Deputy Comptroller General.

J. WESTLAND,  
Comptroller General.

**AGENT, GOVERNOR GENERAL, FOR  
CENTRAL INDIA.**

**NOTIFICATIONS.**

*Indore Residency, the 27th August 1883.*

**No. 2218.**—Lieutenant-Colonel A. L. Playfair, Cantonment Magistrate, Morar, is granted thirty days' privilege leave from the 10th September 1883, or such subsequent date as he may avail himself of it.

**No. 2219.**—Lieutenant W. A. Watson, Officiating Squadron Officer, and Officiating Adjutant, 2nd Regiment, Central India Horse, is granted ninety days' privilege from 2nd September 1883, or such subsequent date as he may avail himself of it.

By Order,

A. M. MUIR,

*2nd Asst. Agent, Govr. Genl.,  
for Central India.*

**AGENT, GOVERNOR GENERAL, FOR  
CENTRAL INDIA, P. W. D.,  
Railway Branch.**

**NOTIFICATIONS.—ESTABLISHMENT.**

*Indore, the 23rd August 1883.*

**No. 3.**—Mr. F. D. Fowler, Assistant Engineer, 2nd Grade, has been appointed to officiate as Executive Engineer, Nerbudda Division, under Section 23 (a), of the Pay and Acting Allowance Code, with effect from the forenoon of the 11th instant, on which date he assumed charge of the Division.

*The 24th August 1883.*

**No. 8.**—Mr. T. Knight, Executive Engineer, 2nd Grade, received charge of Neemuch Division, from Mr. C. E. Gael, Executive Engineer, 2nd Grade, on the afternoon of 15th instant.

**No. 9.**—Mr. C. E. Gael, Executive Engineer, 2nd Grade, made over charge of the Neemuch Division, on the afternoon of the 15th instant, in order to join the Madras Railway Survey to which he has been deputed under orders of the Government of India.

By Order,

H. F. WHITE, M.I., C.E.,

*Offg. Secy. to Agent, Govr. Genl.,  
for Central India, P. W. D.*

**AGENT, GOVERNOR GENERAL, FOR  
RAJPUTANA.**

**NOTIFICATIONS.**

*Mount Abu, the 22nd August 1883.*

**No. 2989 G.**—Surgeon J. Scully, Medical Officer in charge, Erinpura Irregular Force, is granted provisional leave from the 20th August 1883, or such subsequent date as he may avail himself of the same, to enable him to proceed to Bombay to appear before a Medical Board.

*The 23rd August 1883.*

**No. 3033 G.**—Lieutenant J. A. Bell, Officiating Adjutant, Deoli Irregular Force, availed him-

self, on the 17th August 1883, of the privilege leave granted him in this Office Notification No. 2620 G., dated 31st July 1883.

*The 24th August 1883.*

**No. 3048 G.**—With reference to this Office Notification No. 1472 G., dated 12th May 1883, Lieutenant-Colonel C. B. Euan-Smith, C.S.I., and Captain A. C. Talbot, respectively, delivered over and received charge of the Bhurtpore and Kerowlee Agency, on the forenoon of the 10th August 1883.

By Order,

E. A. FRASER,

*1st Asst. Agent to the Govr. Genl.*

**CHIEF COMMISSIONER OF AJMER-  
MERWARA.**

**NOTIFICATIONS.**

*Mount Abu, the 22nd August 1883.*

**No. 692.**—Captain J. H. Newill, Cantonment Magistrate, Nussערabad, is granted three months' privilege leave, with effect from the afternoon of the 16th August 1883.

**No. 694.**—Major H. S. Tandy is appointed, under Section 4 of Act III of 1880, to be Assistant Cantonment Magistrate of Nussערabad during the absence of Captain Newill on privilege leave, with effect from the afternoon of the 16th August 1883.

Under Sections 12 and 17 of Act X of 1882, Major Tandy is invested with the powers of a Magistrate of the 3rd Class, and will be subordinate to the Magistrate of the Ajmer District.

Major Tandy is also invested with powers to try cases connected with breaches of Cantonment Rules.

*The 24th August 1883.*

**No. 699.**—Munshi Jagat Narain, Reader of the Court of Assistant Commissioner, Ajmer, is appointed to officiate as Tehsildar of Beawar, with effect from date of assuming charge, *vice* Quazee Imamuddin, on deputation.

Munshi Jagat Narain is invested with the powers of a Magistrate of the 2nd Class, as defined in Section 32, Clause B, of the Criminal Procedure Code (Act X of 1882.)

By Order,

E. A. FRASER,

*1st Asst. to the Chief Commr.*

**CHIEF COMMISSIONER OF COORG.**

**NOTIFICATIONS.**

*Bangalore, the 20th August 1883.*

**No. 836-269.**—Mr. F. B. Dickinson, Deputy Conservator of Forests in Coorg, availed himself of the three months' privilege leave granted to him in Notification No. 657-218, dated 21st July 1883, on the forenoon of the 6th August 1883.

*The 21st August 1883.*

**No. 841-270.**—Nadikerianda Monappa, Subedar, Yedenalknad Taluk, is granted one month's privilege leave, with effect from such date as he may avail himself of it.

Kutati Chengapa, Parpattigar and 3rd Class Magistrate, Mercaranad, is appointed to act as Subedar and 3rd Class Magistrate, Yedenalknad Taluk, during the absence of N. Monappa on leave, or until further orders.

By Order,  
H. WYLIE, Major,  
*Secretary to the Chief Commr. of Coorg.*

### RESIDENT IN MYSORE.

#### NOTIFICATIONS.

*Bangalore, the 22nd August 1883.*

**No. 14.**—Surgeon P. H. Benson, M.B., Residency Surgeon in Mysore, returned to duty on the afternoon of the 9th August 1883, from the privilege leave granted him in Notification No. 2, dated 12th May 1883.

*The 25th August 1883.*

**No. 15.**—Mr. J. H. A. Tremenhoe delivered over, and Colonel H. G. Thomson received, charge of the Civil and Sessions Court, Civil and Military Station of Bangalore, on the forenoon of the 23rd August 1883.

By Order,  
H. WYLIE, Major,  
*Assistant to the Resident.*

### MILITARY WORKS DEPARTMENT.

#### NOTIFICATION.

*Simla, the 21th August 1883.*

**No. 25.**—Captain R. Calrow, R.E., Executive Engineer, 4th Grade, is granted three months' leave, with effect from 1st November 1883, under the provisions of Government of India, Military Department, Notification No. 249 of 1873, made applicable to the Public Works Department under Public Works Department Notification No. 223, dated 26th March 1873.

J. J. McLEOD INNES, Colonel, R.E.,  
*Insp. Genl. of Military Works.*

### DIRECTOR GENERAL OF RAILWAYS.

#### NOTIFICATIONS.—ESTABLISHMENT.

*Simla, the 23rd August 1883.*

**No. 41.**—Mr. S. DeBrath, Assistant Engineer, 1st Grade, sub. *pro tem.*, attached to the Rajputana-Malwa State Railway, has passed the Departmental Standard Examination prescribed in the Public Works Department Code, Chapter II, Section I, paragraph 21.

*The 24th August 1883.*

**No. 42.**—Messrs. P. P. Rogers and W. A. Johns, Assistant Engineers, 2nd Grade, Jhansi-Manikpur State Railway, passed, on the 13th August 1883, the Professional Examination as prescribed in Chapter II, Section i, paragraphs 16, 17, and 18, of the Public Works Department Code.

H. F. HANCOCK, Col., R.E.,  
*Offg. Director General of Railways.*

### TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 15th December 1882, and 8th March 1883, treasure, consisting of the undermentioned copper idols, &c., valued at Rs 100, was found underground in the Siva temple at Kandramanikkam, Nannilam Taluq, Tanjore District:—

#### *Copper Idols, &c.*

- 1 God idol on one seat.
- 1 Goddess idol on one seat.
- 1 Manikkavasagar idol.
- 1 Asti Devar idol.
- 1 Pillayar (Ganesa) idol.
- 1 Chandrasegara Swami idol.
- 1 Ammansegara Swami idol.
- 1 Small Pillayar (Ganesa) idol.
- 1 Seat.
- 1 Lamp with chain.
- 1 Brass Changam.
- 1 Bells (in bunch).
- 1 Chambu.
- 1 Lamp stand.
- 1 Single Amman idol.
- 1 Sabapathi idol.
- 1 Stand for Changam.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Tanjore, at his office, on the 5th January 1884, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

J. PENNINGTON,  
*Collector.*

### TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on the 15th July 1883, treasure consisting of Sicca R7 and two 4-anna pieces and English coin four 8-anna pieces, valued at Rs 11-12, was found by one Mussamut Ajuleca, underground, in the village of Kishundaspoor, Pergunnah Colgong, in the Bhagalpur District, Bengal Presidency.

Any person claiming the treasure, or any part thereof, is required to appear personally or by agent before the Collector of the Bhagalpur District, at his Office, on the 16th February 1884, for the matter being enquired into and determined in accordance with the provisions of the said Act.

W. H. D'OYLY,  
*Collector.*

BHAGALPUR COLLECTOR'S OFFICE,  
*The 28th August 1883.*

## Statement of the Affairs of the Bank of Bengal for the week ending 28th August 1883.

LIABILITIES.			ASSETS.		
	R	a. p.		R	a. p.
Capital paid-up . . . . .	2,00,00,000	0 0	Government Securities . . . . .	52,14,394	8 0
Reserve Fund . . . . .	35,10,831	4 4	Other authorized Investments . . . . .	53,12,147	8 0
	R	a. p.	Loans on Government and other authorized Securities . . . . .	1,03,72,010	1 1
Public Deposits at Head Office . . . . .	90,07,087	0 0	Accounts of Credit on Government and other authorized Securities . . . . .	50,05,847	15 6
Public Deposits at Branches . . . . .	2,11,06,743	11 4	Bills discounted and purchased . . . . .	1,86,81,447	14 10
Other Deposits at Head Office and Branches . . . . .	2,08,23,365	10 7	Balances with other Banks . . . . .	3,23,336	0 3
Bank Post Bills, &c. . . . .	6,62,371	9 4	Bullion . . . . .	41,622	8 9
Sundries . . . . .	10,60,520	5 1	Dead Stock . . . . .	11,98,365	10 7
			Stamps . . . . .	7,035	14 0
			Sundries . . . . .	6,22,648	13 2
				4,67,78,856	14 2
				R	a. p.
			Cash and Currency Notes at Head Office . . . . .	98,78,672	7 5
			Cash and Currency Notes at Branches . . . . .	1,95,13,390	3 1
				2,93,92,062	10 6
				RUPREES	
				7,61,70,919	8 8
				RUPREES	
				7,61,70,919	8 8

BANK OF BENGAL,  
Calcutta, 30th August 1883.

J. GORDON,  
Chief Acctt. & Depy. Secretary.

By order of the Directors,  
R. HARDIE,  
Secy. & Treasurer.

## Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed	Held on account of the Currency Department.
	R	R	R	R	R	R
1883.						
Aug. 20	...	...	...	1,302	35,60,976	22,49,820
" 21	...	...	1,223	49	35,75,897	22,51,071
" 22	...	...	...	49	35,75,897	22,51,071
" 23	...	...	...	49	35,75,897	22,51,071
" 24	...	...	...	19	35,75,897	22,51,071
" 25	Holiday.	...	...			

J. F. TENNANT, Major-Genl., R.E.,  
Mint Master.

CALCUTTA MINT.  
The 27th August 1883.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

## Calcutta Circle.

## NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes	Value.	Name of Claimant.
		R	
147	P 44—77616	100	Junnoo.
	" — 77621	100	
148	P 43—69161	100	Baboo Bishnu Das Chandra and Ram Das Chandra.
149	P 44—42556	100	Babu Rajkiser Rishi.
	" — 04155	100	
	" — 42561	100	

CALCUTTA,  
The 31st August 1883.

J. TAYLOR,  
Asst. Comptlr. Genl., in charge, Paper Currency.

## POST OFFICE.

## NOTIFICATIONS.

Simla, the 7th August 1883.

The date for the receipt of tenders for the conveyance of mails by sea, on the lines marginally\* noted, has been extended from the 1st September to the 1st November 1883. Tenders should reach the Office of the Director General at Calcutta not later than the 1st November 1883.

L. G. WAIT,  
Asst. Director General of the Post Office of India,  
Foreign Post Branch.

## Unclaimed Letters held in the Calcutta General Post Office on 30th August 1883

Albin, Madame Alma.	Downs, Mrs. M.	Reich, Solomon.
Aradhoon & Co.	Huish, M.	Smith, K. R.
Bell, W. A.	Jones, M. L.	Taylor, Charles.
Bonestreni, C. Giordani.	Macdonald, N.	Tweedy, A.
Brooker & Co., Frederick.	Moon, Charles.	Villex, E. J.
Coulon & Co.	Moussa Collone.	Wills, H. S.
Davidson, A. L.	Nicoll, George.	

## Letters marked "Care of Post Office."

Agist, John.	Franklin, Mrs. S.	McKay, James B.
Arundell, C. L. F.	Field, Miss Fanny.	Mifsud, George.
A. Q. R.	Forapani, G. Cesare.	Moore, William.
A. X. Y. Z.	Fount, P. S.	Moore, Miss L.
B. B.	Gahan, Capt. R. L.	Moore, Claude.
Battersby, Leslie C.	Gelheid, Leon.	Mosse, W. Forbes.
Binnie, George.	Gow, J. F.	Nordt, Miss Minnie.
Boswell, Lt.	Hallewell, J. A.	Pearson, H. J. F. G.
Bradshaw, D. E.	Haly, J. J.	Perrins, C. H.
Brunton, Mrs. J.	H. K. A.	Platts, Mrs.
Buckle, Henry.	Hay, Arthur.	Rains, —.
Bullwell, H.	Harris, Lord.	Rode, Capt. J.
Burlington, Charles.	Heller, Miss.	Ross, C. Henry.
Camar, Madame A.	Henderson, J.	Ryan, J. H.
Campbell, Dr. M. R.	Hilbert, J.	Sanford, E. C. Ayshford.
Chase, J.	Horridge, Charles.	Specht, Otto.
Claremont, E.	Hunter, H. C. D.	Spencer, Mrs. L.
Cotton, F.	Ingels, H. V.	Tancoviel, Mendla.
Coutt, P. S.	Jones, H.	Tucker, Mrs.
Crispini, C. Umberto.	Jones, John.	Vaughan, Percy.
Crowther, John.	Karoly, S.	Vans Agnew, Lieut. P. A.
Dalyell, Mrs. R. F.	Kavanagh, P.	Volpo, L.
David, Jacob.	Kirkbride, J.	Walls, T. S.
D'Cruz, Mrs. Bella.	L. S.	White, Mrs. S.
Donovau, John.	Labonato, T.	Williams, J. M.
Douglas, —, P. H.	Langley, Manly G.	Williamson, W. F.
Dyett, B. H. R.	Lucehesi, Onorato.	Windemar, Mrs.
Ertel, Frau. Marrie.	Lynam, H.	
" Felie."	McClure, A.	



**Registered Letters.**

Angelo, Col. R. F.  
Barrett, Captain J. C.  
Bascolo, F. A.

Harrison, W. H.  
Nardini, Sig. Raffaele,  
Shipley, Lieut. W. L.

Weben, Madame Mar-  
tha.  
Wood, Mrs. Nellie.

*Calcutta, the 31st August 1883.*

It is hereby notified for general information that the following mail despatches to Ceylon will be made from the Calcutta General Post Office during September 1883:—

DATE OF CLOSING.	ROUTE.
4th September 1883	By P. & O. Steamer from Calcutta.
4th September 1883	By P. & O. Steamer from Bombay.
21st September 1883*	By Dinal Line private vessel.
10th September 1883	By French Steamer.
9th September 1883*	By B. I. S. N. Co.'s private vessel.
18th September 1883	By P. & O. Steamer from Bombay.
19th September 1883	By P. & O. Steamer from Calcutta.
27th September 1883*	By Star Line private vessel.
28th September 1883*	By B. I. S. N. Co.'s private vessel.
4th September 1883*	By Star Line private vessel.

\* These dates are subject to alteration in the event of departure of the vessels being delayed.

*N.B.*—The letter-box will close at 7 P.M. precisely, after which hour letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

*The 1st September 1883.*

**SEA AND FOREIGN MAILS.**

Foreign Mails for	Date.	Per Steamer
	1883.	
Persian Gulf.	7th Sept.	From Bombay.
Madras, Ceylon, and Intermediate Ports.	7th "	Str. <i>Chanda</i> .
Madras and Ceylon.	4th "	P. & O. Str. <i>Brinton</i> .
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies.	4th "	From Bombay.
Foreign Mails <i>via</i> Bombay.	1st "	From Bombay.
Foreign Mails <i>via</i> Bombay.	8th "	From Bombay.
Do. Book Post and Pattern Packets.	7th "	From Bombay.
Rangoon, Moulemein and Straits.	6th "	Str. <i>Pembart</i> .
Chittagong, Akyah, Kyauk Phyo, and Rangoon.	6th "	Str. <i>Cocoonada</i> .
Madras, Ceylon, Batavia, Singapore & China.	10th "	Fr. Str. <i>Tibre</i> .

\* Also for South Africa *via* England can be forwarded.

Also for *via* India can be sent by this opportunity.

*N.B.*—The letter-box will close at 7 P.M. precisely; after which hour, foreign letters, fully prepaid and bearing an extra postage stamp four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON,

Presidency Post Master.

**GOVERNMENT CINCHONA FEBRIFUGE.**

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin *R1-8*; per eight ounce tin, *RS-5*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, *for cash only*, at the under-noted rates:—per four ounce tin *R5-8*; per eight ounce tin *R10-5*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سکونا فبري فيوج**

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے پوٹانکل گارتن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیواے اونکے جو کوئی ایک مشق بیس پوند خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ; ایک پوند کے تین کا سولہ روپیہ آٹھ آنہ،

اور عوام الناس پوٹانکل گارتن یعنی کمپنی یا کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنہ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ; ایک پوند کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلائی اور دیسی دوا خانوں میں کتھی ہی ماسیواے قیمت مذکورہ بالا کے محصول قاب چار در آٹھ اونس کے تین کا آٹھ آنہ; اور ایک پوند کے تین کا بارہ آنہ

**Meteorological Publications for Sale.**

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

Report on the Meteorology of India, in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	R a. p.
Report on the Meteorology of India, in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8 0 0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8 0 0
Report on the Meteorology of India, in 1878, 4to, 149 pages text, 380 pages tables, 3 plates, 4 charts	8 0 0
Report on the Meteorology of India in 1879, 4to, 164 pages text, 273 pages tables, 4 plates, 4 charts	8 0 0
Report on the Meteorology of India in 1880, 4to, 174 pages text, 286 pages tables, 6 plates, 4 charts	8 0 0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2 8 0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1 8 0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1 8 0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1 8 0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1 8 0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages	1 8 0
Indian Meteorological Memoirs, Vol. I, cloth bound, 4to, 438 pages, 33 plates	10 0 0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1 8 0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	1 0 0

Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates . . .	R	a.	p.
Report on the Madras Cyclone, May 1877, 4to, 117 pages text, 97 pages tables, 4 plates . . .	2	0	0
Register of Original Observations of six stations in India, in 1879, corrected and reduced . . .	2	8	0
Register of Original Observations of six stations in India, in 1880, corrected and reduced . . .	2	0	0
Register of Original Observations of six stations in India, in 1881, corrected and reduced . . .	2	0	0

HENRY F. BLANFORD,  
*Meteorological Reporter  
to the Government of India.*

### THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, will appear in monthly parts, published as soon as possible after the first of each month at Calcutta, Madras, Bombay, and Allahabad, and will comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court will be reported in the Series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court will be reported in the Calcutta Series. The Parts of each Series can be had separately, or all four Parts can be had stitched into one wrapper at the option of subscribers and purchasers. It will be observed from the following statement of the terms of subscription and sale, that a considerable reduction is allowed to persons taking the complete set :

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# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 1, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART III.

### Advertisements and Notices by Private Individuals and Corporations.

*Abstract Statement of the Uncovenanted Service Family Pension Fund for the Third Quarter ending 31st January 1883, compared with the corresponding Quarter of the year 1882.*

PARTICULARS.	For the 3rd quarter ending 31st Jan. 1883.			For the 3rd quarter ending 31st Jan. 1882.			Increase.	Decrease.	
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Balance at credit of the Fund on the Government books at the end of the previous quarter ... ..	78,40,017	3	0	73,63,398	14	1	4,76,618	4	11
ADD RECEIPTS—									
Subscriptions from November to January in the Widows' Fund...	1,12,026	0	1	1,10,425	6	3	2,500	9	10
Ditto ditto Children's Fund	77,900	12	6	75,341	8	9	2,059	3	9
Entrance fees, &c., ditto ... ..	464	11	0	575	10	0	.....		
Divisible surplus transferred to debit of subscribers ... ..	486	12	0	321	0	0	165	12	0
Total Receipts ...	1,91,778	3	7	1,86,563	9	0	A 5,325	9	7
Grand Total ...	80,31,705	6	7	75,49,962	7	1	4,81,943	14	6
DEDUCT PAYMENTS—									
Pensions payable to incumbents in the Widows' Fund ...	79,313	7	5	76,554	1	5	2,759	6	0
Ditto ditto Children's Fund ...	53,138	2	0	54,277	5	3	.....		
Establishment, including house rent and contingencies ...	9,550	4	0	13,527	7	4	.....		
Loss in exchange on remittances to England ... ..	9,848	9	9	8,758	4	3	1,090	5	6
Total payments ...	1,51,850	7	2	1,53,117	2	3	B 3,849	11	6
Net balance on 31st January ...	78,79,944	15	5	73,96,845	4	10	C 4,78,094	3	0
Proportion of divisible surplus payable to Subscribers ... ..	33,402	0	0	28,908	0	0	4,494	0	0
	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	Widows' Fund.	Children's Fund.	
Number of Subscribers ... ..	1,404	986	1,403	977	31	9	.....	.....	
Ditto of Incumbents ... ..	373	546	362	558	11	.....	.....	.....	12
Ditto of Subscribers sharing abatement ... ..	984	676	932	634	52	42	.....	.....	

	Rs.	A.	P.
A—Net increase	...	...	5,214 10 7
B—Net decrease	...	...	1,266 11 1
C—Net increase	...	...	4,83,099 10 7

G. W. MACLEOD, Accountant.

R. A. FINK,  
S. TREMEARNE, } Auditors.

Published by order of the Directors,  
W. H. RYLAND, Secretary.



**PROMISSORY NOTES.****Lost or Stolen**

The Government Promissory Note, No. 018714, of the 4 per cent. Loan of 1842-43, for Rs. 500, originally standing in the name of ———, and last endorsed to Navanidhrai Dalputrai, Vakil, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bombay, and application is about to be made for the issue of duplicate in favour of the proprietor.

NAVANIDHRAI DALPUTRAI, *Vakil,*  
*Inhabitant of Junagudh.*

RAJKOTE,  
*The 5th October 1882.*

**Lost or Stolen**

In transit by Post, Government Debentures in the Cawnpur and Furrackabad Railway, for

Rs. 1,000. Application is about to be made for the issue of a duplicate in favour of the proprietor.

T. F. O'MEARA,  
*Resident Engineer, O. & R. Railway,*  
*Saharanpur.*

**Stolen**

The whole Government Promissory Note No. A006468, of the reduced 4 per cent. loan of 1879, for Rs. 500, originally standing in the name of Seetanath Mytee, the proprietor, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favor of the proprietor.

SEETANATH MYTEE.

ETAWAH,  
*The 13th July 1883.*



SUPPLEMENT TO  
**The Gazette of India.**

No 35.} CALCUTTA, SATURDAY, SEPTEMBER 1, 1883.

OFFICIAL PAPERS.

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GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
[ TELEGRAPH. ]

ABSTRACT OF FOREIGN TRAFFIC FOR THE MONTH OF MAY 1883.

CLASS OF MESSAGES.	ROUTE.																TOTAL.			
	WEST.								EAST.											
	VIA TEHRAN.		VIA TURKEY.		PERSIAN GULF.		VIA SUZ.		VIA AMUR.		VIA MADRAS.		VIA RANGOON.		NATIVE BURMA.		VIA CEYLON.		No.	Indl. Value.
No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.	No.	Indian Value.			
INDIAN.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.
Received . . .	3,013	10,381 14	86	214 7	23	74 3	3,802	14,305 1	2	3 10	735	6,433 15	156	539 5	353	497 5	1,886	3,534 6	10,050	46,41
Delivered . . .	2,280	11,514 4	132	185 5	28	80 12	4,026	14,111 11	23	51 4	770	2,189 13	127	394 14	...	...	1,780	3,170 2	9,166	32,08
TOTAL . . .	5,893	27,920 2	218	729 12	51	173 15	7,828	32,746 12	25	57 14	1,505	9,023 12	283	934 3	353	497 5	3,666	7,006 8	19,422	79,60
TRANSIT.																				
East to West—																				
Via Madras . . .	295	2,167 14	6	10 14	6	11 10	4,374	17,090 1	...	...	...	...	...	...	...	...	...	...	4,681	10,284
" Rangoon . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" Langotha . . .	1	3 2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...
" Ceylon . . .	27	111 5	...	...	...	...	147	1,234 3	...	...	...	...	...	...	...	...	...	...	474	1,311
West to East—																				
Via Madras . . .	1,085	5,147 3	124	312 12	4	13 14	2,878	10,985 13	...	...	...	...	...	...	...	...	...	...	1,091	10,490
" Rangoon . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" Langotha . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
" Ceylon . . .	97	374 6	6	21 3	...	...	215	799 8	...	...	...	...	...	...	...	...	...	...	317	1,195
East to East—																				
Via Bombay . . .	...	...	...	...	6	13 4	...	...	...	...	...	...	...	...	...	...	...	...	6	13
Via Bombay . . .	1	3 6	2	7 14	2	4 8	...	...	...	...	...	...	...	...	...	...	...	...	5	11
East to West—																				
Via Madras . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	17	173 7	47	173
" Ceylon . . .	...	...	...	...	...	...	...	...	...	...	65	250 8	...	8	24 11	...	...	...	73	275
TOTAL . . .	1,506	7,807 4	137	391 11	18	43 4	7,914	30,108 9	...	...	65	250 8	8	24 11	...	...	17	173 7	9,095	38,799
GRAND TOTAL . . .																			29,517	1,17,895

ABSTRACT OF FOREIGN TRAFFIC WITH INDIA BY THE INDO-EUROPEAN AND RED SEA ROUTES FOR THE MONTH OF MAY 1883.

ROUTE.		NUMBER OF MESSAGES BY EACH ROUTE (EXCLUSIVE OF TRANSIT).			PERCENTAGE OF NUMBER.		
		To India.	From India.	TOTAL.	To India.	From India.	TOTAL.
INDO-EUROPEAN	Via Teheran . . . . .	2,280	3,613	5,893	35.26	48.02	42.12
	" Turkey . . . . .	132	86	218	2.04	1.14	1.56
	Persian Gulf via Karachi . . . . .	28	23	51	0.43	0.31	0.37
• RED SEA	Via Suez . . . . .	4,026	3,802	7,828	62.27	59.53	55.95
TOTAL		6,466	7,524	13,990	100.00	100.00	100.00





GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXX of 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Not returned received	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 5TH AUGUST 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 15TH AUGUST 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 5TH AUGUST 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 5TH AUGUST 1883.		Total Increase in 1883-84.	Total Decrease in 1883.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
Aug. 1883	Eastern Bengal . . .	172	1,16,794	679	207	74,284	359	13,80,685	442	15,54,451	417	1,73,766	...
ditto	Oudh and Rohilkhand . . .	547	71,117	135	547	84,727	155	18,66,758	188	21,51,471	219	2,84,713	...
ditto	Sind, Punjab & Delhi . . .	676	1,49,993	222	749	2,01,320	269	34,12,328	278	43,15,376	325	9,33,048	...
ditto	Madras . . .	861	1,38,302	161	861	1,10,388	128	25,61,274	164	23,49,187	152	...	2,12,06
ditto	South Indian . . .	655	61,227	94	655	69,208	106	13,87,581	117	11,10,893	120	23,312	...
ditto	Great Indian Peninsula . . .	1,450	4,35,124	300	1,451	4,15,234	286	1,27,15,778	483	1,34,41,334	513	7,25,556	...
ditto	Bombay, Baroda and Central India . . .	461	1,07,503	233	461	1,98,547	431	40,91,743	489	43,33,787	522	2,42,044	...
	<b>TOTAL</b>	<b>4,822</b>	<b>10,83,060</b>	<b>225</b>	<b>4,931</b>	<b>11,53,708</b>	<b>234</b>	<b>2,74,16,147</b>	<b>314</b>	<b>2,95,86,499</b>	<b>338</b>	<b>21,70,352</b>	...
	<i>State.</i>												
Aug. 1883	East Indian . . .	1,507	8,26,370	548	1,509	8,53,785	566	1,58,44,676	580	1,85,61,093	683	27,16,417	...
ditto	Calcutta and South-Eastern . . .	33	2,707	82	56	4,230	76	70,621	130	1,06,242	111	35,621	...
ditto	Nalhati . . .	27	1,119	41	27	1,333	49	24,235	50	28,763	59	4,533	...
ditto	Northern Bengal . . .	230	35,276	153	237	35,000	146	6,50,804	154	7,22,947	173	72,113	...
ditto	Tirhoot . . .	75	10,216	136	166	16,141	97	2,26,094	148	2,94,138	100	68,044	...
July 1883	Patna-Gya . . .	57	6,515	114	...	(a)	...	(b) 1,36,098	169	(c) 1,25,215	157	...	10,88
Aug. 1883	Muttra-Bathras . . .	29	1,673	58	29	1,814	63	39,385	75	43,766	84	4,375	...
ditto	Cawnpore-Furrakhabad . . .	87	4,831	56	87	5,875	68	1,19,632	76	1,16,027	74	...	3,60
ditto	Dildarnagar-Ghaziपुर . . .	12	545	45	12	595	49	17,910	83	18,826	87	916	...
ditto	Rajputana-Malwa . . .	1,117	1,36,756	122	1,117	2,32,990	209	38,00,362	188	44,12,172	219	6,11,810	...
ditto	Wardha Coal . . .	45	1,441	32	45	9,201	204	1,91,116	234	2,61,767	323	70,651	...
ditto	Nagpur & Chhattisgarh . . .	98	3,145	32	119	8,290	56	2,33,038	131	5,73,084	214	3,40,046	...
ditto	Rangoon and Irrawaddy Valley . . .	161	17,761	110	161	18,120	113	5,25,218	180	5,09,430	176	...	15,788
ditto	Sindia . . .	75	3,990	53	75	5,865	78	1,14,052	84	1,11,076	82	...	2,976
ditto	Punjab Northern . . .	409	45,782	112	419	56,187	134	10,60,735	146	11,05,270	146	44,535	...
ditto	Indus Valley and Kandahar . . .	660	58,109	88	660	1,35,490	205	15,62,242	130	28,02,556	236	12,40,314	...
ditto	Muttra-Achnera . . .	23	1,079	47	23	1,040	45	21,870	52	25,274	61	3,404	...
ditto	Kaunia-Dhurla . . .	32	1,226	38	32	2,105	66	26,884	46	33,580	58	6,696	...
ditto	Rewari-Ferozepore . . .	...	...	...	89	6,700	75	...	...	1,13,920	71	1,13,920	...
	<b>TOTAL</b>	<b>3,170</b>	<b>3,32,171</b>	<b>105</b>	<b>3,386</b>	<b>5,40,976</b>	<b>160</b>	<b>88,20,296</b>	<b>153</b>	<b>1,14,04,052</b>	<b>185</b>	<b>25,83,756</b>	...
	<i>Native States.</i>												
g. 1883	Bhavnagar-Gondal . . .	194	8,988	46	193	9,708	50	3,71,575	106	4,13,757	119	42,182	...
ditto	Nizam's . . .	121	14,334	119	121	14,204	117	3,06,732	140	2,70,626	124	...	36,106
ditto	Mysore . . .	86	4,788	56	86	4,020	47	1,01,052	65	91,527	59	...	9,525
ditto	Jodhpore . . .	19	333	18	19	620	33	(d) 594	5	12,910	38	12,316	...
	<b>TOTAL</b>	<b>420</b>	<b>28,443</b>	<b>68</b>	<b>419</b>	<b>28,552</b>	<b>68</b>	<b>7,79,953</b>	<b>104</b>	<b>7,88,820</b>	<b>105</b>	<b>8,867</b>	...
	<b>GRAND TOTAL</b>	<b>9,919</b>	<b>22,70,044</b>	<b>229</b>	<b>10,245</b>	<b>25,77,021</b>	<b>252</b>	<b>5,28,61,072</b>	<b>294</b>	<b>6,03,40,464</b>	<b>328</b>	<b>74,79,392</b>	...
	<b>ESTIMATED EXPENSES</b>	...	...	...	...	...	...	2,60,18,529	145	2,90,88,178	158	...	...
	<b>NET RECEIPTS</b>	...	...	...	...	...	...	2,68,12,543	149	3,12,52,286	170	4,39,743	...

(a) Return not received.

(b) Total receipts from 1st April to 8th July 1882.

(c) Total receipts from 1st April to 7th July 1882.

(d) Total receipts from 24th June to 6th August 1882.

MLA,

August 1883.

R. A. SARGEANT, Major, R.E.,

Offy. Under-Secretary.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1883-84.

*Areas leased for Irrigation up to the end of June 1883.*

Circle.	District.	Canal.	Estimated full discharge, C. ft.	Average discharge in month, C. ft.	Discharge utilized, C. ft.	DETAILS OF AREAS LEASED.										RAINFALL, 1883-84.		RAINFALL, 1882-83.		REMARKS.
						Approximate area of land irrigated during the year up to the end of the month, Acres.	Approximate area of land irrigated under the same date all crops, Acres.	Five years, Khurreef, Acres.	Five years, Khurreef, Acres.	ANNUAL LEASES.					GRAND TOTAL, Acres.	During month, Inches.	Up to end of month, Inches.	During month, Inches.	Up to end of month, Inches.	
										Khurreef, Acres.	Bubbee, Acres.	Sugar-cane, Acres.	Ehadi, Acres.	Hot weather, Acres.						
Orissa	Cuttack	Kendrapara	1,269	285.62	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Gabari	372.82	20.73	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Pattamondree	1,042	20.73	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		High Level, Section I	675	155.52	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Balasore	Taldunda, 1st Reach	1,340	316	316	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Ditto, 2nd do.	650	81	155	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
South-Western.	Midnapore	Matchgong	727.16	80.99	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		High Level, Section II	727.16	Not taken during the month.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Ditto	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Total	...	...	...	54,297	...	4,500	...	140	129	...	...	...	...	...	...	...	...	
	Howrah	Total of the corresponding period of last year.	...	...	...	...	...	124,853	...	703	22	...	...	...	...	...	...	...	...	
		Midnapore	1,411	168	469	...	...	61,946	...	...	...	...	...	...	...	...	...	...	...	
Sone.	Shahabad	Panchkourah	522	11	7	...	...	10,136	...	...	...	...	...	...	...	...	...	...	...	
		Total	...	...	...	...	...	72,652	...	...	...	...	...	...	...	...	...	...	...	
		Total of the corresponding period of last year.	...	...	...	...	...	55,535	...	...	...	...	...	...	...	...	...	...	...	
		Western Main	4,342	815	122	610	275	4,025	...	...	381	...	...	...	...	...	...	...	...	
	Patna and Gaya	Buxar	1,225	92	335	1,753	...	13,476	...	...	1,832	...	...	...	...	...	...	...	...	
		Arrah	1,060	445	...	35,465	25,842	61,522	...	...	1,484	154	7,003	5,813	60,665	...	...	...	...	
Grand total of the corresponding period of last year.	Total	Eastern Main	1,408	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Patna	...	...	...	...	...	11,142	...	...	...	...	...	...	...	...	...	...	...	
		Gya	...	...	...	...	...	2,627	...	...	...	...	...	...	...	...	...	...	...	
		Total	...	...	...	37,853	25,848	89,712	...	...	3,805	154	7,130	11,406	92,178	...	...	...	...	
	Grand Total	Total of the corresponding period of last year.	...	...	...	...	...	47,565	...	3,425	10,759	...	...	...	...	...	...	...	...	
		Grand Total	...	...	...	...	...	89,712	76,522	140	3,934	154	7,179	11,775	163,039	...	...	...	...	
Grand total of the corresponding period of last year.	Grand total of the corresponding period of last year.	Grand total of the corresponding period of last year.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	

The 13th August 1883.

C. W. ODLING,  
Under-Secy. to the Govt. of Bengal,  
P. W. Department.

CANAL DIVISION.	WATER DISTRIBUTED DURING JUNE 1883.				NAVIGATION RETURN CANAL.		LAND IRRIGATED (APPROXIMATE).		RAINFALL.		CHIEF CROPS (APPROXIMATE).		REMARKS.	
	DEPTH IN CANAL AT REGULATING GAUGE.		GROSS CONSUMPTION, CUBIC FEET PER SECOND.		PRINCIPAL ITEMS OF TRAFFIC.		ZILA.	ACRES.	Average.	During month.	NAME.	Area in acres.		
	Full supply.	Actual through-out.	Estimated full supply.	Actual average throughout.	Up.	Down.								
1st Division	4.9	4.51	3,073.60	996.59	...	...	Gurdaspur	12,397	2.77	1.0	Cotton	20,919	On the Bari Doab Canal there is a decrease of 4,395 acres as compared with last year, which is mainly due to the occurrence of rain in May 1883. It is probable that some of the crops sown on the rain-fall will yet require water before being harvested.	
2nd Division, Main Branch, Lower	4.6	3.9			...	...	...	Amritsar	29,097	3.3	...	Rice		6,535
2nd do., Lahore Branch	3.35	3.3			...	...	...	Lahore	37,072	1.5	0.3	Sugarcane		9,159
Passed out of Escapes	...	...	...	221.00	...	...	...	...	...	...	Others	41,953		
TOTAL BARI DOAB CANAL	...	...	3,073.60	2,856.59	...	...	...	78,566	...	...	...	78,566		
Corresponding period of last year	...	...	3,073.60	2,947.73	...	...	...	82,961	...	...	...	82,961		
Karnal Division	4.33	4.79	2,546	480	...	546,703	Umballa	335	4.50	2.58	Cotton	49,362	On the Western Jumna Canal the operations during the month show a decrease, as compared with the corresponding month of last year, of 6,545 acres, which is due to the large decrease in the cultivation of sugarcane amounting to 12,235 acres as compared with last year.	
Delhi do.	5.70	5.72			...	...	...	Karnal	14,585	3.58	2.32	Rice		2,509
Hansi do.	9.00	8.68			...	...	...	Delhi	22,370	2.60	4.30	Sugarcane		34,897
Do. Rulla Head.	8.80	8.80			...	...	...	Rohatak	25,742	2.25	1.40	Others		19,237
Passed out of Escapes	...	...			...	89	...	Hissar	25,173	1.90	0.70	...		...
TOTAL WESTERN JUMNA CANAL	...	...	2,546	2,914	...	546,703	Jhind	17,442	3.00	...	...	...		
Corresponding period of last year	...	...	2,546	2,706	...	189,748	Bikaner.	368	...	...	...	...		
Upper Sutlej Division	...	...	2,546	...	...	...	Kalsia State	80	...	...	...	...	On the Indus Canals there is a decrease of 1,09,580 acres as compared with the corresponding period of the preceding year, which is wholly due to the low state of the rivers during the early part of the season.	
Lower Sutlej and Chenab Division	...	...			...	...	...	Lahore	1,106	...	...	Detail not obtainable for want of establishment.		...
Indus Canals	...	...			...	...	...	Montgomery	3,060	...	...	...		...
Muzaffargarh Canals	...	...			...	...	...	Mooltan	133,915	0.42	...	...		...
	...	...			...	...	...	Dera Ghazi Khan	54,792	0.83	0.60	...		...
TOTAL INUNDATION CANALS	...	...	...	...	...	...	Muzaffargarh	82,920	...	...	...	275,793		
Corresponding period of last year	...	...	...	...	...	...	...	275,793	...	...	...	275,793		
Do.	...	...	...	...	...	...	...	445,353	...	...	...	445,353		
Do.	...	...	...	...	...	...	...	184,661	...	...	...	184,661		
Do.	...	...	...	...	...	...	...	195,641	...	...	...	195,641		
GRAND TOTAL														
Do. corresponding period of last year														

J. E. CATTON,  
Offy. Asst. Secy. to Govt., Punjab, P. W. D., Irrigation Branch.





# The Gazette of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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**SUPPLEMENT No. 36.**

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### LEGISLATIVE DEPARTMENT.

##### NOTIFICATION.

*Simla, the 4th September, 1883.*

**No. 15.**—Whereas by resolution passed by the Secretary of State for India in Council on the nineteenth day of September, 1872, and fourth day of June, 1874, respectively, the provisions of the thirty-third of Victoria, chapter three, section one, were declared applicable to the territories under the administration of the Chief Commissioner of Assam;

And whereas the Chief Commissioner of Assam has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor General in Council has taken such draft and reasons into consideration and has approved of such draft and the same has received the Governor General's assent;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*:—

#### REGULATION No. II of 1883.

*A Regulation to enable certain Police-officers in Assam to exercise authority other than that prescribed by section 20 of Act V of 1861, and to empower the Chief Commissioner to confer on such officers certain magisterial powers.*

**WHEREAS** by section 20 of Act V of 1861 (*for the regulation of Police*), it was enacted that Police-officers enrolled under that Act should not exercise

any authority except the authority provided for a Police-officer under that Act and any Act which should thereafter be passed for regulating criminal procedure;

And whereas by section 14 of the Code of Criminal Procedure, which repealed certain similar provisions in Act V of 1861 (*for the regulation of Police*), it was enacted that the Local Government might confer upon any person all or any of the powers conferred or conferrible by or under that Code on a Magistrate of the first, second or third class in respect to particular cases, or to a particular class or particular classes of cases, or in regard to cases generally, in any local area outside the Presidency-towns, but that no powers should be conferred under that section on any Police-officer below the grade of Assistant District Superintendent, and that no powers should be so conferred except so far as might be necessary for preserving the peace, preventing crime and detecting, apprehending and detaining offenders in order to their being brought before a Magistrate, and for the performance by the officer of any other duties imposed upon him by any law for the time being in force;

And whereas it is expedient that Police-officers in Assam not below the grade of Assistant District Superintendent be enabled to exercise authority other than that prescribed by section 20 of Act V of 1861;

And whereas it is also expedient to empower the Chief Commissioner of Assam to confer on any Police-officer in Assam, not below the same grade, all or any of the powers conferred or conferrible by or under the Code of Criminal Procedure on X of 1882.

a Magistrate of the first, second or third class in respect to all non-cognizable cases other than those which may have been investigated by the Police;

It is hereby enacted as follows:—

1. (1) This Regulation may be called the Assam Police-officers' Regulation, 1883.  
Short title.

(2) It extends to all the territories administered by the Chief Commissioner of Assam in which Act V of 1861 (*for the regulation of Police*) or the Code of Criminal Procedure is for the time being in force.  
Local extent.

(3) And it shall come into force at once.  
Commencement.

2. In this Regulation, the expression "non-cognizable case" shall have the meaning assigned to it by the Code of Criminal Procedure.  
Meaning of "non-cognizable case."

3. Section 20 of Act V of 1861 (*for the regulation of Police*) shall apply only to Police-officers below the grade of Assistant District Superintendent.  
Application of section 20 of Act V of 1861 limited to certain Police-officers.

4. Notwithstanding anything contained in section 14 of the Code of Criminal Procedure or, in places where the Code is not in force, in section 6 of Act V of 1861 (*for the regulation of Police*), the Chief Commissioner of Assam may confer on any Police-officer, not below the grade of Assistant District Superintendent, all or any of the powers conferred or conferrible by or under the Code on a Magistrate of the first, second or third class in respect to non-cognizable cases:  
Chief Commissioner empowered to confer magisterial powers on certain Police-officers in respect to non-cognizable cases.

Provided that a Police-officer on whom any powers are conferred under this section shall not exercise those powers in any case which may have been investigated by the Police.

D. FITZPATRICK,

*Secy. to the Govt. of India.*

## HOME DEPARTMENT.

### NOTIFICATIONS.—MEDICAL.

*Simla, the 4th September 1883.*

No. 328.—Deputy Surgeon-General B. Simpson, M.D., Deputy Surgeon-General, Central Provinces, and Officiating Surgeon-General, Bengal, is appointed to officiate as Surgeon-General, Punjab, during the absence on furlough on medical certificate of Deputy Surgeon-General S. C. Townsend, C.B., or until further orders.

### JUDICIAL.

*The 5th September 1883.*

No. 1205.—The Hon'ble J. F. Norris, Barrister-at-Law, one of Her Majesty's Counsel, and a Judge of the High Court of Judicature at Fort William in Bengal, has obtained privilege leave for one month, with effect from the 15th November 1883.

*The 6th September 1883.*

No. 1213.—The Hon'ble H. T. Prinsep, a Judge of the High Court of Judicature at Fort William in Bengal, has obtained privilege leave for one month and seven days, with effect from the 17th November next, or from any subsequent date on which he may avail himself of it.

### ECCLESIASTICAL.

*The 4th September 1883.*

No. 229.—The Ven'ble J. Baly, M.A., Archdeacon of Calcutta, is permitted to retire from the service, with effect from the 15th instant.

### EDUCATION.

*The 7th September 1883.*

No. 300.—The services of Mr. W. Lee-Warner, M.A., C.S., on special duty with the Education Commission, are replaced at the disposal of the Government of Bombay.

### PATENTS.

*The 3rd September 1883.*

No. 889.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 183 of 1882.—William D'Santos, Practical Engineer, Assistant to Messrs. Burn and Company, residing at No. 21, Chandney Choke Street, in the Town of Calcutta, for the octonary dhekkeys and the gundry mill combined.

No. 11 of 1883.—George William Dennistoun Scott, of Woodside, Kur-song, Engineer, for improvements in tea leaf rolling machines.

No. 12 of 1883.—George Hawkes, of Victoria Chambers, in the City of Westminster, Electrical Engineer, for improvements in apparatus for electric lighting.

No. 18 of 1883.—Eugene Charles Schrottky, Technical and Agricultural Chemist, of Calcutta, for the improvement of indigo manufacture.

No. 20 of 1883.—Andrew Charles Gay Thompson, Engineer, of Windsor Estate, Darjeeling, Bengal, for withering, drying and fermenting tea leaf or other substances materially facilitating such several processes, and reducing the amount of space and accommodation hitherto inseparable from such requirements.

No. 26 of 1883.—Sidney Gilchrist Thomas, formerly of London, now of Calcutta, Gentleman, for improvements in the manufacture of basic furnaces and converter linings, and in the apparatus used in the preparation thereof.

- No. 27 of 1883.*—Sidney Gilchrist Thomas, formerly of London, now of Calcutta, Gentleman, for improvements in railway permanent way.
- No. 61 of 1883.*—Hermann Egells, Councillor of Commerce, and Wilhelm Adolph Kux, Engineer, both of Berlin-Prussia, German Empire, for improvements in compound pumps for air and vapour.
- No. 80 of 1883.*—Henri Crot, of Lansanne, Switzerland, but at present residing in London, England, Wine Merchant, for an improvement in condensing grape juice or must.
- No. 92 of 1883.*—James Watson, of Westbourne Park, London, Engineer, for improvements in baling presses.
- No. 97 of 1883.*—Abel Pifre, Engineer, of Paris, in the Republic of France, for improvements in, and pertaining to, apparatus for utilising solar heat.
- No. 98 of 1883.*—Pardon Armington, of Lawrence, Massachusetts, United States of America, for improvements in steam engines.
- No. 100 of 1883.*—William Hassalwood Carmont, of Manchester, in the County of Lancaster, England, Consulting Engineer, for improvements in the manufacture of grooved tyres for wheels and in the fastening of India-rubber or other yielding material therein.
- No. 101 of 1883.*—James Anthony Graham, Chemist, of Coleman Street, in the City of London in the United Kingdom of Great Britain and Ireland, for improvements in coating or covering iron with lead.
- No. 105 of 1883.*—Alfred Swan, of the Borough of Gateshead, in the County of Durham and Kingdom of England, Engineer, for improvements in the manufacture or construction of incandescent electric lamps and in machinery or apparatus to be employed therein.
- No. 110 of 1883.*—James Baillie Hamilton, of Studland Street, Hammersmith, in the County of Middlesex and Kingdom of England, for improvements in organs, harmoniums or like reed key instruments.
- No. 113 of 1883.*—Edwin Jenkins and Alexander Law, both of Exhibition Street, Melbourne, in the Colony of Victoria, Founders, and William Price, of Pitt Street, Carlton, in the said Colony, Iron Worker, for an improved process of annealing chilled and other iron castings.
- No. 116 of 1883.*—William Edward Ayrton, Professor of Technical Physics, Fellow of the Royal Society, and John Perry, Professor of Mechanical Engineering and Applied Mathematics, in the City and Guilds of London, Technical College, Finsbury, in the County of Middlesex, England, for an electrical haulage system and apparatus connected therewith.
- No. 121 of 1883.*—Sebastian Ziani de Ferranti, of Richmond Gardens, Shepherd's Bush, Electrician, and Alfred Thompson, of Guildford Place, Russell Square, Electrician, both in the County of Middlesex, England, for improvements in dynamo-electric machines, or electric generators.

A. MACKENZIE,

Secy. to the Govt. of India.

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.—MILITARY.

*Simla, the 5th September, 1883.*

**No. 2149 G.**—The following Brigade Order by the Commandant of the Central India Horse, dated the 8th August, 1883, is confirmed:—

#### *1st Regiment.*

Surgeon S. T. Avetoom, Indian Medical Department, held medical charge, 1st Regiment, Central India Horse, from 23rd July, 1883, to 6th August, 1883, both days inclusive.

#### *2nd Regiment.*

Lieutenant J. B. Edwards, Officiating Squadron Officer, to officiate as 3rd Squadron Commander, with effect from 1st August, 1883, during the absence of Lieutenant C. J. B. H. Dressner, or until further orders.

*The 6th September, 1883.*

**No. 2163 G.**—Surgeon W. H. Neilson, M.B., Indian Medical Service (Madras), is appointed to officiate as Medical Officer of the Erinpoorah Irregular Force, during the absence on leave of Surgeon J. Scully, or until further orders.

### JUDICIAL.

*The 3rd September, 1883.*

**No. 2541 I.**—Whereas His Highness the Thakur Saheb of Bhavnagar and the Administrators of the State of Gondal have agreed that all suits of a civil nature brought against them, as the proprietors of the Bhavnagar-Gondal Railway, respecting the loss of, or damage to, goods or injury to persons within the portions of land forming that railway (including the lands occupied as stations and out-buildings and for other purposes connected with the railway, but excluding that portion of the Gadecchi settlement which is outside the railway fence), shall be heard and decided in due course in the Kathiawar Political Agency Courts, provided always that the Railway Manager shall represent the railway in such suits and not the proprietary States, and that any decrees that may be passed shall be executed against the railway property and not against the said proprietary States: Provided also that all other civil jurisdictions within the limits of those portions of the railway which pass through the territory of the proprietary States shall continue and be exercised as heretofore by these States, respectively: the Governor-General in Council, in order to provide for the exercise of this jurisdiction, is pleased to direct:—

1. The Kathiawar Political Agency Courts shall exercise, according to the existing procedure, jurisdiction in the case of all suits against His Highness the Thakur Saheb of Bhavnagar and the Administrators of the Gondal State as proprietors of the Bhavnagar-Gondal Railway of the nature of those above described.

2. Nothing herein contained shall be deemed to affect—

(a) the jurisdiction of any court in British India;

(b) or any agreement for the time being in force between the British Government and His Highness the Gackwar of Baroda with respect to the exercise of jurisdiction in suits of the nature of those above described within those portions of land forming the Bhavnagar-Gondal Railway which are within the limits of the jurisdiction of His Highness the Gackwar.

## POLITICAL.

*The 5th September, 1883.*

**No. 2157 G.**—His Excellency the Viceroy and Governor-General is pleased to confer upon Mir Alam Khan, Bahadur, of Chamkanni, Ressaldar-Major, 1st Punjab Cavalry, Punjab Frontier Force, the title of "Khan Bahadur," as a personal distinction.

*The 6th September, 1883.*

**No. 2160 G.**—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Monsieur E. Bertrand as Vice-Consul for France, at Aden.

## GENERAL.

*The 5th September, 1883.*

**No. 2151 G.**—Surgeon S. T. Aveloom, Indian Medical Department, held medical charge of the Western Malwa Political Agency from the 23rd July to the 6th August, 1883, both days inclusive.

**No. 2153 G.**—Surgeon A. R. W. Sedgfield, M.B., Medical Officer, 1st Regiment, Central India Horse, is appointed to the medical charge of the Western Malwa Political Agency, with effect from the 7th August, 1883.

**No. 2155 G.**—Captain A. Masters, Squadron Commander and Officiating 2nd-in-Command, 2nd Regiment, Central India Horse, is appointed to be Political Assistant, Goona, with effect from the 11th April, 1883.

*The 6th September, 1883.*

**No. 2166 G.**—The services of Mr. J. H. A. Tremenhoe, M.C.S., are replaced at the disposal of the Government of Port St. George, with effect from the 23rd August, 1883.

C. GRANT,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

*Simla, the 7th September 1883.*

**No. 3075.**—Mr. H. E. M. James, B.C.S., resumed charge of his duties as Post Master General, Bengal, from Mr. J. Dillon before noon on the 27th August 1883.

**No. 3108.**—Mr. R. Logan, B.C.S., received charge of the offices of Accountant General, North-Western Provinces and Oudh, and Deputy Commissioner of Paper Currency at Allahabad

from Mr. E. J. Sinkinson, B.C.S., after noon on the 27th August 1883.

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 7th September, 1883.*

## APPOINTMENTS.

**No. 484.**—PUNJAB FRONTIER FORCE—

*3rd Punjab Cavalry.*

Lieutenant E. Inglis, Squadron Officer, 5th Punjab Cavalry, to be Squadron Officer, *vice* Lieutenant J. B. De-la-P. Beresford, who retires, and to officiate as Adjutant.

*5th Punjab Cavalry.*

Lieutenant A. G. Davidson, Officiating Wing Officer, 2nd Punjab Infantry, on probation, to be Officiating Squadron Officer, on probation, *vice* Lieutenant E. Inglis, transferred to the 3rd Punjab Cavalry.

*1st Sikh Infantry.*

Lieutenant J. M. Stewart, attached to the 9th Bombay Native Infantry, to be Officiating Wing Officer, on probation.

*4th Punjab Infantry.*

Lieutenant A. R. Browning, Officiating Wing Officer, on probation, to be Wing Officer, *vice* Lieutenant S. W. Jervis, appointed to the 1st Punjab Infantry.

*5th Punjab Infantry.*

Lieutenant C. M. Eales, attached to the 27th Madras Native Infantry, to be Officiating Wing Officer, on probation.

Lieutenant A. A. J. Johnstone, Leinster Regiment, a candidate for the Bengal S. C., to officiate as Wing Officer, on probation, with effect from the 17th August, 1883.

*6th Punjab Infantry.*

Lieutenant T. Quin, attached to the 23rd Madras Native Infantry, to be Officiating Wing Officer, on probation.

Lieutenant D. J. O. Taylor, attached to the 13th Bombay Native Infantry, to be Officiating Wing Officer, on probation.

## FURLOUGH AND LEAVE.

**No. 485.**—Major J. R. McK. Homfray, General List, Infantry, is granted leave in India (p. a.) for six months, under rule XXV of the regulations of 1868.

**No. 486.**—Lieutenant C. G. Harris, Royal Irish Rifles, Officiating Wing Officer, Bhopal Battalion, on probation, is granted leave in India (m. c.) for 30 days.

**No. 487.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Major (Brevet Lieutenant-Colonel) A. Conolly, Bengal S. C., (p. a.) for 68 days.

Captain R. H. Forrest, Bengal S. C., (m. c.) for six months.

Surgeon J. E. C. Ferris, (p. a.) for six months.

Surgeon E. Bovill, M.B., (p. a.) for fourteen days. (This cancels the extension granted in G. G. O. No. 466 of 1883.)

Conductor A. Anderson, Ordnance Department, (m. c.) for three months.

#### MILITARY PRISONS.

**No. 488.**—In exercise of the powers conferred by section 133 of the Army Act, 1881, the Governor General of India in Council is pleased to set apart the buildings, or parts of buildings, at the stations as hereinafter detailed, as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons, viz.,—

*Agra.*—The three rooms on the north end of No. 10 Barrack, European Infantry Lines.

*Allahabad.*—The room on the ground floor of No. 2 Block of the station hospital in the European Infantry Lines situated between the reading-room and the purveyor's store-room.

*Dugshai.*—The two wards at the east end of the male hospital, British Infantry Lines.

*Fort William.*—The east room on the ground floor of the station hospital.

*Fortress Gwalior.*—The room at present used as an ophthalmic ward on the lower floor of the central portion of the garrison hospital.

*Meean Meer.*—The two small rooms at the south end of the north wing of the station hospital.

*Sialkot.*—The west part of No. 5 ward of the left wing of No. 2 Men's Hospital (station hospital).

*Peshawar.*—The north end of the large ward in Block 35, East hospital.

*Saugor.*—No. 16, quarter guard room, Royal Artillery.

#### PROMOTIONS.

**No. 489.**—The following promotion is made, subject to Her Majesty's approval :—

##### BENGAL STAFF CORPS.

*To be Lieutenant-Colonel.*

Major (Brevet Lieutenant-Colonel) James Calder Stewart,—4th September, 1883.

##### **No. 490.**—NATIVE ARMY—

*6th Bengal Cavalry.*

Ressaidar Mathura Singh to be Ressaidar, vice Subhan Ali, invalided,—27th July, 1883.

Kote-Duffadar Izzat Khan to be Jemadar, vice Inayat Husen, invalided,—1st April, 1883.

Duffadar Imtiaz Ali Khan to be Jemadar, vice Mehtab Singh, promoted,—9th April, 1883.

#### RETIREMENTS.

**No. 491.**—Lieutenant-Colonel Llewellyn Wavell, Bengal S. C., has been permitted to retire from the service, with effect from the 18th July, 1883.

#### LONDON GAZETTE.

**No. 492.**—The following extract is published for general information :—

*"London Gazette," dated the 3rd August, 1883, page 3868.*

*"INDIA OFFICE ;  
3rd August, 1883.*

The Queen has approved of the retirement of the undermentioned Officers of Her Majesty's Indian Forces :—

Lieutenant-Colonel and Brevet Colonel Robert Henry Cunliffe, of the Madras Staff Corps. Dated 14th June, 1883.

Lieutenant-Colonel Llewellyn Wavell, of the Bengal Staff Corps. Dated 18th July, 1883.

Major Hugh Stark Anderson, of the Bengal Army. Dated 3rd January, 1883.

**NOTE.**—The transfer of Major H. S. Anderson to the Half-Pay List, which was notified in the *London Gazette* of the 12th January, 1883, is cancelled.

#### BREVET.

The undermentioned Officers have been granted a step of honorary rank on retirement :—

*To be Major-General.*

Lieutenant-Colonel and Brevet Colonel Robert Henry Cunliffe, of the Madras Staff Corps. Dated 14th June, 1883.

*To be Colonel.*

Lieutenant-Colonel Llewellyn Wavell, of the Bengal Staff Corps. Dated 18th July, 1883.

*To be Lieutenant-Colonel.*

Major Hugh Stark Anderson, of the Bengal Army. Dated 3rd January, 1883.

*To be Surgeon-General.*

Deputy Surgeon-General John Lumsdaine, of the Bombay Army. Dated 1st May, 1883."

#### REWARDS.

##### **No. 493.**—ORDER OF MERIT—

His Excellency the Governor General in Council is pleased to admit Lance-Duffadar Upar Singh and Trumpeter Sarain Singh of the 13th Bengal Lancers to the 3rd Class of the Order of Merit for bravery displayed by them at Kassasin on the 9th September, 1882.

G. CHESNEY,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 6th September 1883.*

No. 1194 G.

RESOLUTION—By the Government of India, Public Works Department.

Amalgamation of the Consulting and Deputy Consulting Engineers of Madras and Bombay with the establishment of the Railway Branch under the Government of India.

Read again—

Letter No. 2308, dated 14th September 1881, from the Government of Bombay.

P. W. D. letter No. 830R.E., dated 20th October 1881, to the Government of Bombay.

P. W. D. letter No. 833R.E., dated 20th October 1881, to the Government of Madras.

Letter No. 2763, dated 5th November 1881, from the Government of Bombay.

Letter No. 747R., dated 15th November 1881, from the Government of Madras.

OBSERVATIONS.—In the papers now read again, proposals were discussed for the amalgamation of the officers of the Consulting Engineer's Departments of Madras and Bombay with the Railway Branch of the Government of India. It was recorded, in the event of such amalgamation being carried out, that no officer would be withdrawn from or sent to either Local Government without their previous concurrence, and that the arrangement would in no way interfere with the present system of control over the railways under the administrative charge of the Local Governments. The Governments of Madras and Bombay assented to these proposals.

RESOLUTION.—On a review of these proceedings, His Excellency the Governor General in Council is now pleased to direct that the officers of the several Consulting Engineer's Departments in India be brought on the roster of the Railway Branch of the Government of India, Public Works Department.

2. In order to give effect to this decision, the officers of the Madras and Bombay lists named below will be transferred to the Railway list, and they will carry the appointments in the graded list they now hold, from their own list, to the Railway list. As regards promotion, the officers now brought on to the Government of India list will be promoted *pari passu* with officers immediately below them on the Government of India list, and will be treated as supernumeraries in their grade or class for a period not to exceed 2½ years from the 1st January 1884. After the 1st July 1886 those of them who remain will be absorbed into the sanctioned scale as vacancies occur :—

## MADRAS.

Colonel J. H. M. Shaw-Stewart, R.E., Chief Engineer, 3rd Class, Consulting Engineer.

Lieutenant-Colonel C. J. Smith, R.E., Executive Engineer, 1st Grade, Deputy Consulting Engineer.

Captain W. H. Coaker, R.E., Executive Engineer, 2nd Grade, Deputy Consulting Engineer.

## BOMBAY.

Colonel H. F. Hancock, R.E., Chief Engineer, 2nd Class, Consulting Engineer.

Colonel J. Bonus, R.E., Chief Engineer, 3rd Class, temporary rank, and Officiating Consulting Engineer.

Major R. T. Frere, R.E., Executive Engineer, 2nd Grade, sub. *pro tem.* Deputy Consulting Engineer.

Captain H. Pilkington, R.E., Executive Engineer, 4th Grade.



3. Colonel Shaw-Stewart holds the personal rank of Chief Engineer, Class III, his post on the Madras Establishment being that of a Superintending Engineer. He will continue on the same footing on the Railway list; that is to say, until he is eventually absorbed in the Chief Engineer class, the Superintending Engineer's post will be kept vacant.

4. According to the above arrangements, the several scales will be respectively reduced and increased, as shown below :—

			Madras.	Bombay.	Railway.
Chief Engineer, Class II	...	...	...	— 1	+ 1
Superintending Engineers	...	...	— 1	...	+ 1
Executive Engineer, 1st Grade	...	...	— 1	...	+ 1
Ditto, 2nd Grade	...	...	...	— 1	+ 1
Ditto, 2nd Grade, sub. <i>pro tem.</i>	...	...	— 1	...	+ 1
Ditto, 4th Grade	...	...	...	— 1	+ 1

5. With a view to compensate for the loss of the post of Chief Engineer, Class II, transferred from Bombay to the Government of India list, the second Chief Engineer on the Bombay Establishment will be eligible for promotion to Class II when he is senior to the senior Class III Chief Engineer on the Government of India list; the scale of Chief Engineers on the Government of India list being increased by one Class III, and reduced by one Class II, appointment, whenever under this rule the second Chief Engineer, Bombay, holds the rank of Class II. But the rule will not come into effect until the retirement of Colonel Hancock, or until the date on which the Class III Chief Engineer now on the Bombay list would, in the ordinary course, have been promoted to Class II.

ORDER.—Ordered, that this Resolution be circulated to Local Governments

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.  
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.  
The Resident, Hyderabad.  
The Agents to the Governor General for Central India, Rajputana, and Beluchistan.  
The Accountant General, Public Works Department.  
The Inspector General of Military Works.  
The Director General of Railways.  
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.

and Administrations and heads of Departments noted on the margin for information, and that it be published in the *Gazette of India*.

*The 1st September 1883.*

**No. 206.**—The Governor General in Council is pleased to order the undermentioned *temporary promotions* to Executive Engineer, 4th Grade, with effect from the dates specified :—

Mr. R. J. Bailey, Assistant Engineer, 1st Grade, British Burma, from the 1st July 1883.

Hon'ble L. M. St. Clair, Assistant Engineer, 1st Grade, Central Provinces, from the 24th July 1883.

Baboo Preonath Banerjee, Assistant Engineer, 1st Grade, Assam, from the 23rd August 1883.

*The 4th September 1883.*

**No. 207.**—Mr. C. H. Brereton, Traffic Candidate attached to the Indus Valley and Kandahar State Railway, is promoted to Class IV of the State Railway Superior Revenue Establishment, with effect from the 6th August 1883.

*The 6th September, 1883.*

**No. 208.**—Deputy Assistant Commissary and Honorary Lieutenant M. Shanahan, Accountant, 3rd Grade, is promoted to the honorary rank of Assistant Examiner.

W. S. TREVOR, Colonel, R.E.,

*Secy. to the Govt. of India.*







# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 8, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th August, 1883, and is hereby promulgated for general information :—

ACT No. XII OF 1883.

### THE BRITISH BURMA PILOTS ACT, 1883.

#### CONTENTS.

##### PREAMBLE.

##### SECTIONS.

##### *Preliminary.*

1. Short title.  
Local extent.  
Commencement.
2. Definition of "port."

##### *Licensing of Pilots.*

3. Licensing of pilots.
4. No person to act as pilot except under license.

##### *Regulation of Pilots.*

5. Power to make rules to regulate conduct of pilots.

##### *Special Court.*

6. Power to direct investigation by special Court into charges against pilots.
7. Constitution of Court.
8. Appointment of president.
9. Assessors.
10. Appointment of assessors.
11. Fees to be paid to assessors.

##### SECTIONS.

12. Copy of grounds of charge to be supplied to pilot.
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14. Powers of the Court as to evidence and regulating proceedings.
15. Court to report to Chief Commissioner.
16. Power of Chief Commissioner to make rules.

##### *Power to cancel, suspend or reduce Licenses.*

17. Power to cancel, suspend or reduce license for misconduct, &c.
18. Power to suspend license pending trial or investigation.

##### *Delegation of Functions of Chief Commissioner.*

19. Power to delegate functions of Chief Commissioner.

*An Act to provide for the licensing and control of Pilots in British Burma and for investigating certain charges against them.*

WHEREAS it is expedient to provide for the licensing and control of pilots in British Burma, and for investigating certain charges against them; It is hereby enacted as follows :—

##### *Preliminary.*

1. (1) This Act may be called the British Burma Pilots Act, 1883.  
Short title.

- (2) It extends to the territories for the time being administered by the Chief Commissioner of British Burma; and  
Local extent.

- (3) It shall come into force on such date as the Chief Commissioner may fix in this behalf.  
Commencement.

2. In this Act—

"Port" means any port, or any part of a navigable river or channel, in which the Indian Ports Act, XII of 1875, is for the time being in force.  
Definition of "port."

*Licensing of Pilots.*

**3.** The Chief Commissioner may, from time to time, appoint, or cause to be appointed, competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port, and make rules—

- (a) for the conduct of the examinations and for the qualifications to be required;
- (b) establishing grades of pilots, and determining the duties which may be undertaken by pilots of each grade;
- (c) for the grant to qualified persons of licenses to act as pilots of any grade at any port; and
- (d) for the fees to be paid for the examinations and licenses.

**4. (1)** A person shall not act as a pilot at any port, after such date as the Chief Commissioner may fix in this behalf for that port, except as permitted by a license granted under section 3.

**(2)** Any person acting as a pilot in contravention of this section shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

*Regulation of Pilots.*

**5. (1)** The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, make rules to regulate the conduct of pilots licensed under this Act in all matters connected with the performance of their duties as such pilots.

**(2)** Any such rule may contain a provision that a pilot committing a breach of the rule shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both:

Provided that a prosecution shall not be instituted in respect of any such breach except by order of such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

*Special Court.*

**6. (1)** If the Chief Commissioner has reason to believe that there are grounds for charging any pilot licensed under this Act with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section 5, and that the charge cannot be satisfactorily investigated by an ordinary Court, he may direct that a special Court be constituted, under this Act, at the port at which it will, in his opinion, be most convenient for the parties and witnesses to attend, and shall then send to the Court a statement of the grounds of the charge, and direct the Court to make an investigation into the charge.

**(2)** When the Chief Commissioner directs an investigation under this section, he may, if he thinks fit, appoint a person to act as prosecutor in the investigation.

**7.** Every Court constituted under section 6 shall consist of a president sitting with three assessors.

**8. (1)** The president shall be such person as the Chief Commissioner appoints in this behalf, either generally or for any specified case.

**(2)** Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of

**9.** One of the assessors shall be a master of a seagoing vessel lying in the port at which the investigation is to be made, another shall be a merchant residing at that port, and the third shall be a person who has personally exercised the calling of a pilot for not less than five years.

**10. (1)** The assessor who is the master of a seagoing vessel shall be appointed in each case by the Chief Commissioner, and shall be summoned by the president.

**(2)** The other assessors shall be summoned by the president in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the Chief Commissioner in the *British Burma Gazette*. If there are no such lists, or if it is impracticable to procure the attendance of two persons one of whom is named in the list of merchants and the other in list of pilots, the other assessors or assessor, as the case may be, shall be appointed and summoned by the president.

**11.** The assessors shall receive such fees as the Chief Commissioner may, from time to time, by rule, prescribe.

**12.** Before any investigation under this Act is commenced, the special Court shall supply the pilot with a copy of the statement sent, under section 6, to the Court.

**13.** For the purpose of an investigation under this Act, the special Court may summon the pilot to appear before it, and shall give him full opportunity of making a defence, either in person or otherwise.

**14.** For the purpose of an investigation under this Act, the special Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

**15.** On the completion of the investigation, the special Court shall send to the Chief Commissioner a full report of the conclusions at which it has arrived. The report shall be in accordance with the opinion of the majority of the members of the Court, or, if the Court is equally divided, in accordance with the opinion of the president and with the member with whom he concurs. In the latter case, any member who does not concur in the report may separately record his opinion.

**16. (1)** The Chief Commissioner may, from time to time, make rules to carry into effect the provisions of this Act with respect to the special Court, and in particular with respect to—

Power of Chief Commissioner to make rules.

- (a) the mode in which the president shall, under section 10, summon the assessors;
- (b) the amount of the fees to be paid to the assessors; and
- (c) the procedure of the Court.

(2) All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

*Power to cancel, suspend or reduce Licenses.*

**17.** The Chief Commissioner may cancel or suspend, or reduce the grade of, any license granted to a pilot under this Act in the following cases, that is to say:—

Power to cancel, suspend or reduce license for misconduct, &c.

- (a) if the pilot is found guilty by a Criminal Court of any offence punishable under section 5, or of any other offence the commission of which, in the opinion of the Chief Commissioner, shows him to be unfit to discharge the duties of a pilot; or

(b) if, on considering a report submitted under section 15 of this Act, or transmitted under section 17 of the Indian Merchant Shipping Act, 1883, the Chief Commissioner is of opinion that the pilot is incompetent, or has been guilty of any misconduct in the discharge of his duty as pilot, or of any breach of a rule made under section 5 of this Act.

**18.** When a prosecution has been instituted against a pilot under section 5, or an investigation has been ordered in respect of him under section 6, or an investigation affecting his conduct has been ordered under Chapter II of the Indian Merchant Shipping Act, 1883, the Chief Commissioner may suspend his license until the trial is concluded or the report of the investigation is submitted or transmitted to the Chief Commissioner, as the case may be.

*Delegation of Functions of Chief Commissioner.*

**19.** The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, delegate his functions under section 6, section 8, section 10, sub-section (1), or section 18 to such person as he thinks fit.

Power to delegate functions of Chief Commissioner.

D. FITZPATRICK,

*Secretary to the Government of India.*





# The Gazette of India.

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SIMLA, SATURDAY, SEPTEMBER 8, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th September, 1883 :—

No. 19 of 1883.

*A Bill to declare the law in force in certain lands which have been or hereafter may be ceded by the Baháwalpur State for occupation by the Indus Valley State Railway.*

WHEREAS Act X of 1880 (*to declare the law in force in certain lands annexed to the Multán District*) provides that all enactments which, on the second day of September, 1879, were in force in the Multán district and not in force in the lands occupied by the Indus Valley State Railway, and the works, premises and stations thereof, within the limits of the Baháwalpur State which have been ceded to the British Government in full sovereignty by that State, and have been declared by the Governor General in Council to be subject to the Lieutenant-Governorship of the Panjáb, and have by the Lieutenant-Governor of the Panjáb been annexed to the Multán district, shall be deemed to have come into force in the said lands on that day;

and whereas it is expedient to make like provision for certain other lands occupied by the same Railway, and the works, premises and stations thereof, within the limits of the same State, which have, since the second day of September, 1879, been ceded to the British Government in full sovereignty by the same State, and have been declared by the Governor General in Council to be subject to the same Lieutenant-Governorship and have by the same Lieutenant-Governor been annexed to the same district;

and whereas it is also expedient to make like provision for any lands to be hereafter occupied by the same Railway, and the works, premises and stations thereof, within the limits of the same State which may be ceded to the British Government in full sovereignty by the same State and may be declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and may by the same Lieutenant-Governor be annexed to the same or some other district;

It is hereby enacted as follows :—

Repeal of Act X of 1880. 1. Act X of 1880 is hereby repealed.

2. All enactments which, on the date on which any such lands as are referred to in the preamble to this Act have been, or may hereafter be, annexed to the Multán or any other district, were, or shall be, in force in that district, and not in the said lands, shall be deemed to have come, or, as the case may be, shall come, into force in the said lands on that date.

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**STATEMENT OF OBJECTS AND REASONS.**

ACT X of 1880 (*to declare the law in force in certain lands annexed to the Multán District*) provides that all enactments which, on the second day of September, 1879, were in force in the Multán district and not in force in the lands occupied by the Indus Valley State Railway, and the works, stations and premises thereof within the limits of the Bahawalpur State which have been ceded in full sovereignty by that State to the British Government and have been declared by the Governor General in Council to be subject to the Lieutenant-Governorship of the Panjáb and have by the Lieutenant-Governor of the Panjáb been annexed to the Multán district, shall be deemed to have come into force in the said lands on that date.

2. But since the second day of September, 1879, certain other lands occupied by the same Railway within the limits of the same State have also been ceded to the British Government, and have in like manner been declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and have by the same Lieutenant-Governor been annexed to the same district. It is obvious that the Act of 1880, which is limited to the lands which were annexed to the Multán district on the second day of September, 1879, does not provide for these lands. It is further possible that other lands may hereafter be ceded by the same State for occupation by the same Railway and may be annexed to the same or some other district of the Panjáb. Under these circumstances, it has been thought desirable to repeal the special enactment of 1880, and to pass a general enactment on the same lines declaring the law in force in all the lands within the Bahawalpur State which may have been, or may hereafter be, ceded to the British Government for occupation by the Indus Valley State Railway, and which may have been, or may hereafter be, annexed to the Multán or any other district of the Panjáb.

C. P. ILBERT.

*The 20th August, 1883.*

D. FITZPATRICK,

*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[ First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th September, 1883 :—

No. 20 OF 1883.

THE PANJÁB MUNICIPAL BILL,  
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**Panjab Municipal Bill, 1883.**  
(Chapter I.—Preliminary.)

*A Bill to make better provision for the organization and administration of Municipalities in the Panjab.*

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Panjab; It is hereby enacted as follows:—

**CHAPTER I.**  
**PRELIMINARY.**

IV of sec- 1. (1) This Act may be called the Panjab Municipal Act, 1883:

Short title.

(2) It extends only to the territories under the Government of the Lieutenant-Governor of the Panjab:

Local extent.

Commencement. (3) And it shall come into force on the passing thereof.

IV of section 2. (1) Act IV of 1873 (the Panjab Municipal Act, 1873) is hereby repealed.

(2) But all extensions and appointments made, and all limits defined, under the said Act shall be deemed to be respectively made and defined under this Act, and an extension of any particular provision of the said Act shall be deemed to be an extension of the corresponding provision of this Act:

Provided that, when a first election is held under this Act in any municipality, the term of office of any member of committee appointed before this Act comes into force shall cease when the elected members take office, unless the Local Government shall otherwise direct.

(3) And all taxes imposed and sanctioned under the said Act shall be deemed to have been imposed and sanctioned under this Act.

(4) And all assessments, bye-laws, rules and regulations of any kind, relating to matters provided for by this Act, which may heretofore have been made or approved by the Local Government, shall be deemed to have been made under this Act.

(5) And all proceedings taken under any such assessment, bye-law, rule or regulation shall be deemed to be as valid as if they had been taken under this Act.

3. In this Act, unless there be something repugnant in the subject or context,—

Interpretation-clause.

“Committee” means a municipal committee appointed under the provisions of this Act:

“Municipality” means any town or group of towns to which this Act is applied:

“Inhabitant” means any person ordinarily residing or carrying on business, or possessing immoveable property, and any person declared by the Local Government to be an inhabitant, in any town to which this Act applies, or to which the Local Government has by notification declared its intention to apply it:

“Street” means any way, road, street, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way; and also the roadway and footway over any public bridge or causeway:

“Owner” includes the person for the time being receiving the rent of lands and buildings, or either of them, whether as his own or as agent or trustee for any other person or society, or for any religious or charitable purpose, or who would receive the same if the land or building were let to a tenant:

or as agent or trustee for any other person or society, or for any religious or charitable purpose, or who would receive the same if the land or building were let to a tenant:

Provided that no such agent or trustee shall be liable to do anything required by this Act to be done by the owner unless he has in his possession sufficient funds belonging to the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act if he can prove that he had not in his possession funds belonging to the owner sufficient for the purpose:

“Casual vacancy” means a vacancy occurring in a committee by the death, resignation or removal of a member of committee:

“Notification” means a notification published by authority of the Local Government in the *Panjab Government Gazette*:

“Prescribed” means prescribed by rules made by the Local Government under this Act.

4. (1) The Local Government may, from time to time, by notification, declare its intention to apply this Act or any of its provisions to any town or group of towns in the territories under such Government. [Act I 1873, sec 1, sub-sec 1, and sec 5; N.W. Bill, sec 3.]

(2) Every such notification shall define the limits of the town or group of towns to which it relates, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the consent of the Governor General in Council, so include any military cantonment.

(3) A copy of every notification under this section, together with a translation of the same in the local vernacular, shall be affixed in some conspicuous place in the court-house of the district in which the town or group of towns to which it relates is situate, and in one or more conspicuous places in such town or group of towns; and the Deputy Commissioner shall certify to the Local Government the date on which the copy and translation aforesaid were so affixed. The date so certified shall be deemed to be the date of publication of the notification. [New.]

Publication of notification

5. (1) If any inhabitant objects to the application of the Act, or of the provisions thereof specified in the notification, he may, within six weeks from the date of publication of the notification, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration. [Act IV 1873, sec 1, sub-sec 2 & 3; N.W. Bill, sec 4.]

(2) When six weeks from the date of the said publication have expired, and the Local Government has considered and passed orders upon any such objections which may have been submitted to it, the Local Government may, by notification, declare such town or group of towns to be, for the purposes of this Act, a municipality of the first or second class, and apply this Act or the provisions thereof specified in the notification.

Procedure thereon.

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

3. The Local Government may, at any time, by notification, alter the limits of any municipality, or order that it be transferred from one class to another, or withdraw any local area to which this Act or any of its provisions may have been applied or extended from the operation of this Act or of the said provisions:

Provided that, when such notification applies to any local area previously subject thereto, it shall not be abolished unless and until the provisions of section 4 and section 5, sub-section (1), have been complied with, and the period specified in section 5, sub-section (2), has expired, and all objections submitted to the Local Government have been disposed of as in that sub-section provided.

## CHAPTER II.

### ORGANIZATION OF COMMITTEES.

#### *Constitution of Committees.*

7. (1) There shall be established by notification for each municipality a committee having authority over such municipality, and consisting of such number of members, not less than six, as the Local Government may direct.

(2) Such members may be appointed by the Local Government, either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made under this Act, or some may be appointed and some elected: the Local Government may direct:

Provided that—

(1) when the Local Government has directed that all or any of the members shall be elected, they shall not be appointed by the Local Government unless—

- (a) the electors do not elect a sufficient number of members; or
- (b) a sufficient number of candidates do not present themselves for election; or
- (c) a majority of the electors declare that they so desire; or
- (d) by order of the Local Government, subject to the sanction of the Governor General in Council, for any other good and sufficient reason affecting the public interests:

(2) except with the approval of the Governor General in Council, not less than two-thirds of the members of every committee shall be persons other than salaried officers of Government unless such officers are elected as members.

8. If the Local Government is satisfied that any candidate elected as member of committee has been guilty of corrupt practices at his election, the election of such candidate shall be cancelled.

9. (1) Members of committee, except those who have been appointed by official designation, shall

11. (1) The term of office of each member shall not exceed three years.

as shall be fixed by the Local Government, or until their successors have been elected or appointed.

(2) When the Local Government has directed that the members of a committee or any of them shall be elected and shall hold office for a term of three years, one-third, as nearly as may be, of the members elected at the first election thereafter held shall vacate office at the end of one year, and one-third, as nearly as may be, at the end of two years from the date of assuming office.

(3) The members who shall vacate office at the end of the first and of the second year, respectively, shall be determined either by voluntary arrangement among the members or by lot:

Provided that, if an elected member be chairman of the committee, he shall not be required to vacate office as member by lot during his term of office as chairman.

(4) An outgoing member shall, if otherwise qualified, be eligible for re-election or re-appointment.

10. (1) The Local Government may at any time remove any member of committee appointed by name or by his official designation. [Panjab Local Self-government Bill, section 7; N. section 13.]

(2) The Local Government may remove any member of committee chosen by election—

- (a) if such member refuses to act, or becomes, in the opinion of the Local Government, incapable of acting;
- (b) if he is declared an insolvent, or is proscribed from employment under Government, or is convicted of any such offence, or subjected by a criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;
- (c) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order, or, when he is a salaried officer of Government, inconsistent with the proper discharge of his official functions;
- (d) if for three consecutive months he is absent from the meetings of the committee unless with its permission.

(3) Members removed under clauses (b) and (c) shall be disqualified for election unless with the previous sanction of the Local Government.

11. Any member of committee may signify to the Local Government in writing his intention or wish to resign his office; and, on such resignation being accepted by the Local Government, his office shall become vacant. [N.-W. P. Bill, section 12.]

12. (1) The Local Government may either empower committees to fill up casual vacancies among the members or, subject to the provisions of section 7, appoint members to fill such vacancies or cause them to be filled up by election. [Panjab Local Self-government Bill, section 7, sub-section (4).]

(2) Every member of committee so chosen shall be deemed to be an elected member, and shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office; but shall, if otherwise qualified, be eligible for re-election. [N.-W. P. Bill, section 11, sub-section (3).]

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

**13.** Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, and, subject to rules from time to time made by the Local Government in this behalf, to transfer any property held by it, to invest any sums not required for current charges in Government securities or in any other form of security which may be approved of by the Local Government, and from time to time to dispose of such securities as may be necessary, and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

**14.** A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf.

*Chairman and Vice-Chairman.*

**15. (1)** Every committee shall, from time to time, elect one of its members to be chairman, and such member shall, after the election is approved by the Local Government, become chairman of the committee:

Provided that the committee, instead of electing, may apply to the Local Government to appoint a chairman from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause; and that in either of these cases, or if no election is made within one month from the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government may, if it thinks fit, appoint one of the members of the committee to be chairman.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-chairman or vice-chairmen.

**16. (1)** A chairman shall hold office for three years, and a vice-chairman shall hold office for such term as the committee may, by rule, determine.

(2) A chairman or vice-chairman shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as chairman or vice-chairman, or becomes, in the opinion of the Local Government, incapable of acting; and he may be removed from such office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

**17.** If a chairman or vice-chairman refuses to act, or vacates or is removed from his office as such, another chairman or vice-chairman shall be elected or appointed, as the case may be.

*Notification of Elections, Appointments, &c.*

**18.** All elections and appointments of members of committees and of chairmen of committees, and all determinations of the office of such members otherwise than by the expiration of their term of office, shall be notified in the *Panjab Government Gazette*. No such election or appointment shall take effect until it is so notified.

*Conduct of Business.*

**19.** At every meeting of committee the chairman, if present, shall preside. If the office of chairman is vacant, or the chairman is absent from the meeting, and there is a vice-chairman, the vice-chairman, if present, shall preside. If neither chairman nor vice-chairman be present, the members present shall elect one of their number to be chairman of the meeting.

**20. (1)** Every committee shall meet for the transaction of business, at least once in every month, at such time as may be fixed by its rules of business, and also at the time to which any such meeting may be adjourned under such rules:

Provided that, if there be no business to be laid before a committee at any monthly meeting, the chairman may give notice of the same to each member of committee three days before the time appointed for such meeting, and, when such notice is given, the meeting shall not be held.

(2) The chairman, or, in his absence, the vice-chairman, if any, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fourth of the members of the committee, convene a meeting at any other reasonable time.

**21. (1)** Meetings of committee shall be either ordinary or special.

(2) All business may be transacted at an ordinary meeting which is not required by this Act or by any rules made thereunder to be transacted at a special meeting.

**22. (1)** The quorum necessary for the transaction of business at a special meeting of committee shall be one-half of the members of committee for the time being.

(2) The quorum necessary for the transaction of business at an ordinary meeting of committee shall be such number of the members of committee, not less than three, as may from time to time be fixed by its rules of business.

(3) If at any meeting of committee a quorum is not present, the chairman, or in his absence the vice-chairman, may adjourn the meeting to such other day as he thinks fit. Notice of such adjourned meeting shall be given in the manner required by the rules of business, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

**23.** Except as otherwise provided by this Act or by rules made under this Act, all questions which may come before any meeting of committee shall be decided by a majority of the votes of the members present; the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

**24.** (1) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting, and shall be published in such manner as the Local Government may, from time to time, direct, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant who pays any tax under this Act.

(2) A copy of all such minutes shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner of the district.

**25.** In case of emergency, the chairman of the committee, or in his absence the vice-chairman, shall exercise all powers vested in the committee by this Act or by any rules made thereunder, unless it is by this Act expressly declared that such power shall be exercised by the committee at a meeting:

Provided that the chairman or vice-chairman shall not act in opposition to, or in contravention of, any order of the committee at a meeting.

**26.** (1) Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the division of duties among the members of the committee;
- (g) the powers to be exercised by sub-committees or members to whom particular duties have been assigned;
- (h) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act;
- (i) the appointment, leave, suspension and removal of its officers and servants;
- (j) the term for which the vice-chairman shall hold office; and
- (k) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Local Government may, from time to time, direct.

*Joint Committees.*

**27.** (1) A committee may, from time to time, concur with any other local authority in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such joint committee, and in delegating to such joint committee any power which might be exercised by either of the local authorities so concurring, and in framing and modifying regulations as to the proceedings of such joint committee, and as to the conduct of correspondence relating to the purpose for which such joint committee is appointed.

(2) If any difference of opinion arises between local authorities acting under this section, it shall be referred to—

- (a) the Deputy Commissioner, if the local authorities are in the same district,
- (b) the Commissioner of the division, if the local authorities are in different districts in the same division, or if they are in different divisions, the Commissioners of such divisions, when they can agree as to the decision of the case, and
- (c) the Local Government, if the local authorities are in different divisions, and the Commissioners of such divisions cannot agree as to the decision of the case;

and when such reference is made, the decision thereupon of the Deputy Commissioner, Commissioner or Local Government shall be final.

*Explanation.*—In this section “local authority” means a municipal committee, district committee, local board or cantonment authority.

*Officers and Servants.*

**28.** (1) Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person, to be its secretary, and may, at a like meeting, with the same sanction, remove any person so appointed.

(2) A member of committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

**29.** (1) Subject to the other provisions of this Act and to any rules made in this behalf, every committee may employ and pay such other officers and servants not being members of the committee as may be necessary and proper for the efficient execution of its duties:

Provided that if, at any time, in the opinion of the Deputy Commissioner,

- (a) the number of persons employed by the committee, or the remuneration assigned to those persons, or to any of them, is excessive, or
  - (b) any such person is unfit for his employment,
- the committee shall, on the requirement of the Deputy Commissioner, reduce the number or

*Panjab Municipal Bill, 1883.**Chapter III.—Taxation and Municipal Fund.)*

remuneration of such persons, or, as the case may be, dismiss the unfit person.

(2) If the committee is dissatisfied with such requirement, it may appeal against it to the Commissioner of the division, whose decision shall be final.

Panjab Local Self-government Bill, 1874 and Act I of 1875, section

Pensions to establish

**30.** (1) In the case of Government officials, any committee may—

(a) if the services of such officials are wholly lent to it, contribute to their pensions, gratuities and leave-allowances in accordance with the Government Leave and Pension Code for the time being in force; and

new.]

(b) if such officials devote only a part of their time to the performance of duties in behalf of the committee, contribute to their pensions, gratuities and leave-allowances in such proportion as may be determined by the Government.

(2) In the case of servants, not being Government officials, any committee may—

(1) grant leave-allowances, and, in the case of servants appointed before the passing of this Act and not entitled to pension, and of servants drawing less than ten rupees a month, gratuities to such servants; and

(2) if empowered in this behalf by the Local Government—

(a) subscribe in behalf of such servants for pensions, gratuities and leave-allowances under the Government Leave and Pension Code for the time being in force;

(b) purchase from the Government or otherwise annuities for such servants on their retirement;

Provided that such pensions, gratuities, leave-allowances and annuities shall in no case exceed the sum to which, under the Government Leave and Pension Code for the time being in force, such servants would be entitled if the service had been service under Government.

*Contracts.*

W. P. Bill, 1875, section 35.]

**31.** (1) The committee of a municipality of Authority to contract. the first class may delegate to one or more of its members the power of entering, on its behalf, into any contract whereof the value or amount does not exceed two hundred rupees.

(2) No contract whereof the value or amount exceeds two hundred rupees shall be executed until it has been sanctioned at a meeting of the committee.

W. P. Bill, 1875, section 36; IV of 1875, section 33, contracts.]

**32.** (1) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing, and shall be signed by the chairman or vice-chairman and the secretary, if he is a member of committee, and, if the secretary is not a member of committee, by another member;

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the preceding section, the members so empowered may execute such contract.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the chairman or vice-chairman, and by at least two other members of the committee.

(3) No contract or transfer executed otherwise than in conformity with the provisions of this section shall be binding on the committee;

Provided that this shall not affect any liability of the committee under section 70 of the Indian Contract Act to make compensation for any benefit received.

IX of 1872

## CHAPTER III.

## TAXATION AND MUNICIPAL FUND.

*Taxation.*

**33.** Subject to any general rules or special orders which the Governor may, from time to time, make in this behalf, a committee may, for the purposes of this Act, in the manner hereinafter provided, impose any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

(a) a tax on houses, buildings and lands, either

(i) not exceeding  $7\frac{1}{2}$  per cent. on the annual value thereof; or

(ii) not exceeding one anna per square yard; or

(iii) not exceeding three rupees per running foot of frontage in streets or bazars;

(b) a tax on persons practising arts or professions or carrying on trades or callings in the municipality;

(c) a tax on vehicles, boats, animals used for riding, driving, draught or burden, and d. gs. kept within the municipality;

(d) a tax on menial and domestic servants;

(e) an octroi on animals for slaughter and goods brought within the octroi limits for consumption or use therein; and

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

**34.** (1) To provide further funds for the following purposes, or any special objects. of them, namely:—

(a) the lighting of streets, roads and public thoroughfares;

(b) the supply, storage and preservation from pollution of water for drinking and cooking purposes;

(c) any special work approved by the Local Government for promoting the health, comfort or convenience of the inhabitants;

a committee may (subject to the rules or orders last aforesaid) in the manner hereinafter provided, and with the previous sanction of the Local



*Panjab Municipal Bill, 1883.*  
(Chapter III.—Taxation and Municipal Fund.)

Government, impose, in addition to any taxes imposed under section 33, a tax on houses, buildings and lands, either

- (i) not exceeding  $2\frac{1}{2}$  per cent. on the annual value thereof; or
- (ii) not exceeding 4 pies per square yard; or
- (iii) not exceeding one rupee per running foot of frontage in streets or bázárs.

(2) A separate account shall be kept of the receipts and expenditure of every tax levied under this section.

*Explanation.*—In this and the last preceding section, “annual value” means the annual rent for which houses, buildings and lands liable to taxation may reasonably be expected to let:

Provided that—

(1) In municipalities where houses are usually let furnished, it shall not be necessary, in estimating the rental, to make any deduction on account of the furniture, unless the Local Government shall otherwise order:

(2) In the case of land assessed to the land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government shall so direct, the annual value shall be deemed to be double the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; and, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable; and also, when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, double the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

35. With the previous sanction of the Local Government, or of such officer as the Local Government may authorize in this

behalf, a committee may, from time to time, by resolution at a special meeting, impose and fix the rate of, or abolish, the following tolls and fees, namely:—

- (a) where no octroi is levied, a toll on vehicles and animals entering the municipality, and on boats moored therein;
- (b) fees on licenses to the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality;
- (c) school-fees;
- (d) fees for the use of, or benefits derived from, hospitals, dispensaries, rest-houses, seráís, slaughter-houses, markets and other public institutions;
- (e) fees at fairs, agricultural shows and industrial exhibitions held within the municipality and under its control;
- (f) fees for notices of demand of any tax, toll or fee due under the Act;
- (g) fees for licenses to carry on offensive or dangerous trades;

(h) fees for permission to make any temporary erection, or for the temporary occupation of any street or other land vested in the committee.

36. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 33 or section 34, or any toll under section 35 (a), within the whole or any part of the municipality for the purposes of this Act.

(2) When such resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee, and the committee shall, at a special meeting, take such objection into consideration.

(4) If no such objection is received, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, together with the objections (if any) which have been submitted as aforesaid, and with its decision thereupon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, together with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals. In giving such direction the committee shall fix a date, not less than one month after the meeting, from which the tax shall come into force:

Provided that no tax shall come into force until it has been notified in the *Panjab Government Gazette*, and such notification shall be conclusive evidence that it has been imposed in the manner provided by this section.

(8) The Local Government may, by notification, and the committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax so imposed.

37. (1) A committee may at a meeting exempt, in whole or in part, from the payment of any tax, toll or fee imposed under this Act, any person who by reason of poverty may be deemed to be unable to pay the same.

Madras Act of 1871, s. 1; Local Act V of 1876, s. 1.

Panjab Local Self-government Bill, section 20.]

Madras Act of 1871, sections 52 & 53.]

*Panjab Municipal Bill, 1883.*  
(Chapter III.—Taxation and Municipal Fund.)

(2) The Local Government may, by notification, and the committee may, by resolution passed at a special meeting and confirmed by the Local Government, exempt from the payment of any tax, toll or fee imposed under this Act, any person or class of persons or any description of property.

[Act XV of 1873, section 19; Act VII of 1874, section 15; Bengal Act V of 1876, section 369.] **38.** No tax, toll or fee imposed under this Act, and no proceedings of committee at any ordinary or special meeting, shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of making such tax, if the property taxed or assessed be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

[Madras Act III of 1871, s. 41.] **39.** Any tax imposed under section 33, sub-section (1), clause (a), or under section 34, shall be payable by the owner of the house, building and land, respectively, from and after the end of the first quarter of the year for which it is assessed.

[Madras Act III of 1871, s. 43; Bengal Act V of 1876, s. 94.] **40.** The committee shall cause a valuation-list of all houses, buildings and lands on which such tax is imposed to be prepared, containing the name of the street or division in which such property is situate, the designation of the property, either by name or number, sufficient to identify the same, the name of the owner, or if the occupier, and not the owner, is the person liable to pay the tax, the name of the occupier, the annual value, area or length of frontage upon which the property is assessed, and the amount of the tax assessed thereon by the committee.

[Madras Act III of 1871, section 45.] **41.** When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said list, and also in any notice or other proceeding under this Act, as the "owner" or the "occupier" of the property on which the tax is assessed, without further description.

[Madras Act III of 1871, section 46; Bengal Act V of 1876, section 103.] **42.** When the valuation has been completed, the committee shall give public notice thereof, and of the place where the list or copy thereof may be inspected, and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect the entries in such list or copy relating to such property, and to make extracts thereof without charge.

[Madras Act III of 1871, section 47.] **43.** (1) The committee shall at the same time give public notice of a day and hour, not less than one month from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment is increased, shall give special notice thereof to the owners or occupiers of such property.

(2) All objections to such valuation and assessment shall be made at or before the time fixed in the notice.

[Madras Act III of 1871, section 48.] **44.** After the objections have been enquired into and the revision of the valuation and assessment has been completed,

the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year for which the assessment is made.

**45.** The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property liable to the tax, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake or fraud, or the value of which has been increased by the construction of any new building or by additions to or alterations in any building thereon, after giving notice to any person interested in such amendment of a day, not less than fifteen days from the date of service of such notice, on which the amendment is to be made;

and any person interested in such amendment may tender his objection to the committee by application in writing at or before the time fixed in the notice.

**46.** It shall not be necessary to prepare a new valuation-list every year; but the committee may adopt the valuation and assessment contained in the list for the preceding year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same public notice of such valuation and assessment as if a new valuation-list had been prepared.

**47.** (1) When any sum is due for any tax leviable under section 33, sub-section (1), clause (a), or under section 34, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill be not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served upon such person;

and if such person do not, within seven days from the service of such notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment of the same, the sum due, together with such fee, shall be deemed to be an arrear of tax.

**48.** If the sum due from the owner of the house, building or land remains unpaid after notice of demand has been duly served, the committee may demand the amount from the occupier for the time being, and may proceed against him in all respects as if he were the owner; and if the amount is paid by, or recovered from, the occupier, he may deduct the amount so paid or recovered from the next and following payments of rent:

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Provided that no arrear which has remained due from the owner for more than one year shall be so recovered from the occupier.

**P. 49. (1)** Arrears of any tax imposed under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property belonging to the defaulter within those limits.

**Act 1871, sec. 79.] (2)** In case of non-payment of any octroi tax or of any toll on demand, the person empowered to collect the same may seize any goods on which such octroi is chargeable, or any conveyance, boat or animal on which such toll is chargeable or any part of its burden of sufficient value to satisfy the demand. The committee may cause any property so seized or so much thereof as is necessary to be sold by auction to satisfy such demand, together with the expenses occasioned by the seizure, custody and sale thereof, unless such demand and expenses are in the meantime paid, after the lapse of *five* days from the seizure, and after the issue of a proclamation fixing the time and place of sale, a copy of which shall be served upon the person entitled to the property at least 48 hours before the sale:

Provided that, by order of the chairman or vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of twenty-four hours.

**Plow-draft No. 50. (1)** Every person bringing within the limits of any municipality articles liable to octroi tax, any articles upon which an octroi tax has been imposed shall, when required by any person authorized by the committee to assess the octroi tax chargeable, or to collect the tax assessed thereon, and so far as may be necessary for ascertaining the amount of tax chargeable,—

- (a) permit such person to inspect, examine, weigh and otherwise deal with such articles;
- (b) permit such person to separate taxable articles from articles not taxable;
- (c) communicate to such person any information and exhibit to him any document he may possess relating to such taxable articles.

**Plow-draft No. (2)** Every person assessing octroi tax by the authority of the committee shall, on request by the person introducing taxable articles on which such tax is claimed, present him with a bill specifying the articles taxable, the amount claimed, and the rate at which the tax is calculated; and any person receiving payment of the whole or any part of the tax claimed shall on request receipt the said bill accordingly.

**Act 1871, s. 78.] 51.** The collection of any octroi tax or toll may be leased by the committee, with the previous sanction of the Commissioner of the division, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of such octroi tax or

toll shall be bound by any rules made by the committee for their guidance, and shall have the same powers, and be subject to the same responsibilities, as if they were employed by the committee for the management and collection of such octroi tax or toll. Any dispute between the lessee and any person from whom such tax or toll is demanded shall be referred to the committee, whose decision thereupon shall be final.

**52. (1)** The committee may require the owners or occupiers of houses, buildings or lands to furnish them with returns of the measurements and of the rent or annual value thereof; and the committee or any person appointed by them for that purpose may, at any time between sunrise and sunset, enter and inspect and measure any such houses, buildings or lands, after having given 48 hours previous notice in writing to the occupiers thereof.

(2) The committee, or any person authorized by them in writing for that purpose, may also, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein they may have reason to believe that there is any vehicle or animal liable to taxation under this Act, for which a license has not been duly taken out.

**53.** No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned except under this Act, in any other manner or by any other authority than in this Act is provided.

**54.** For all sums paid on account of any tax under this Act, a receipt, stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

*Appeals.*

**55.** Appeals against any tax, toll or fee, other than octroi tax or fees under section 35, clauses (c), (d), (e) and (f), assessed or levied under this Act shall lie to the Deputy Commissioner, unless when he is a member of the committee, in which case the appeal shall lie to the Commissioner of the division.

**56.** No appeal shall lie against any assessment on any house, land or building, unless it be preferred within one month after the confirmation of the assessment by the committee, and no appeal shall lie against any other tax, toll or fee, unless preferred within one month from the time of such tax, toll or fee being charged:

Provided that no appeal shall be entertained unless the amount of the assessment, tax, toll or fee to which it relates is deposited with the committee on or before the day on which the appeal is lodged.

**57.** No appeal shall lie against any assessment of octroi tax or the levy of any fee under section 35, clauses (c), (d), (e) and (f), but the decision of the committee on any objection thereto shall be final.

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*Municipal Fund.*

[N.-W. P. Bill, section 42; Act IV of 1873, section 10.] **58.** There shall be for each municipality a Municipal fund constituted. municipal fund, to the credit of which shall be placed all sums received by or on behalf of the committee and any balances standing at the credit of the municipality when this Act came into force.

[N.W.P. Bill, section 43.] **59. (1)** Where there is a Government treasury or sub-treasury, the municipal fund shall be kept in the treasury or sub-treasury, or in the bank, if any, to which the Government treasury business has been made over.

(2) In places where there is no such treasury or sub-treasury, or bank, the municipal fund may be deposited with any banker or person acting as a banker who has given such security for the safe custody of the fund and repayment thereof on demand as the Local Government may in each case think sufficient.

CHAPTER IV.

POWERS AND DUTIES OF COMMITTEES.

*Municipal Police.*

[Act IV of 1873, section 12; Act VII of 1874, section 32.] **60. (1)** Every committee shall, unless it is relieved of this obligation by the Local Government, make such provision for the maintenance of the establishment ordinarily employed on police-duty within the limits of the municipality as the Local Government may consider necessary.

[III of 1880.] (2) Subject, in case this Act is made applicable to any military cantonment, to the provisions of section 9 of the Cantonments Act, 1880, the establishment so entertained, whether enrolled under Act V of 1861 or not, shall be under the orders of the District Superintendent of Police, subject to the general control of the Magistrate of the district; and the watch and ward of the municipality, the prevention and suppression of nuisances therein, and the enforcement of the rules and orders of the committee shall be included among its duties.

**61. (1)** The Local Government may relieve any committee of the whole or part of the cost of such establishment, and may enter into an agreement with the committee that, as an equivalent for such relief for any term of years, the committee shall, during the same term, undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the cost of the police-establishment of which the committee is so relieved. When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained shall perform the same duties as if its cost were defrayed from the municipal funds.

(2) The Inspector General of Police may, with the previous sanction of the Local Government, enter into an agreement with any committee, which is unable to provide the entire cost of the police-establishment which the Local

Government considers necessary, that, on the committee making such payment as may be agreed upon, or undertaking any services within the municipality, approved by the Local Government, to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of such payment, he will provide a sufficient police-establishment for the service of the municipality.

(3) The Local Government or the committee may determine such Termination of such composition. agreement, after twelve months' notice of an intention to do so has been given by the Local Government to the committee or by the committee to the Inspector General of Police; and on the expiration of such notice the agreement shall cease to operate.

**62. (1)** Except in the case of any military Constitution of police-establishment. cantonment to which this Act is made applicable, the establishment maintained under section 60 or section 61 shall be either part of the general police force enrolled under Act V of 1861 or a body of watchmen, as the Local Government may determine.

(2) When it is part of the general police force, Duties when part of the Local Government may, the general police force. notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

(3) When it is a body of watchmen, it shall be of such strength and the Powers, duties, protection, responsibilities and penalties when a body of watchmen. persons of whom it consists shall be of such grades, and shall receive such rates of pay, as the Local Government shall fix, and they shall possess such powers, perform such duties, enjoy such protection, be subject to such responsibilities and be liable to such penalties as Police-officers enrolled under Act V of 1861 possess, perform, enjoy and are subject and liable to.

(4) Police-officers enrolled under Act V of 1861 Command of such body. may be appointed to command such body of watchmen when the Local Government thinks fit.

**63. (1)** Every person shall be bound to render to Obligation to assist any municipal watchman, watchmen. or officer of such watchmen, when discharging the duties of a Police-officer all the assistance which he is bound to render to a Police-officer.

(2) Any person obstructing such watchman or Arrest of persons obstructing watchmen. officer in the discharge of such duties may be arrested without warrant by a Police-officer or by any person belonging to such body of watchmen.

**64.** The appointment, promotion, suspension and punishment of municipal Appointment, promotion, suspension and punishment of watchmen and officers of such watchmen shall rest with the District Superintendent of Police, subject to the general control of the Magistrate of the district.

**65.** When a committee imposes fees under section 35, clauses (d), and (e), Police-protection of sarais, &c., for the use of which fees are charged by committee. for the use of sarais, markets, and other public institutions for which special police-pro-

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tection is required, or at fairs, agricultural shows and industrial exhibitions, it shall pay such police-charges, if any, as may be sanctioned by the Local Government for the protection of the sarais, markets, public institutions, fairs, agricultural shows and industrial exhibitions from which such fees are derived.

*Conservancy and General Improvement.*

IV of 66. Every committee, so far as the municipal fund at its disposal will permit, shall, after providing for the repayment of, and interest due on, loans raised in accordance with law on the security of its funds or any portion thereof, and for the maintenance of any police-establishment which it is required to maintain under the provisions of this Act, and subject to any agreement between it and the Local Government in respect of any of the following matters,

provide for the construction, maintenance, cleansing and repair of the public streets, bridges, embankments, drains, latrines, tanks and watercourses of the municipality;

and may cause such streets or any of them to be watered and lighted;

and may provide for the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets and other works of public utility, and control and administer all public institutions of any of these descriptions within the municipality, except when, by special order, the Local Government may otherwise direct;

and may make grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

and may provide for the training of teachers and the establishment of scholarships;

and may provide for the establishment and maintenance of relief and relief-works in time of famine or scarcity;

and may provide for the supply, storage and preservation from pollution of water for the use of men or animals;

and may provide for the taking of a census, the registration of births, marriages and deaths, public vaccination and any lawful sanitary measure;

and may also do all acts and things likely to promote the safety, health, comfort, convenience or interests of the inhabitants.

*Prevention of Nuisances.*

N.W.P. Bill, section 50.] 67. (1) A committee may, from time to time, Power to make rules at a special meeting, make creating offences. rules—

(a) for prohibiting, preventing and punishing such acts or omissions within the municipality as may, in its opinion, cause or tend to cause any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, injury, obstruction, danger or annoyance to persons who may have occasion to use any public right, or may, in

its opinion, be prejudicial to the public health, safety and convenience, or be offences against public decency;

(b) for defining the cases, manner and times in and at which officers of the committee may enter upon private property for the detection and abatement of public nuisances, or the enforcement of rules made under this section.

(2) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

68. (1) Subject to any orders which the Local Government may, from time to time, make in this behalf, a committee may enjoin any person not to do, or not to omit to do, within the municipality, anything the doing of, or the omission to do, which is a public nuisance, or an offence created by clause (a) of section 67. [N.W.P. Bill, section 51; Act XV of 1873, section 25; Act VII of 1874, section 22.]

(2) Every such injunction shall be deemed, for the purposes of section 291 of the Indian Penal Code, to have been made by a public servant. [N.W.P. Bill, section 52; Act XV of 1873, section 26.]

69. (1) The Local Government may invest within the limits of the municipality, a committee with the powers of a Magistrate of a district as described in section 133 of the Code of Criminal Procedure, and with power to make conditional orders under that section, in respect of all or any of the acts or omissions punishable under rules made in exercise of the power conferred by clause (a) of section 67 of this Act; [N.W.P. Bill, section 53; Act VII of 1874, section 23.]

and may, whenever it thinks fit, withdraw the powers so conferred;

Provided that the conditional order shall specify a Magistrate of the first or second class, other than the committee so invested, before whom the person against whom it is made may appear and move to have it set aside or modified.

(2) Sections 133 to 142 (both inclusive) of the Code of Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers. [Act IV of 1873, section 14; N.W.P. Bill, section 54; Act VII of 1874, section 19; Bombay Act VI of 1873, ss. 70 & 71.]

70. A committee may, at a special meeting, delegate to one or more sub-committees of its members any of the powers vested in it by section 68, or with which it may have been invested under section 69, and may at a like meeting withdraw the powers so delegated. [N.W.P. Bill, section 53; Act VII of 1874, section 23.]

*Additional power to make Rules.*

71. (1) A committee may, from time to time, at a special meeting, make Additional power to make rules. rules— [Act IV of 1873, section 14; N.W.P. Bill, section 54; Act VII of 1874, section 19; Bombay Act VI of 1873, ss. 70 & 71.]

(a) rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the conditions on which such licenses are to be granted and may be revoked;

(b) limiting the rate of hire which may be demanded for, and the loads to be carried by, such vehicles, boats or animals, or for



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and by persons hired to carry loads within the limits of the municipality;

- (c) to secure a proper registration of births, marriages and deaths, and to provide for the taking of a census;
- (d) to provide for the inspection and proper regulation of lodging-houses, markets and slaughter-houses, burial and burning places;
- (e) to provide for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;
- (f) to regulate all matters connected with conservancy;
- (g) to regulate for sanitary reasons the crops which may be grown in any place within the limits of the municipality;
- (h) where the collection of an octroi tax has been sanctioned, to fix octroi limits for the purpose of collecting that tax; and
- (i) generally to carry out the purposes of this Act:

XIV of 1879. Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules in respect to any vehicles to which that Act applies.

[New.] 72. (1) In the case of municipalities in mountainous and sub-mountainous tracts, the committee may, from time to time, at a special meeting, make rules for the maintenance of a water-supply in streams and springs, for the preservation of the soil on the ridges and slopes of the hills and in the valleys, for the prevention of landslips and of the formation of ravines and torrents, and for the protection of land from erosion or the deposit thereon of sand, gravel or stones; and may prohibit all persons from doing any acts the prohibition of which it may consider necessary for these purposes.

*Examples.*—Cutting down forest trees on private grounds, unless with the previous sanction of the committee, and quarrying or making excavations in such grounds unless with the like sanction, may be prohibited by rules made under this section.

(2) The committee of a municipality in a mountainous tract may also make rules for the regulation of traffic in the streets.

[N.-W. P. Bill, section 54, sub-section (2); Act IV of 1873, section 21.] 73. (1) In making any rule under section 67, Penalty for infringement of rules under sections 71 and 72. committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

[N.-W. P. Bill, section 54, sub-section (3); Act IV of 1873, section 15.] (2) No rule made under section 67, section 71 or section 72 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

*Special Provisions.*

74. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades. [Madras Act III of 187 sections 1 to 131; Bengal Act V 1876, sections 285 and 286] melting tallow; boiling offal or blood; or as a soap-house, oil-boiling house, dyeing house or tannery; or as a brick-pottery or lime-kiln; or other manufactory, or place of business from which offensive or unwholesome smells arise;

or as a yard or dépôt for hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material;

or as a store-house for kerosine, petroleum, naphtha, or any inflammable oil, spirit or explosive substance;

or as a manufactory of gunpowder or fireworks; or as a shop for smoking opium or any preparation of opium;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) Such license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be liable to a fine which may extend to fifty rupees, and to a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

75. If it be shewn to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood, or likely to be dangerous to life, health or property, they may, by written notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever disobeys the direction of such notice shall be liable to a fine which may extend to two hundred rupees, and to a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

(3) Nothing in this or the preceding section shall affect the power of the committee to proceed under sections 67, 68 and 69 of this Act, in respect to any place used for any of the purposes mentioned in section 74.

76. (1) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the sanction in writing of the committee.

(2) The committee may, by notice published in such manner as may be prescribed, order the closing of burial and burning places. [Madras Act III of 187 sections 111 of 11 section 13.]

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any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the vicinity thereof to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(3) Private burial-places in such burial-grounds may be excepted from such notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(1) Whoever shall bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, shall be liable to a fine which may extend to fifty rupees for each offence.

77. When any order is made under section 75

Appeal against order made under section 75 or 76. or section 76 by any committee, any person aggrieved thereby may appeal within 30 days from the date thereof to the Commissioner when the municipality is of the first class, or to the Deputy Commissioner when the municipality is of the second class; and the order of the appellate authority confirming, setting aside or modifying such order shall be final; and no such order shall be liable to be called in question otherwise than by such appeal.

Provided that such order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

Act 1871, 123; II of section 78. The committee may, with the approval of the Deputy Commissioner, fix places for the slaughter of animals, or of any specified description of animals for sale; and when such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place; and whoever slaughters any such animal for sale at any other place shall be liable to a fine which may extend to twenty rupees for each offence.

Act 1871, 115; 79. The committee may set apart suitable bathing-places, &c. places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by rule made under section 71, prohibit bathing in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted, by which water in public places may be rendered foul or unfit for use.

Act 1871, 115; Act 1873, 30.] 80. When any building, or any part thereof, which projects beyond the regular line of a public street, or beyond the front of the buildings on either side thereof, has fallen down or been taken down in order to be rebuilt or altered, the committee may, by written notice,

require the same, when being rebuilt, to be set back to or towards the line of the street or the front of the adjoining buildings; and the land so added to the street shall become part of the public street:

Provided that the committee shall make full compensation to the owner of such building for any damage he may thereby sustain; and, if any dispute shall arise touching the amount of such compensation, it shall be settled in the manner provided by the Land Acquisition Act, 1870, X of 1870. sections 3, 8 to 12, 51 to 53 and 56 to 59, so far as they can be made applicable.

81. (1) Every person intending to erect or re-erect any building within the limits of the municipality shall, if required by rules made under section 71, give notice in writing to the committee, and shall, if required to do so, furnish a plan shewing the levels at which the foundation and lowest floor are proposed to be laid, and the elevation and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions given by the committee within one month after receiving such notice, either prohibiting such erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect to all or any of the matters following, namely, (1) free passage or way in front thereof; (2) space to be left about the same to secure free circulation of air and facilitate scavengering; (3) ventilation and drainage; (4) level and width of foundation and stability of structure; and (5) the regularity of the elevation and the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare.

(2) If such building be begun or erected without giving notice, or without furnishing particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may require it to be altered or demolished, as they may deem necessary, by written notice fixing a time within which the requisition must be complied with.

*Explanation.*—The expression “erect any buildings” includes all additions or alterations which involve new foundations or increased superstructure on existing foundations.

82. (1) The committee may, by written notice fixing a time within which the requisition must be complied with, require the owner or occupier of any house to remove or alter any projection, encroachment or obstruction erected or placed against, or in front of, such house, if the same overhangs or juts into or encroaches upon any public street, or projects into or encroaches upon any drain, aqueduct or sewer in such street.

Provided that, if such projection, encroachment or obstruction were lawfully made before the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by such removal or alteration; and, if any dispute shall arise touching the amount of such compensation, it shall be settled in the manner provided by the Land Acquisition Act, 1870, X of 1870. sections 3, 8 to 42, 51 to 53 and 56 to 59, so far as they can be made applicable.

(2) The committee may give written permission to the owners or occupiers of houses in public

[Bombay Act VI of 1873, sections 33 & 34; Bengal Act V of 1876, sections 256 to 263; Mr. Plowden's draft rule XXV.]

[Bombay Act VI of 1873, section 42.]



*Panjab Municipal Bill, 1883.*  
(Chapter V.—Control.)

streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof, to an extent not exceeding *four* feet beyond the line of the plinth or basement wall.

[Bombay Act VI of 1873, section 75.] **83.** In the event of non-compliance with the terms of any notice under either of the last two preceding sections, the committee may take such steps as may be necessary to carry out the requisition therein made; and the expenses incurred by them in so doing shall be paid by the person on whom the notice was served.

[Bengal Act V of 1876, section 232; Madras Act III of 1871, sections 145 & 146; Bombay Act VI of 1873, section 45.] **84.** (1) The committee at a meeting may cause a name to be given to any street, and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces such name or number, or puts up any different name from that put up by order of the committee, shall be liable to a fine which may extend to twenty rupees.

[Madras Act III of 1871, section 121; Bombay Act VI of 1873, sections 77 and 78.] **85.** (1) Whenever, under the provisions of this Act, or of any rules made thereunder, the committee requires any work to be executed, and such work is executed by the occupier of any house or land, or by the committee at his expense, the occupier, if the owner is the person by whom such work ought to have been executed, may deduct the cost thereof from the next and following payments of rent due or becoming due to the owner, or may recover it from the owner by suit.

(2) If such work is executed by the committee and the expense is not paid on demand by the occupier or owner, the committee may recover the expense by suit from the person by whom the work ought to have been executed, or by distraint of the moveable property of the occupier, who, if the owner is the person by whom the work ought to have been executed, may deduct the amount so recovered from the next and following payments of rent, or may recover it from the owner by suit:

Provided that, if the expense does not exceed Rs. 20, it may be recovered in the manner provided by the first clause of section 49 for the recovery of arrears of any tax under this Act.

[Madras Act III of 1871, section 164.] **86.** (1) Every notice issued by the committee under this Act, or under any rule made thereunder, shall be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, shall be posted on some conspicuous part of his place of abode or business.

[Bengal Act V of 1876, sections 367 & 368.] (2) If the place of abode or business of the owner be not within the limits of the municipality, every such notice addressed to him shall be sent by registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner be not known, every such notice addressed to him may be served upon the occupier.

**87.** The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act.

**88.** The proceeds of all fines imposed under this chapter, or under section 34 of Act V of 1861, on account of nuisances committed within the municipal limits shall be credited to the municipal fund.

**89.** (1) The Local Government may, from time to time, by notification, empower any member of committee or officer in the service of a municipality by name, or any sub-committee appointed by the committee in this behalf, to summon any person accused of any offence created by clause (a) of section 67.

(2) The member of committee or officer or sub-committee so empowered shall have the power of a Magistrate under the Criminal Procedure Code in regard to the issue of summons to persons accused of such offences, and may issue a summons returnable to the Magistrate by whom charges of such offences would ordinarily be tried, giving notice to the Magistrate of the issue of the same.

(3) If it appears to such member of committee or officer or sub-committee that the person so summoned has committed any such offence, he may give such person the option of compounding for the offence by payment of a specified sum of money not exceeding one rupee:

Provided that, when the offence is a continuing one, no such composition shall be accepted unless the offence is first discontinued.

(4) If such person elect to pay the sum of money in consideration of which he is allowed to compound, and pay the same to such member of committee or officer or sub-committee, no further proceedings shall be taken against him for the offence which has been so compounded.

(5) Such member of committee or officer or sub-committee shall keep a book in which he or it shall enter at the time all cases of persons against whom he or it takes action under this section, with the nature of the offence charged, and, should such person appear to him or it to have committed any such offence, the nature of the offence committed, and, if he is allowed to compound for such offence and elects to do so, the sum demanded by way of composition, and the sum received.

(6) All sums received by way of composition under this section shall be paid, as soon as conveniently may be, to the credit of the municipal fund.

CHAPTER V.  
CONTROL.

**90.** (1) The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property within the limits of the division or district,

[Madras Act III of 1871, section 10.]  
[Bombay Act VI of 1873, section 3.]  
[Bengal Act V of 1876, section 378.]

[Act V of 1873, section 10.]  
[Governor of India's notification 6680, 21st Nov. 1871.]  
[New.]

X of 11

[N.W.P. section 367.]  
[Panjab Self-government Bill section 50.]

*Panjab Municipal Bill, 1883.*  
(Chapter V.—Control.)

respectively, occupied by any committee or joint committee, or any work in progress within those limits under its direction;

(b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(c) by order in writing require such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(d) record in writing, for the consideration of such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall regularly submit copies of all its proceedings to the Deputy Commissioner, and shall further submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

W.P. Bill, section 56; Panjab Local Self-government Bill, section 51.] **91.** The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of the committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

W.P. Bill, section 57; Panjab Local Self-government Bill, section 52; Act I of 1883, section 30.] **92.** (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

Panjab Local Self-government Bill, section 53.] **93.** (1) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to such person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

**94.** When a Deputy Commissioner makes any order under section 91, section 92 or section 93, he shall forthwith forward to the Local Government through the Commissioner a copy thereof, with a statement of the reasons for making it; and when the Commissioner makes any order under section 91 or section 93, he shall forthwith forward to the Local Government a copy thereof, with a statement of the reasons for making it and with an explanation which the committee may wish to record.

**95.** (1) It shall be the duty of the Local Government and of all Commissioners and Deputy Commissioners acting under its orders to require that the proceedings of committees shall be in conformity with law and with the rules in force thereunder; and the Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any such proceeding which it shall consider not to be in conformity with law and with the said rules.

(2) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be, from time to time, conferred upon them by rule made in this behalf by the Local Government.

**96.** (1) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council.

(2) When a committee is so superseded, the following consequences shall ensue:—

(a) All members of the committee shall, from the date of the notification, vacate their offices as such members:

(b) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government, from time to time, appoints in that behalf:

(c) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

*Panjab Municipal Bill, 1883.*  
(Chapter VI.—Miscellaneous.)

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

[N. W. P. Bill, section 60; British Burma Bill, section 8.] **97.** The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

- (a) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively ;
- (b) as to the division of the municipality into wards, or of the inhabitants into classes or both ;
- (c) as to the number of representatives proper for each ward or class ;
- (d) as to the qualifications of electors and of candidates for election ;
- (e) as to the registration of electors ;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes ; and
- (g) generally for regulating all elections under this Act ;
- (h) for the remission of tax on houses unoccupied for the whole or part of the year, and the notice to be given of a house being unoccupied by persons desiring such remission ;
- (i) as to the arts, professions, trades and callings liable to be taxed in any municipality, the registration and classification of persons engaged therein, the rates at which they may be taxed, the preparation of lists of persons to be taxed, and the penalty to which they shall be liable for practising or trading without payment of the tax ;
- (j) as to the statements of vehicles and animals liable to taxation under this Act to be furnished by the owners or persons in charge of them, the rates at which they may be taxed, the issue of licenses for them on payment of tax, and the penalty for keeping them without a license ;
- (k) as to the classes of menial and domestic servants liable to taxation in any municipality, the rate at which they may be taxed, the returns of such servants to be furnished by the masters, and the time when the masters shall pay the tax imposed in respect of such servants ;
- (l) as to the exhibition of tables of octroi tax, the system under which refunds shall be made on account of that tax when the goods on which the tax was paid are again exported, and the storage of goods declared not to be intended for consumption or use within the municipality into which they are brought ;
- (m) as to the rates of toll chargeable on vehicles or animals entering the municipality, or boats moored therein, the exhibition of tables shewing such rates, the exemptions to be made, and the terms on which residents outside municipal limits may compound for such tolls ; and

- (n) generally as to the assessment and collection of taxes imposed under this Act ;
- (o) as to the authority on which money may be paid from the municipal fund ;
- (p) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (q) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass ;
- (r) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;
- (s) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under the Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;
- (t) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned ;
- (u) as to the returns, statements and reports to be submitted by committees ;
- (v) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 95 ;
- (w) as to the language in which business shall be transacted ; and
- (x) for the guidance of committees acting under sections 26, 29, 67, 73 and 76, and generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

## CHAPTER VI.

### MISCELLANEOUS.

**98.** If any member or servant of a committee is directly or indirectly interested in any contract made with the committee, he shall be thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine which may extend to five hundred rupees :

Provided that no person shall, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the committee.

[N. W. section 60; British Burma Bill, section 8.]  
Panjab Self-government Act IV of 1882  
Madras Act III of 1882  
Bombay Act VI of 1882  
and Ber Act V of 1882

*Panjáb Municipal Bill, 1883.*  
(Chapter VII.—Supplemental and Temporary Provisions.)

[This clause was omitted in Act XV of 1873, having appeared in Acts IV & XI of 1873. It was restored in Act VII of 1874.]

Nevertheless, it shall not be lawful for such shareholder or member to act as a member of the committee in any matter relating to such contract.

**99. (1)** No suit for compensation for anything done or purporting to be done, or for the omission of anything which ought to have been done, under this Act shall be brought against a committee, or any of its officers, or any person acting under its direction, until the expiration of one month next after notice in writing has been delivered or left at the office of the committee or at the place of abode of such person, stating the circumstances constituting the cause of action and the name or place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months next after the accrual of the right to sue, and not afterwards.

(3) And if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

**100.** Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty as member of committee; and he shall be liable to be sued for compensation for the same, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner or by the Local Government.

**101. (1)** Prosecutions under this Act for the infringement of rules may be instituted by the committee or by any person authorized by it in this behalf and not otherwise.

(2) A member of committee under this Act shall be deemed to be a municipal commissioner within the meaning of section 555, Criminal Procedure Code.

**102.** Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

**103. (1)** The authority empowered to make rules under section 7, section 67, section 71, section 72 or section 97 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(3) Every rule made under any of the said sections shall be published in the *Panjáb Government Gazette* in English, and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

**104.** All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

[Criminal Procedure Code section 557.]

## CHAPTER VII.

### SUPPLEMENTAL AND TEMPORARY PROVISIONS.

**105. (1)** When a notification is issued under section 6 in respect of the whole area subject to the authority of a committee, withdrawing that area from the operation of this Act, all property which, at the time of the issue of the notification, is vested in the committee, shall vest in the Local Government, and be applied by it, in such manner as it thinks fit, for the promotion of the health, comfort, convenience or interests of the inhabitants.

(2) When a notification is issued under section 6 in respect of a part of the area under the authority of a committee, withdrawing that part from the operation of this Act, such part of the property vested in the committee as the Commissioner of the division may determine shall vest in the Local Government and be applied as aforesaid.

**106. (1)** If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the excepted municipality until again applied thereto by a like notification.

(2) While such exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

**107.** Nothing in or done under this Act shall prejudicially affect the rights of any officer or servant of a committee appointed before the passing of the Act as to tenure of office, salary or pension.

**108.** In all matters connected with this Act, the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

[Panjáb Local Self-government Bill, section 72.]

[Panjáb Local Self-government Bill, section 73.]

## STATEMENT OF OBJECTS AND REASONS.

THE law at present applicable to municipalities in the Panjáb is contained in Act IV of 1873.

2. Except in a few of the larger municipalities, all the members of the municipal committees constituted under that Act have hitherto been nominated; but, for the reasons stated in Panjáb Government Resolution No. 1777, dated 7th September, 1882, it is thought desirable to give the committees a more representative character than they have hitherto had, and for this purpose it is proposed that, unless where special reasons exist against resorting to a system of election, a portion at least of the members of each committee should be chosen by the inhabitants of the municipality.

3. It is further believed that greater powers of initiating action and of controlling the administration and expenditure of their funds for the benefit of the inhabitants of the municipality may with advantage be given to committees than, except in a few of the more important municipalities, they possess under existing rules, if sufficient powers of control are reserved to prevent the interests of the public from being endangered by neglect, abuse of powers or mistake as to the extent of their powers, on the part of the municipal bodies.

4. It would be possible to carry out the measures necessary for these purposes by rules under the existing Act, but the amendment of the Act appears to be a more suitable mode giving effect to the proposals of the Local Government, and this course has therefore been preferred.

5. It has also for a considerable time past been known that Act IV of 1873 is very defective in omitting to provide for many of the powers with which it is usually considered desirable to invest municipal bodies and their servants, some of which were expressly given by the later Acts, XV of 1873 and VII of 1874, passed for the North-Western Provinces and British Burma respectively; and serious doubts have arisen as to the validity of some of the bye-laws framed to carry out and supplement its provisions, and as to the authority of municipalities to take action which it is important for the public interest that they should have the power to take. The opportunity has therefore been taken to redraft the entire Act, after referring to the corresponding Acts in force in other parts of India, with a view to remove the defects which have been brought to light by experience of its working for upwards of ten years.

6. The draft is divided into seven chapters nearly corresponding with those of the North-Western Provinces and Oudh Municipalities Bill, but it differs from that Bill in not proposing to treat the new committees as different bodies from the committees now in existence and it also enters into greater detail in the chapters on the subjects of taxation and of the powers and duties of committees. In some other respects its provisions are necessarily different, being framed with reference to the peculiar circumstances of the Panjáb, and therefore corresponding more or less closely with those of the Panjáb Local Self-government Bill.

7. The preliminary chapter provides for the repeal of Act IV of 1873, and for the procedure to be adopted when it is proposed to establish a new municipality, to alter the limits of an existing municipality, or to withdraw any local area from the operation of the Act. It also provides for the division of municipalities into two classes, it being considered unnecessary to retain the third class committees, the orders and proceedings of which, under the rules now in force, are subject to the confirmation of the Deputy Commissioner before they can take effect. The power given by section 6 to withdraw any local area from the operation of the Act is required to meet cases in which petty municipalities have been established in places where experience has shown that municipal institutions cannot be continued with advantage, or that a sufficient municipal income cannot be raised without having recourse to forms of taxation which would either be extremely unpopular or would not meet with the approval of Government. The third class committees, where it is not necessary to abolish them for reasons of this nature, can be transferred to the second class.

8. Chapter II relates to the organization of committees. The provisions of section 7, as to the appointment or election of the members, are similar to those of the Local Self-government Bill, and, as in that Bill, the circumstances under which election, when once introduced may be departed from are defined as far as possible. While the existing Act requires only two-fifths of the members to be other than salaried officers of Government, the Bill raises the proportion to two-thirds unless when such officers are elected as members.

9. The term of office, except in the case of members appointed *ex officio*, is to be fixed by the Local Government, but not to exceed three years, and, when this term is adopted, provision is made for the members retiring by rotation.

10. The provisions as to the removal of members are, with slight variations, the same as those contained in the Local Self-government Bill. The incorporation of committees and the control of transfers of property made by them and of investments by them of money in the public funds are also similarly provided for.

11. Section 15 provides for the election of the chairman by the committee, subject to the approval of the Local Government, unless where Government otherwise orders, but enables the



committee, instead of electing, to apply to the Local Government to appoint a chairman from among its members. Vice-chairmen will also be elected when necessary. The term of office of the chairman is fixed by section 16 at three years, if he so long continues to be a member of the committee, but power is given to the Local Government to remove him, if moved to do so by two-thirds of the members of committee present at a special meeting.

12. Sections 19 to 26 deal with the conduct of business and the framing of rules of business. Section 25, following the precedent of the Madras and Bengal Acts, enable the chairman, or, in his absence, the vice-chairman, in cases of emergency, to exercise all powers of the committee which the Act does not require to be exercised by the committee at a meeting.

13. Section 27 provides for the appointment of joint committees when co-operation between different committees is necessary, as in the Panjáb Local Self-government Bill.

14. Sections 28 to 30 relate to the officers and servants to be employed by committees. Of these, only section 28, which deals with the appointment of a secretary, has no corresponding provision in the Panjáb Local Self-government Bill. When a paid secretary is appointed, his appointment, removal, and salary are made subject to the sanction of the Commissioner, with a view to secure the appointment of a competent man to this important office, and to supply the guarantee against arbitrary dismissal, without which it might be difficult to get a competent man to accept office. The power of control in regard to other appointments, given by section 29 to the Deputy Commissioner, has been made applicable to all committees at the suggestion of the Delhi municipal committee, which considered such a check desirable in all cases.

15. Chapter III, on the subject of taxation and the municipal fund, is much fuller than the provisions of the existing Act upon the same subject. Section 7 of Act IV of 1873, which relates to the imposition of taxes, contains no description of the taxes which may be imposed. Section 33 now specifies the taxes which may, with the previous sanction of the Local Government, be imposed for general purposes, and authorizes the imposition of other taxes, with the previous sanction of the Governor General in Council; section 34 provides for additional taxes on property, when necessary for special objects, such as the improvement of the water-supply; and section 35 describes the tolls and fees which the committee may be empowered to levy; while section 36 prescribes the procedure to be followed in imposing taxes; and section 37 provides for exemptions. Some of the taxes specified, such as a tax on professions and tolls on vehicles and animals, are not at present levied in any municipality in the province; but it has been considered desirable to include them, as it may, in some cases, be necessary to find a substitute for octroi, which forms the chief source of income in almost all Panjáb municipalities, and these taxes have been resorted to for this purpose in other provinces. In the case of tolls, it is expressly provided that they may be imposed only where no octroi is levied. Other taxes are at present sanctioned for particular municipalities such as Simla, and it has therefore been necessary to include them, without reference to whether they are suitable for adoption in other cases.

16. Section 8, Act IV of 1873, prohibits the collection of taxes until the assessment has been confirmed as prescribed by rules made by the Local Government. This provision, which, however appropriate in the case of direct taxes, is clearly inapplicable to indirect taxes like the octroi, has been omitted from the present Bill, but sections 39 to 48 lay down rules for the assessment, confirmation and collection of taxes on immoveable property; and sections 49 and 50 provide for the collection of the octroi tax; while section 97 empowers the Local Government to make rules as to the assessment and collection of other taxes.

17. Section 51 gives a power to lease octroi and tolls, which is believed not to exist under the present Act, but which is likely to be found useful in some cases.

18. Section 52 enables the committee to call for returns and to enter premises in order to obtain such information as they may require for purposes of taxation.

19. Appeals against taxes or assessments are provided for by sections 55 to 57.

20. Under section 9 of Act IV of 1873, municipal taxes may be collected as if they were arrears of land-revenue. It is not proposed to maintain this rule now that committees are about to be placed in a more independent position than hitherto, and it is not well adapted to indirect taxes like the octroi. Power is, therefore, given by section 49 to seize any articles on which any octroi, tax or toll is chargeable in default of payment, and to recover arrears of taxes generally by distress and sale under the orders of a Magistrate.

21. Chapter IV deals with the subject of the powers and duties of committees, and is also much more in detail than the corresponding sections of Act IV of 1873.

22. Sections 60 to 65 relate to the municipal police. It is necessary to maintain the liability of the municipal fund for the charges of the establishment ordinarily employed on police-duty within municipal limits, as, when the Local Government takes over such charges, this will usually be done in consideration of the committee agreeing to undertake services within the municipality to which the municipal fund can properly be applied, the cost of which has hitherto been borne by Government, and such agreements may be for a limited period and have to be renewed from time to time. Section 61 provides for agreements of this nature.

23. The police-establishment may consist either of a part of the general police force or of a body of watchmen, as the Local Government thinks fit; and section 62 enables the

Local Government to regulate its duties in either case, and, where it is a body of watchmen, to fix its strength and the grades and pay of its members; and makes provisions for the powers, protection, responsibilities and punishment of the members of such body, which are considered to be more suitable than those contained in Act XXIV of 1881, which is the present law on the subject.

24. It is not the practice to entertain separate establishments for the preservation of the peace and the prevention of crime and for watch and ward, members of the general police force or municipal watchmen, as the case may be, being employed on both duties; and it is held to be desirable that they should continue to be available for both duties. Sections 62 to 64 therefore place municipal watchmen on a similar footing to members of the general police force, so far as is possible without enrolling them in that force, bringing them under the same rules as to pay and pension, and making them liable to general service. It is therefore proposed to place them under the orders of the District Superintendent of Police, and the Local Government may relieve committees of any charge for them, in the same way as it may do where a police-establishment enrolled under Act V of 1861 is entertained.

25. Section 66 gives a more detailed statement of the duties of municipal committees and the purposes to which the municipal fund may be applied than is to be found in section 11 of the present Act.

26. Sections 67 to 70 give powers to make rules prohibiting acts of the nature of nuisances. The powers to issue injunctions, and to make conditional orders for the removal of nuisances, have not hitherto been conferred upon committees in the Panjáb, but are taken, with some modifications, from the Municipal Acts in force in the North-Western Provinces and British Burma.

27. Section 71 specifies other purposes for which committees may make rules binding on the public, and section 72 adds a special power to committees in hill stations to make rules on subjects which, in such localities, it has been found necessary to enable committees to regulate. The confirmation of such rules, and the penalties incurred by infringing them, are provided for by section 73. Section 21 of the present Act prescribes a uniform penalty, but it has been thought better to enable the committees, when making a rule, to attach to it an appropriate penalty.

28. Sections 74 to 85 give powers of interference with trades and rights of property which have hitherto usually been taken in bye-laws. Such powers are expressly given in the Municipal Acts of the Bengal, Madras and Bombay Legislatures, and it has been thought better to give them in the Bill than to leave them to depend upon the authority of bye-laws. They may not be required in some of the minor municipalities, but a subsequent provision will admit of these municipalities being excepted from this part of the Bill.

29. Section 89 enables the Local Government to invest members of committee or officers of the committee by name or a sub-committee with the power to summon persons committing offences punishable under section 67 before a Magistrate, and to accept composition for such offences from persons who are willing to pay such composition in preference to appearing before a Magistrate to answer the charge. A provision of this nature was suggested by the Local Government as likely to be suitable in places like Simla, in reply to a proposal to give the secretary to the committee the powers of a Magistrate for the disposal of petty cases of nuisance; and, as the section is framed, no such power will exist unless where the Local Government thinks proper to confer it.

30. Chapter V, relating to control, differs in no material respect from the corresponding provisions of the Panjáb Local Self-government Bill.

31. Section 97 enables the Local Government to prescribe such forms as it may consider necessary, and specifies the subjects on which it may make rules supplementary to the provisions of the Act.

32. Chapter VI contains miscellaneous provisions as to the effect of a member or servant of a committee being interested in any contract with the committee, the liabilities of members, suit against committees, prosecutions for infringement of rules, the acquisition of land, the procedure to be followed in making rules, and the like.

33. Chapter VII provides for the disposal of property vested in committees when the area subject to their authority or part thereof is withdrawn from the operation of the Act under section 6; for excepting municipalities from any provisions of the Act unsuitable thereto; and, in the same way as in the Local Self-government Bill, for the saving of the rights of existing officers and servants, and for the control to which Commissioners and Deputy Commissioners are to be subject in the discharge of their duties under the Act.

D. G. BARKLEY.

*The 3rd September, 1883.*

D. FITZPATRICK,  
*Secretary to the Government of India.*





## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR  
THE WEEK ENDING THE 4th SEPTEMBER 1883.

**GENERAL REMARKS.**—The weather during the past week has been generally favourable all over India. In the Bombay Presidency good rain has fallen in Guzerat and the Deccan, and prospects are greatly improved. In Sind the rain has been light and partial, and there is a scarcity of water for irrigation owing to the low level of the river, which is injuriously affecting the crops. There has been a copious fall of rain in the Berars and crops there are flourishing. In Hyderabad the tanks have been replenished and prospects are also good. Timely and in most parts sufficient rain is reported throughout Central India, and fears are no longer entertained of a failure of the crops.

At Nowgong, however, the fall was little more than half an inch, and more rain is needed. In the Rajputana States the rainfall though general has been very unequal. Only a few light showers have fallen in Marwar and the crops continue to wither, but more rain is expected and later reports are much more favourable. In Meywar there was abundant rain during the week, but unfortunately too late to benefit standing crops. Prospects in other parts of Rajputana have greatly improved.

In the Kurnool and Ganjam districts of the Madras Presidency, and in Travancore and Coorg, some injury has been done to ripening crops by excessive rain. In the Karnatic, on the other hand, the fall has been deficient in parts, and more is needed. On the whole, however, prospects continue favourable in the Madras Presidency, Coorg and Mysore.

In Burma the rainfall of the week has been generally heavy and some injury has been caused in several districts by inundations, otherwise the rice crops are flourishing. In Assam there has been more extensive destruction of crops from the same cause, particularly in Cachar where one-third of the standing crop is estimated to have been damaged; the flood however is now subsiding. In Bengal prospects are fair, but the rainfall of the week has been light, and more is wanted for transplanting of rice. The recent floods have caused considerable loss in Behar and Howrah.

Heavy rain has fallen throughout the Central Provinces except Sambalpur, and prospects are generally favourable. In Sambalpur more rain is needed for the rice crop. In the North-Western Provinces and Oudh the rain has been very unequally distributed, and in many places it was too light to benefit the crops. Prospects are on the whole improved, but the unirrigated *khariif* crops in several districts have suffered severely, especially in the western half of the province.

Except in the frontier districts on the North-West, good rain fell during the week all over the Punjab and prospects are much brighter, but more rain is still wanted generally.

Harvest operations continue in the Madras Presidency. In the Deccan preparations for the *rabi* have been delayed by heavy rain. The damage by locusts to standing crops has not yet been great. Young locusts have also appeared in the Manpur State, Central India.

In the Central Provinces and North-Western Provinces and Oudh the early *khariif* crops are being harvested and the fields are being prepared for the *rabi*.

In Bengal harvesting of jute and early rice is still in progress, and late rice is being transplanted. In Burma transplanting and sowing are almost over.

Cholera continues to decrease, except in Nagpur and Wardha where it is severe.

Cattle-disease of a mild type is reported from most provinces, but the fall of rain has much improved the pasturage where fodder was getting scarce.

Prices are generally on the decline.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Sept. 5th)</b>		
Bellary ...	·64 (average of seven stations).	Standing crops generally good.
Kurnool ...	1·07 (average of eight stations).	Standing crops generally good. Too much rain in a few places. Cattle-disease continues in six taluks.
Ganjam ...	2·18 (average of seventeen stations).	Standing crops red gram, sugar cane, and cotton thriving. Gingelly injured by excessive rain. Fever and small-pox continue. Cattle-disease slight.
Kistna ...	·74 (average of thirteen stations).	Rain wanted. Standing crops good, except in one taluk. Fever, small-pox, guinea-worm, and cattle-disease slight.
Chingleput (Madras) ...	·31 (average of seven stations).	Standing crops good where water available. Small-pox slight in some villages of two taluks. Cattle disease slight in parts of three taluks.
Coimbatore ...	·51 (average of three stations).	Standing crops <i>cholum</i> damaged by insects in two taluks. Four taluks want rain. Harvest dry crops in parts, yield average. Cholera in two taluks, 12 deaths; fever in one taluk.
Tanjore ...	·40 (average of eleven stations).	Standing crops generally good, but one taluk wants rain. Harvest <i>ragi</i> , <i>cumboo</i> , and paddy, yield below average. 36 deaths from cholera.
Madura ...	·31 (average of two stations).	Standing crops fading except in three taluks. Harvest paddy and dry crops in parts. Small-pox slight in parts of one taluk.
Malabar ...	10·4 (average of fourteen stations).	Harvest progressing in six taluks; elsewhere first crop in good condition. Cholera in two taluks, 20 deaths; small-pox slight in nine taluks; fever in four taluks. Cattle-disease slight in one taluk.
Travancore ...	5·91	Crops damaged and harvest impeded by untimely rain. Two deaths from small-pox; fever prevails to some extent.
<i>General Remarks.</i> —General prospects good.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—(Sept. 5th)</b>		
Kurrachee ...	<i>Nil</i>	Rain expected soon. Fever in six talukas. Cattle-disease in three talukas. River at Kotri on 3rd 12 feet 10 inches against 17 feet 3 inches on same date last year. Want of water greatly felt. Wheat, red rice, and <i>bajri</i> in Kurrachee 24, 26 and 34, in Dadu 32 and 48, in Sakro 16, 24 and 36, and in Sujawal 26, 34 and 40 lbs. per rupee, respectively.
Hyderabad ...	Rain in three talukas, average fall 48.	River has fallen 2 inches since last week and was 4 feet 5 inches lower on 3rd instant than on same date last year. Small-pox in four, fever in four, and cattle-disease in three talukas. Wheat 24, <i>bajri</i> 34, <i>juari</i> 42, red rice 28, and white rice 22 lbs. per rupee.
Ahmedabad ...	241	Total rainfall 1732. Prospects greatly improved. Cholera in Ahmedabad, 24 cases, 13 deaths; slight fever in Viratgam. <i>Bajri</i> 25, and wheat 24 lbs. per rupee.
Baroda ...	448	Total rainfall 3726. Crops reviving in Naosari, Baroda, and Kadi divisions. Cholera disappeared in Naosari and Baroda divisions, but continues in mild form in Patan and Wadaoli. <i>Bajri</i> 26 and rice 22 lbs. per rupee.
Surat ...	313	Total rainfall 4146. Crops continue improving. Cholera in Bulsar, 5 cases, 1 death. Slight damage by locusts in Chikli and Peta Mahal Valore. Fever in Jalalpur and Pardi. <i>Juari</i> 40 and <i>nagli</i> 42 lbs. per rupee.
Nasik ...	Rain continues	Break in rain wanted. <i>Kharif</i> crops healthy. Locusts throughout the district, some damage to <i>urd</i> , ground-nut, and rice. In Kaluan slight cholera, 27 attacks, 11 deaths; small-pox in Niphad. <i>Bajri</i> 28, wheat 28, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	Rain daily, heavy on 30th, 31st and 4th; total of week 874.	Total rainfall to date 7028, being 1033 above average. Abnormal temperature 2° to 5° cool; vapour in air normal. Monsoon wind strong on 3rd and 4th. Barometer low.
Poona ...	Maximum 282 at Malwal, minimum 23.	Standing crops thriving. Cholera 113 cases, 50 fatal. <i>Bajri</i> 39 and <i>juari</i> 47 lbs. per rupee; in Poona <i>bajri</i> 39 and <i>juari</i> 41 lbs.
Ahmednagar ...	Jamkhed, 355; Akola, 255; Kopergaon, 248; Sanganner, 207; Rahuri, 191; Shrigonda, 148; Karjat, 140; Sheogaon, 114; Parner, 64; Newasa 53; Nagar, 51.	Rainfall has done good to the <i>kharif</i> crops which are in a flourishing state. Owing to abundant rainfall sowing of <i>rabi</i> has not commenced. Cholera 70 attacks, 39 deaths. <i>Bajri</i> —maximum 48 lbs. per rupee in Jamkhed, minimum 33 lbs. in Kopergaon; <i>juari</i> —maximum 66 lbs. in Newasa, minimum 39 lbs. in Akola.
Sholapur ...	825	Total rainfall 3190. <i>Kharif</i> crops good; <i>rabi</i> sowings delayed by rain. Locusts in small numbers in Madha, Karimala, and Sangola talukas. Cholera 96 cases, 45 deaths. <i>Juari</i> 60 and <i>bajri</i> 50 lbs. per rupee.
Dharwar ...	Slight rain throughout the district; maximum at Dharwar, 203; Mugud, Hubli, Nargund, and Hangal above 10; minimum at Mundargi, 21.	Agricultural prospects promising. Preparations for <i>rabi</i> sowings in progress. No disease among men or cattle. Average prices— <i>juari</i> 62 and rice 31 lbs. per rupee.
Kanara ...	Karwar, 906; Kumpita, 753; Sirsi, 525; Hallial, 30.	Total rainfall 12176. Rice plants healthy and in ear on coast. Common rice in Karwar 12 seers 14 chittacks per rupee; district average 14 seers.
Rajkot ...	102	Total rainfall 2227. General health good. Weather close and hot. Cholera continues slightly in Dhoraji and now appeared in Dhrol. <i>Bajri</i> 27 and <i>juari</i> 33 lbs. per rupee.
<b>General Remarks.</b> —Rain throughout the Presidency, opportune in Guzerat. Prospects generally good; in Sind, however, owing to the low level of the river the crops are suffering from want of water. Little damage reported from locusts. Cholera in most districts of the Presidency, but of a mild type; fever, small-pox, and cattle-disease in a few districts.		
<b>Bengal—(Sept. 5th)</b>		
Chittagong ...	89	Weather hot. More rain wanted in some parts. Prospects fair. Transplanting almost over. Prices somewhat high. Cattle-disease still reported.
Dacca ...	94	<i>Roachia</i> paddy being sown; <i>aus</i> paddy and jute being cut. Prospects good. Jute in Nawabgunge damaged.
24-Pergunnahs (Calcutta) ...	190	Harvesting of early rice commenced. Transplanting of late rice still going on in some parts. Prospects good. Public health generally good.
Moorshedabad ...	.....	No report received.
Rajshahye ...	89; slight rain	Weather cloudy. Crops good. Rain wanted. Health fair.
Burdwan ...	121	Crops doing well. Transplanting finished. Prospects fair. Fever prevalent.
Rungpore ...	36	Weather cloudy. Prospects of crops favourable. Harvesting of <i>aus</i> rice nearly finished. Jute still being cut. Cholera at Kaligungo has abated; fever prevalent.
Bhagalpur ...	59	Prospects good. Transplanting of <i>aghani</i> rice still going on. More rain wanted, especially in Sadr sub-division.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Purneah ...	1·31	Prospects of crops good. Farming operations normal. Public health normal. Floods subsiding.
Patna ...	·33	Prospects of <i>bhadol</i> crops seem favourable. More rain wanted. Transplanting of paddy progressing. Cholera still reported from Barrh and Behar sub-divisions.
Durbhunga ...	·72	Prospects of <i>bhadol</i> crops fair, except where inundation has spoilt them. More rain required for transplanting paddy. Health good.
Hazaribagh ...	1·45	Weather seasonable with alternate rain and sunshine. Rain has done considerable good to the suffering rice crops. Some <i>bhadol</i> crops being harvested. Some isolated cases of cholera and small-pox still reported from the interior. Public health good.
Cuttack ...	5·74	Weather seasonable. Early rice ripening and in some places being reaped. Late rice thriving well. Public health generally good.
<b>N. W. Provinces and Oudh—</b>		
Benares (Sept. 4th)	1·25	A heavy shower on 3rd instant passed across the district from north to south covering 8 to 10 miles on each side of the Ganges. No sickness, except fever due to abnormal heat of the weather. Condition of cattle good. Prices on the whole fairly steady.
Allahabad ( „ 5th)	Showers of rain in all nine tahsils averaging 1·80 over the whole week.	Prospects somewhat improved. Cholera disappearing. Prices slightly fallen.
Gorakhpur ( „ 3rd)	Very little rain during week.	Prospects still good; though the early rice is beginning to suffer; early <i>kharif</i> crop being gathered; outturn very good. Prices steady.
Jhansi ( „ „ )	Partial but frequent showers have fallen during past week.	More rain is wanted. Prospects are however improving. Weeding of crops continues. <i>Juari</i> , cotton, and <i>til</i> are generally in fair condition. Health good.
Agra ( „ 4th)	Rain in all parganas varying from ·40 to 3·70.	Rain has much improved prospects. Fever in three and sporadic cholera which is abating in four parganas. Prices falling slightly. No cattle-disease.
Bareilly ( „ „ )	Rain in five tahsils	More rain required. Crops except rice still of average promise. Prices steady.
Meerut ( „ „ )	Meerut, ·40; Sardhana, 2·10; Bagpat, 1·70; Hapur, ·80; Mowana, 1·20; Ghaziabad, nil; but good rain in outlying villages.	Much benefit where rain has fallen. General condition improved, but unirrigated crops are suffering much; irrigated crops, canes, maize, and cotton doing well. Supplies sufficient, but fodder becoming scarce. Prices unchanged in Meerut and half a seer easier in tahsils.
Kumaun ( „ „ )	Good rain during week.	Crop prospects much improved. Early rice being cut. Health fair. Prices stationary. Cattle-disease continues.
Lucknow ( „ „ )	Lucknow, ·40 on 30th; slight falls also at Malahabad and Mohanlalganj, but below measure limit.	Weather cloudy. Strong easterly wind throughout the week. <i>Juari</i> , <i>kakun</i> , <i>mendua</i> , and <i>sawan</i> crops have been damaged to some extent; rice crop is getting dry and if there is no rain very soon this and the <i>hevals</i> crops which have already been sown will all seriously suffer. Condition of people and cattle normal. Markets fairly supplied. Prices steady.
Partabgarh ( „ „ )	Sadr, ·15; Patti, ·20; Kunda, 1·30; heavy rain reported in some parts of district.	In Patti and Partabgarh rice and other crops being watered from tanks and wells. Slight cattle-disease reported. General health good.
Sitapur ( „ „ )	Sidhoul, ·50; no rain elsewhere.	<i>Juari</i> , <i>kodo</i> , and <i>dhan</i> in <i>ganjar</i> lands still healthy; sugarcane not much hurt; other crops in three tahsils greatly suffering. Wheat, <i>gajai</i> , <i>urd</i> , and <i>sawan</i> somewhat cheaper.
Fyzabad ( „ 3rd)	Sadr, ·30; Bikapur, ·30; no rain in other tahsils during week.	Rice suffering somewhat from the drought. Public health good.
Rao Bareli ( „ „ )	Some good rain during the week all over district; Sadr, 3·20; Dalman, 1·10; Salon, 2·10; Digbijaiganj, 2·90.	<i>Kharif</i> crops recovering. More rain wanted for <i>dhan</i> . General health good. Prices slightly rising.
Cawnpore ( „ 4th)	Partial showers during week, but in places sufficiently heavy to do good.	Weather cloudy. Early rain crops have severely suffered. Health of people on the whole good and cholera decreasing. Cattle-disease in two parganas continues. Prices fairly low.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—<i>contd.</i></b>		
Farukhabad (Sept. 4th)	Few slight local showers during week.	Light clouds steadily passing westward. Benefit of rain almost inappreciable. Condition of district generally fair. <i>General Remarks.</i> —Rain has again fallen in most districts, in some copiously, in others in too small quantities to be of any use. Prospects of the crops have improved during the week, but much damage has already been caused to unirrigated crops; the early <i>kharif</i> crops are being gathered in Gorakhpur and the outturn is very good. Prices are steady or falling. The general health is good, and cholera continues to decrease.
<b>Punjab (Sept. 5th).</b>		
Delhi: ...	3.3	Health good. Crop prospects much improved. Prices stationary.
Hissar: ...	.....	Rain general throughout the Hissar and Sirsa districts; slight fall in Rohtak. Health good. Prices fluctuating.
Umballa: ...	2.2	Crops have much suffered from continued drought, but recent fall of rain will somewhat improve them. Health good. Prices falling.
Jullundur: ...	4.0	Health good. Crop prospects improving. Prices falling.
Amritsar: ...	2.1	Health good. Prices fluctuating.
Sialkot: ...	4.0	Crop prospects much improved. Health good. Prices falling.
Ferozepore: ...	Sadr, 4.0; Ferozepore city, 3.0; Zira, 7.0; Moga, 3.7; Muktsar, 1.8; Jalalabad, 2.0.	Health good. Prices falling.
Lahore: ..	2.4	Health good. Crop prospects improved. Prices falling, but still high.
Rawalpindi: ..	2.2	Fever in Attock and Kahuta tahsils. <i>Kharif</i> prospects in Rawalpindi, Attock, and Gujjar Khan tahsils average, below average in Fattchjung, elsewhere good. Prices falling.
Mooltan: ...	2.0	Health good. Prospects improved. Prices fluctuating.
Dera Ismail Khan: ..	.....	Rain wanted. Health good. Prices slightly falling.
Peshawar: ..	.....	Rain much wanted. Fever continues and is spreading. Prices falling. <i>General Remarks.</i> —Good rain has fallen throughout the province, except in the north-west, and has much improved the crop prospects; more however is still needed. The general health is good. The fall in prices of food-grains is due to the demand for export to Bombay having ceased, and to the fall of rain during the week.
<b>Central Provinces—(Sept. 5th)</b>		
Nagpur: ...	10.0	Weather very rainy. Prospects good. Cholera 648 cases, 439 deaths. Prices slightly risen.
Jubbulpore: ..	6.22	Weather cloudy and rainy. Cotton and other <i>kharif</i> crops greatly benefited by late rains. Wheat 20 and rice 13 seers per rupee.
Saugor: ...	3.44	Recent rain has benefited the crops and prospects are much improved. Prices steady. Health good.
Seoni: ...	6.80	Weather rainy. Prospects much improved. Prices slightly fallen. Two deaths from cholera.
Hoshangabad: ...	7.15; heavy rain on 3rd.	Weather cloudy and rainy. <i>Kharif</i> crops promising. Fields ready for <i>rabi</i> sowings. Health good. Wheat 15 and rice 9 seers per rupee.
Khandwa: ...	3.70	Weather cloudy. Prospects good. Two deaths from small-pox. Prices stationary.
Raipur: ...	2.77	Prospects much improved by recent rain, except in Singa where rain is deficient. Eight deaths from cholera in Drug. Prices steady.
Sambalpur: ...	1.36	More rain much wanted. Rice dried up in Phuljhar and Borasamer, languishing in Saengarh and Chundarpper. Transplanted rice in <i>khalsa</i> needs more rain. <i>General Remarks.</i> —Heavy rain has fallen throughout the provinces, and prospects are generally favourable. Cholera continues severe in the Nagpur and Wardha districts.
<b>British Burma—(Sept. 1st)</b>		
Akyab: ..	6.78	Total rainfall 148.53. Three deaths from cholera in the jail, 6 in Menbya, otherwise public health good. Sixty deaths of cattle in two townships, elsewhere health of plough cattle good. Sowings in progress, standing crops progressing; increase in area under cultivation expected in nearly all the townships.
Rangoon: ..	4.23	Total rainfall 61.44. One death from small pox, otherwise public health good. Price of paddy from Rs. 90 to 93 per 100 baskets.
Bassein: ..	3.52	Total rainfall 68.90. One death from cholera in Bassein township, otherwise public health good. Seventeen deaths of cattle in Yegyi township. Ploughing and transplanting progressing. Ploughing wages 5 baskets of paddy per acre; transplanting wages one basket of paddy per man per day. Price of paddy from Rs. 80 to 100 per 100 baskets.
Prome: ..	4.95	Total rainfall 35.49. Public health good. One hundred and nine deaths of cattle in three townships; 125,500 acres ploughed, 112,500 acres planted. More rain has fallen, and plants are doing well. Crops on 500 acres in Paboung reported as destroyed by floods. Price of paddy Rs. 90 per 100 baskets.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—contd.</b>		
Amherst (Moulmein) ...	11.11	Total rainfall 131.76. Public health in Moulmein and district good. 216 deaths of cattle in Hlaingbone township. Crops healthy. Transplanting ceased. In Moulmein town ploughing, sowing, and transplanting progressing. Health of cattle good. Nurseries and state of supply of seedlings for transplanting good.
Toungoo ...	2.48	Total rainfall 62.76. Public health and health of plough cattle good. Ploughing almost completed; transplanting progressing. Average price of paddy Rs. 65 per 100 baskets.
Kyoukphyoo ...	.....	No report received.
Sandoway ...	11.67	Total rainfall 165.76. Public health good. Agricultural prospects favourable; crops healthy; about three-fourths of culturable area sown and transplanted.
Hanthawaddy ...	.....	Public health good. Slight cattle-disease in Hlaing township, elsewhere good. Ploughing progressing. Wages of ploughing labour from 60 to 100 baskets of paddy per man. Price of paddy from Rs. 90 to 100 per 100 baskets.
Pegu ...	8.88	Total rainfall 95.06. Public health and health of cattle good. Transplanting continues. Flood in river abating. Season favourable. Price of paddy from Rs. 90 to 95 per 100 baskets.
Tharrawaddy ...	5.85	Total rainfall 74.07. Public health good. Thirty-two deaths of cattle in two townships; health of plough cattle good in all other townships, except Gyobingonk where slight disease prevails. Ploughing, sowing, and transplanting progressing. Crops on about 1,100 acres of paddy land have been destroyed in the Tapun and Gyobingonk townships; the bund of the Htagyohung having burst owing to the flood, some lands were inundated in Shabindu circle, and paddy crops more or less destroyed. Price of paddy from Rs. 92 to 105 per 100 baskets.
Thonegwa ...	4.02	Total rainfall 63.36. Public health and health of cattle good. Damage to crops reported from Thonegwa and Shweloong townships; crops in the Dayday and Pyapon townships not affected by floods. Flood level of the Irrawaddy higher than has been ever known; two or three breaches in the bund south of Maybin, but these have been repaired. Price of paddy from Rs. 75 to Rs. 95 per 100 baskets.
Henzada ...	4.69	Total rainfall 63.65. Public health and health of cattle good. Ploughing almost completed. Transplanting progressing, seedlings and plants in good condition in all townships, except Kyangin where seedlings are scarce.
Thayetmyo ...	.....	No report received.
Shwaygyin ...	11.96	Total rainfall 113.21. Public health fair. 37 deaths of cattle in Kyankki township. Ploughing, sowing, and transplanting progressing. Some fields in the Kyauknaw circle reported to be flooded. Price of paddy Rs. 70 per 100 baskets.
Tavoy ...	10.62	Total rainfall 162.58. Public health and health of cattle good. General appearance of plants good. Total area damaged not known as yet.
Mergui ...	.....	No report received.
		<i>General Remarks.</i> —Rainfall still deficient for the period of the year. Public health good. Health of cattle good, except in part of Amherst, but no appearance of any stoppage of agricultural operations in consequence of death or disease of cattle. Ploughing almost finished; nearly all the paddy has been sown or transplanted, and the prospects are good. The price of paddy keeps fairly steady.
<b>Assam—(Sept. 5th)</b>		
Gauhati ...	3.17 week ending 4th instant.	Weather hot. Transplantation in progress. Public health fair. Cattle-disease still in the interior.
Sylhet ...	3.15	Some damage done to crops by heavy rains, which have however done good to tea estate, and prospects of crops on the whole good. Fever reported in Lakhai; small-pox lingers.
Cachar ...	8.60	Weather warm. About one-third of the standing crops damaged by the late floods. Rivers falling. No small-pox reported.
Dibrugarh ...	1.46	Weather hot. Transplanting of <i>sali dhan</i> nearly finished. Cattle-disease reported. Public health good.
<b>Mysore and Coorg—(Sept. 5th)</b>		
Bangalore ...	.11	Crops in good condition. Prospects favourable. Pasturage ample.
Mysore ...	.91	Standing crops and prospects of season favourably reported on.
Mercara ...	5.04	Monsoon continues to prevail. Transplantation of rice seedlings completed; <i>ragi</i> coming into ear in the Nanjarajapatna taluk, but has suffered from heavy rains. Cardamom crop almost ripe. Heavy fall in price of food-grains. Labour market still inadequately supplied.
		<i>General Remarks.</i> —General rain more or less in all districts. Agricultural operations active in all parts. Prospect favourable and public health generally good. Prices much the same as last reported.





GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 5th  
September, 1883.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

MULTÁN DISTRICT LAWS BILL.

The Hon'ble MR. ILBERT introduced the Bill to declare the law in force  
in certain lands which have been or hereafter may be ceded by the Baháwal-  
pur State for occupation by the Indus Valley State Railway.

The Hon'ble MR. ILBERT also moved that the Bill be taken into consider-  
ation at the next meeting.

The Motion was put and agreed to.

N.-W. P. AND OUDH LOCAL BOARDS BILL.

The Hon'ble MR. QUINTON presented the Report of the Select Committee  
on the Bill to provide for the constitution of Local Boards in the North-Western  
Provinces and Oudh.

N.-W. P. AND OUDH MUNICIPALITIES BILL.

The Hon'ble MR. QUINTON also presented the Report of the Select Com-  
mittee on the Bill to make better provision for the Organization and Adminis-  
tration of Municipalities in the North-Western Provinces and Oudh.

PANJÁB MUNICIPAL BILL.

The Hon'ble MR. BARKLEY moved for leave to introduce a Bill to make  
better provision for the Organization and Administration of Municipalities  
in the Panjáb. He said :—

“My Lord, when the Panjáb Local Self-government Bill was introduced  
about three months ago, it was explained that the legislation which might be  
required with regard to municipalities had been reserved for separate  
consideration.

“Some of the Panjáb municipalities may be said to have arrived at the  
age of majority, as they were originally established 21 years ago, and many more  
were formed before the passing of Act XV of 1867, which was the first Act of  
the Legislature passed with special reference to them. A few, such as Delhi and  
Simla, had been formed under the provisions of a General Act, XXVI of 1850,

relating to improvements in towns; but the majority received no legal recognition before the passing of Act XV of 1867. That was a temporary Act, its duration having been originally limited to five years, and afterwards extended for one year more by an Act passed in 1872. Its place was taken in 1873 by Act IV of 1873, which contains the law now applicable to all municipalities in the Panjáb.

“Act IV of 1873 is a short Act consisting of only 23 sections, being less than half the number of sections contained in the similar Act passed in the same year for the North-Western Provinces and Oudh; and though its provisions have been supplemented by rules framed under it by the Local Government and rules and bye-laws made by committees with the sanction of the Local Government, it has been found to be defective in many particulars in regard to which the Municipal Acts in force in other parts of India contain express provisions. These defects were brought to the notice of the Panjáb Government so long ago as 1876 by Mr. Plowden, now the senior Judge of the Chief Court, who was then Government Advocate; and, though it was not found necessary to ask for legislation at the time, the experience of the last few years shews that steps must now be taken to remedy them.

“While it would have been possible to give effect to the proposals for the extension of local self-government in municipalities made by the Local Government in its Resolution No. 1777, dated 7th September, 1882, by rules under the existing Act, the amendment of that Act appeared to be a more suitable mode of effecting this purpose. The present Bill has accordingly been framed, both with this object and with a view to remove the defects known to exist in the law now in force. It is proposed to repeal Act IV of 1873, so that the whole of the law applicable to municipalities in the Panjáb may be included in one Act.

“The provisions of the Bill are fully explained in the Statement of Objects and Reasons, and I do not therefore propose to do more than notice some of the more important alterations which it will make in the law.

“By the rules in force under Act IV of 1873, committees are divided into three classes, but the orders and proceedings of committees of the third class are subject to the confirmation of the Deputy Commissioner before they can take effect. The classification of municipalities is now provided for by the Bill, but only two classes are retained, it being thought that any municipalities, the committees of which cannot with advantage be placed in a position of greater independence than that of the third class committees at present, had better be abolished, while those which are fit for higher powers can be transferred to the second class.

“Except in a few of the more important municipalities, in which a portion of the members have hitherto been elected, all the members of municipal committees have hitherto been nominated. It is now proposed to give the committees a more representative character, and for this purpose to have recourse to election where this can properly be done. There are cases, especially on the frontier, in which no form of election would be suitable, and the section relating to the constitution of committees therefore provides either for election or for appointment in the same way as in the Local Self-government Bill, defining, as far as possible, the circumstances under which the system of election, when once introduced, may be departed from. It also raises the proportion of members other than salaried officers of Government from two-fifths to two-thirds of the committee, unless when such officers are elected as members.

“Though, under the existing Act committees might be empowered to elect their chairman, the rules under the Act make the Deputy Commissioner chairman of all municipal committees in his district, and it is only in a few recent instances that any committees have been empowered to elect. Under the Bill, the chairman will be elected, subject to the approval of the Local Government, except where that Government may by notification otherwise direct, but the committee, instead of electing, may apply to the Local Government, to appoint a chairman from among its members. In some cases it is believed that committees will prefer this course to having to make the choice of one of their members as chairman themselves.

“A section has been introduced, enabling the chairman, or in his absence the vice-chairman, in cases of emergency, to exercise all powers of the committee which the Act does not require to be exercised by the committee at a meeting.

“When a paid secretary is appointed, his appointment, removal and salary are made subject to the sanction of the Commissioner of the division. The office is one for which it is highly important to secure the appointment of a competent man, and such a man might not care to accept office under a committee without some guarantee against arbitrary dismissal. Other servants may be employed by the committee, the Deputy Commissioner being given such powers of control as are necessary to prevent improper appointments or the employment of too large or too expensive an establishment, subject to appeal to the Commissioner. It was at the suggestion of one of the most important municipal committees in the province—that of Delhi—that this check was made applicable to all committees, and not, as originally intended, to second class committees only.

“The subject of taxation is much more fully dealt with in Chapter III than in the corresponding sections (7 to 9) of the existing Act. Those sections contained no description of the taxes which might be imposed. This has now been supplied, and other taxes than those mentioned cannot be imposed without the previous sanction of the Governor General in Council. In the case of taxes on immoveable property, a maximum rate has been fixed. The rate of  $7\frac{1}{2}$  per cent. on annual value, with the additional rate of  $2\frac{1}{2}$  per cent. which may be imposed for special objects, may appear high, but this was necessary to cover the rate of 10 per cent. on annual value now sanctioned in Simla. Similarly, the rate of three rupees per running foot of frontage which may be imposed as an alternative to the tax on annual value is the present rate in the main bázár of Simla. It may be regarded as certain that rates so high as these will only be sanctioned in very exceptional cases like that of Simla.

“Some of the taxes enumerated are not now levied in any municipality in the province, but have been included, as it may in some cases be necessary to provide a substitute for the octroi tax, which is the chief source of income of almost all Panjáb municipalities, but which cannot be continued where it is not possible to prevent it from operating as a tax upon through trade. In the case of tolls, which are not allowed by existing rules, it is provided that they may be imposed only where no octroi is levied.

“Instead of section 8 of the present Act, which prohibits the collection of any tax until the assessment has been confirmed as prescribed by rules made by the Local Government—a provision which is clearly inapplicable to direct taxation like the octroi tax—express rules have been laid down for the assessment, confirmation and collection of taxes on immoveable property, and for the collection of the octroi tax, and the Local Government has been empowered to make rules for the assessment and collections of other taxes. Appeals against taxes or assessments have also been provided for.

“Under the existing Act, municipal taxes may be recovered as arrears of land-revenue. For this a power to recover arrears by distress and sale under the orders of a Magistrate is substituted, and provision is also made for seizing articles on which any octroi tax or toll is chargeable in default of payment of the charge.

“Chapter IV, which relates to the powers and duties of committees, is also in much more detail than the corresponding sections 11 to 17 of the existing Act.

“While the cost of the municipal police is made, as before, a first charge on the municipal fund, provision is made for the Local Government relieving the committee of such charges on its agreeing to undertake services within the municipality, the cost of which has hitherto been borne by Government, and does not exceed the cost of the establishment ordinarily employed on police duty within the municipality. When the municipal police consists of a body

of watchmen, it is proposed to place that body under the orders of the District Superintendent of Police, and provision is made for putting its members on a footing similar to that of members of the general police force, so far as is consistent with their not being enrolled in that force and subjected to general service nor brought under the same rules as to pay and pension.

“Section 67 enables committees, with the previous sanction of the Local Government, to make rules for the prohibition, prosecution or punishment of acts or omissions of a similar character to those punishable as public nuisances under the Indian Penal Code, and of offences against public decency. Its form resembles that adopted in the committee on the North-Western Provinces Bill for the similar section in that Bill. Sections 68 to 70 give powers for the prohibition of nuisances, and enable the Local Government to confer powers to issue conditional orders for the removal of nuisances which committees in the Panjáb have not hitherto possessed. These are taken, with some modification, from the Municipal Acts in force in the North-Western Provinces and in British Burma.

“In addition to the general powers given to committees to make rules, subject to the sanction of Government, binding on the public, for purposes which are stated more at length in the Bill than in the Act now in force, section 72 gives a special power to committees in hill stations to make rules for the regulation of traffic, and for the prevention of acts likely to cause serious injury, unless proper precautions are taken, being done without the permission of the committee. Examples of such acts are quarrying or making excavations and cutting down forest trees on private grounds. The general law is, of course, sufficient to prevent such acts being done on public property without proper authority.

“Sections 74 to 85 give certain powers of interference with objectionable trades and with private property, which it has been thought better to include in the Bill than to leave to depend upon the authority of bye-laws, as has hitherto been the case. In this respect the Bill follows the precedent of the Municipal Acts of the local Legislatures of Madras, Bombay and Bengal, though it does not go so far as those Acts do in defining the acts and omissions which should be prohibited within municipal limits.

“Section 89 enables the Local Government to give a power which it is thought may be found convenient in places like Simla, of accepting a small composition for petty nuisances out of Court instead of prosecuting, when the offender consents to pay such composition.

“The sections relating to control in Chapter V are similar to those in the Local Self-government Bill, and take the place of the wide power the Local Government possesses, under the existing law, to suspend or limit all or any of the powers of any committee, and to cancel any of their proceedings or rules. Some of the gentlemen consulted have thought that the powers given to local officers are too great, and have proposed that, in the case of first class committees at least, these powers should be exercised only by the Local Government, but the cases in which interference would be most necessary would generally be of such a nature as to call for prompter action than would be possible if nothing could be done until the facts had been reported to the Local Government, and time had been allowed for such enquiry as would satisfy Government that interference was called for.

“Section 94, which requires the orders of the Deputy Commissioner and Commissioner under the preceding sections to be forthwith reported to Government with a statement of the reasons for making them; and with any explanation which the committee may wish to offer, affords a check which should prevent any capricious or unnecessary interference; and this experience, which the more important municipal committees have already gained, should preserve them from falling into errors which would render interference necessary. But a sufficient power of control must be reserved to protect the public interests against the effects of negligence or ill-judged action on the part of committees, even though the cases may rarely occur in which any interference with the

functions of the committee will be necessary. It is only subject to this condition that committees can be given greater freedom of action than they have hitherto had, but experienced committees, well informed as to the wants of the public, and willing to exert themselves to supply them, so far as the means at their disposal allow, have no cause to fear that they will be exposed to any undue interference.

“The power to make rules to supplement the provisions of the Act given to the Local Government by section 97 and the provisions of the concluding chapters of the Bill call for no remark.”

The Motion was put and agreed to.

The Hon'ble MR. BARKLEY also introduced the Bill.

The Hon'ble MR. BARKLEY also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India* and in the *Panjab Government Gazette* in English and in such other languages as the Local Government might think fit.

The Council adjourned to Wednesday, the 12th September, 1883.

D. FITZPATRICK,

SIMLA ;  
The 7th September, 1883. }

*Secretary to the Government of India,*  
*Legislative Department.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 8, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	R	a.	p.
Subscription for <i>Gazette</i> and Supplement per annum	15	0	0
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Postage	3	0	0
For a single copy of the <i>Gazette</i>	0	8	0
For a single copy of the Supplement	0	4	0
Postage on single copies varies according to weight.			

E. J. DEAN,  
Publisher, *Gazette of India*.

### ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The undermentioned students have passed the Examinations in Engineering:—

B. C. E.

SECOND DIVISION.

*In Order of Merit.*

Sarkar, Annadaprasad . . . Govt. Engrg. Col., Howrah.  
Mukhopadhyay, Rajendranath . . . Ditto.

L. C. E.

SECOND DIVISION.

*In Order of Merit.*

Warde, Charles P. . . . Govt. Engrg. Col., Howrah.  
Martin, J. Arnold . . . Ditto.  
Ghoshal, Hariprasad . . . Ditto.

FIRST EXAMINATION IN ENGINEERING.

*Second Division.*

Hauhy, W. . . . Govt. Engrg. Col., Howrah.

G. BELLETT,

Registrar.

SENATE HOUSE,  
The 7th September 1883.

### SURVEY OF INDIA.

#### NOTIFICATIONS.

*Simla, the 29th August 1883.*

No. 375.—In continuation of Notification No. 373, dated the 14th August 1883, the following temporary promotions are made, with effect from the 21st July 1883:—

Mr. J. Connor, Assistant Surveyor, 1st Grade, in the seconded list, to officiate as Surveyor, 4th Grade, *vice* Mr. W. Stotesbury, but to continue in the seconded list while filling the post of Draftsman in the Head Quarters Drawing Office at Calcutta.



Mr. T. H. Dunne, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade, vice Mr. J. Connor.

**No. 376.**—Mr. W. R. Vyall, Surveyor, 3rd Grade, having availed himself, on the forenoon of the 1st August 1883, of the furlough granted him in Notification No. 366, dated the 9th July 1883, the following temporary promotion is made, with effect from the same date :—

Mr. J. Bond, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

*The 30th August 1883.*

**No. 377.**—Mr. Ernest Fitzhardinge Berkeley is appointed an Assistant Surveyor, 3rd Grade, with effect from 1st September next, to fill an existing vacancy.

G. C. DEPRÉE, Colonel,  
Offg. Surveyor General of India.

### AGENT, GOVERNOR GENERAL, FOR RAJPUTANA.

#### NOTIFICATIONS.

*Mount Abu, the 25th August 1883.*

**No. 3095 G.**—With reference to Foreign Department Notification No. 2050 G., dated 20th August 1883, Major A. W. Roberts assumed charge of the office of the Assistant Political Agent, Banswara and Pertabgarh, on the forenoon of the 20th August 1883.

*The 1st September 1883.*

**No. 3201 G.**—Lieutenant-Colonel C. B. Euan-Smith, C.S.I., availed himself, on the forenoon of the 13th August 1883, of the privilege leave granted him in this Office Notification No. 2712 G., dated 7th August 1883.

By Order,

E. A. FRASER,  
1st Asst. Agent to the Govr. Genl.

### AGENT, GOVERNOR GENERAL, RAJPUT- ANA, AND CHIEF COMMISSIONER, AJMER-MERWARA.

#### NOTIFICATION.

*Mount Abu, the 28th August 1883.*

**No. 709.**—Under Section 32 (last Clause) of Act X of 1882 (Criminal Procedure Code), the Agent, Governor General, Rajputana, and Chief Commissioner of Ajmer-Merwara, is pleased to specially empower the Superintendent, Rajputana-Malwa Railway Police, exercising powers of a Magistrate of the 2nd Class, to pass sentences of whipping from date of assuming charge of his office.

By Order,

E. A. FRASER,  
1st Asst. Agent, Govr. Genl., Rajputana,  
and Chief Commr., Ajmer-Merwara.

### CHIEF COMMISSIONER OF COORG.

#### NOTIFICATION.

*Bangalore, the 29th August 1883.*

**No. 889-283.**—Chepudria Thimmaya, Subedar, Yelusavirashimé Taluk, Coorg, is granted eighteen days' privilege leave, with effect from the 5th September 1883, or such subsequent date as he may avail himself of it.

Kultati Chengapa, Parpattigar and 3rd Class Magistrate, Mercaranad, is appointed to act as Subedar and 3rd Class Magistrate, Yelusavirashimé Taluk, during the absence of C. Thimmaya on leave, or until further orders.

By Order,

H. WYLIE, Major,  
Secretary to the Chief Commr. of Coorg.

### TREASURE TROVE.

In modification of the Notification sent from this Office, dated the 14th May 1883, it is hereby notified, under Section 5 of the Indian Treasure Trove Act, 1878, that about nine months ago the undermentioned treasure was found by Wadda Nagadu in the compound of Dasappa Kurnum Mirasidar, residing in the village of Talamarla, in Penukonda Taluq, in the District of Anuntapúr :—

	R	a.	p.
Silver coin called Vunta Namila			
to the value of	17	8	0
One silver chain valued at	8	3	0

All persons claiming this treasure, or any part thereof, are required to appear personally or by agent before the Collector's Office, at Anuntapúr, on the 20th day of February 1884.

for Collector.

ANUNTAPÚR COLLECTOR'S OFFICE,  
*The 22nd August 1883.*

### WANTED

#### ENGLISH AND PERSIAN WRITER.

Required for the Commissioner's Office, Peshawar, a Deputy Superintendent and Translator. His work will be entirely with the Commissioner, and confidential, and he must possess a thorough and idiomatic knowledge of English and Persian for correspondence in both languages; pay Rs180, with prospects; apply in own hand-writing with copies of certificates, not originals, to Commissioner, Abbottabad.

STATEMENT of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st August 1853.

PARTICULARS.	3½ PER CENT. TRANS. PER LOAN OF 1855-54.	4 PER CENT. LOANS						4½ PER CENT. LOANS				TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. DEBT-FREE LOAN OF 1867-68.	4 PER CENT. LOAN OF 1868-67.	GRAND TOTAL.	
		Of 1852-53.	Of 1855-56.	Of 1854-55.	Transfer of 1856.	Reduced 4 per cent. Loan of 1879.	Reduced 4 per cent. Loan of 1881.	TOTAL.	Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.					TOTAL.
Balance of 15th August 1883	64,100	13,02,720	29,63,600	1,02,39,400	2,54,98,537	2,69,17,500	...	8,07,98,257	48,27,600	1,06,95,100	10,00,23,700	11,55,46,400	1,26,500	2,000	60,200	20,65,87,467
Transfer from 4½ per cent., 1878, per advice from Bank of England.	...	...	...	...	...	...	...	...	...	...	3,38,500	3,38,500	...	...	...	3,38,500
<b>4½</b>	...	...	20,000	...	12,500	1,500	...	34,000	...	...	...	...	...	...	...	34,000
Amount enforced at Bombay between 16th and 31st August 1883	...	...	500	2,500	1,14,500	5,600	...	1,45,500	...	...	6,500	6,500	...	...	...	1,52,000
Amount enforced at Calcutta between 16th and 31st August 1883	...	...	7,400	17,600	37,600	48,400	...	1,54,500	9,100	...	...	9,100	...	...	...	1,63,600
<b>Deduct—</b>	64,100	13,02,720	29,71,700	2,40,66,400	2,56,69,037	2,68,72,900	...	9,11,32,257	48,38,700	1,06,95,100	10,03,66,700	11,58,98,500	1,26,500	2,000	60,200	20,72,73,557
Amount written off in the London Registers	...	...	15,500	88,000	45,700	1,37,700	...	6,16,700	55,100	3,30,500	3,000	3,94,600	...	...	...	10,11,300
Balance on 31st August 1883	64,100	13,02,720	29,53,200	2,39,63,400	2,53,32,237	2,67,35,200	...	9,05,16,657	47,81,600	1,03,58,600	10,03,63,700	11,55,03,900	1,26,500	2,000	60,200	20,62,62,257

**NOTE.**—From 9th June 1967 to 34th June 1968, encased from India 4,792 lakhs; re-transferred from London, 4,052 lakhs.

"	1st July 1883 to 15th July	"	"	4	"	"	20
"	16th "	"	"	3	"	"	7
"	1st Aug. "	"	"	4	"	"	13
"	16th "	"	"	3	"	"	6
				<u>4,406 lakhs.</u>			<u>4,098 lakhs.</u>
Balance against India				4,098 "			
				708 lakhs.			

**PUBLIC DEBT OFFICE,**  
**BANK OF BENGAL;**  
*Calcutta, the 1st September 1853.*

R HARDIE,  
*Secretary and Treasurer.*

Statement of the Affairs of the Bank of Bengal for the week ending 4th September 1883.

LIABILITIES.				ASSETS.			
	R	a.	p.		R	a.	p.
Capital paid-up	2,00,00,000	0	0	Government Securities	54,42,859	0	0
Reserve Fund	35,10,831	4	4	Other authorized Investments	53,12,647	8	0
	R	a.	p.	Loans on Government and other authorized Securities	1,02,92,987	6	2
Public Deposits at Head Office	74,73,242	0	4	Accounts of Credit on Government and other authorized Securities	49,08,095	9	4
Public Deposits at Branches	2,01,98,990	6	1	Bills discounted and purchased	1,91,21,692	0	5
Other Deposits at Head Office and Branches	2,21,40,794	3	0	Balances with other Banks	4,82,245	7	1
Bank Post Bills, &c.	4,95,878	0	6	Bullion	39,777	4	9
Sundries	10,84,295	10	6	Dead Stock	11,97,597	12	5
				Stamps	8,486	7	0
				Sundries	6,27,773	7	5
					4,74,34,161	14	7
					R	a.	p.
				Cash and Currency Notes at Head Office	85,74,020	15	11
				Cash and Currency Notes at Branches	1,91,95,848	10	3
					2,77,69,869	10	2
					R	a.	p.
					7,52,04,031	8	9
					R	a.	p.
					7,52,04,031	8	9

BANK OF BENGAL,  
Calcutta, 6th September 1883.

J. GORDON,  
Chief Acctt. & Depy. Secretary.

By order of the Directors,  
R. HARDIE,  
Secy. & Treasurer.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed	Held on account of the Currency Department.
	R	R	R	R	R	R
1883						
Aug. 27	1,44,886	...	...	1,44,931	35,75,807	22,51,071
" 28	...	...	46	1,44,886	35,75,915	22,51,118
" 29	...	...	...	3,74,405	36,30,329	22,51,118
" 30	2,29,679	...	...	3,74,405	36,30,197	22,51,118
" 31	...	...	...	3,74,405	36,30,197	22,51,118
Sept. 1	...	...	...	3,74,405	36,30,197	22,51,118

J. F. TENNANT, Major-Genl., R.E.,  
Mint Master.

CALCUTTA MINT,  
The 3rd September 1883.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.			
Regt. No.	No. of Notes.	Value.	Name of Claimant.
		R	
14	D 20—17169	100	R. C. Saunders, Esq., Allahabad.
"	—17170	100	
"	—17171	100	

ALLAHABAD,  
The 5th September 1883.

W. COWLEY,  
Asst. Acctt. General,  
In charge of Paper Currency Office.

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		R	
1883.			
W45	M 67—30025	100	J. Darragh, Alleppy.
	M 66—84209	100	
W46	M 66—35481	100	Husson Joosub, Mirtizapur.

BOMBAY,

The 28th August 1883.

C. J. RIVETT-CARNAC,  
Asst. Acctt. Genl., Paper Currency Department,  
for Commissioner of Issue.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		R	
150	P 7—00811	10	Babu Chundy Churn Das.
	P 63—83231	10	
151	O 99—53941	10	Golam Nobbee Mundle.
	O 76—05144	10	
	O 79—53949	10	
152	P 10—76185	100	Babu Kristobandhu Soor.
155	P 43—93611	100	Rai Bahadoor Thakur Mangal Sing, Senior Member of the Ulwar State Council.
156	P 39—10374	50	Puddo Lochann Shaha.
157	P 39—09098	50	Messrs. Hafizoola Fuzle Elahoe.
160	P 39—11360	50	Babu Upendra Narain Dutt.
161	P 44—55647	100	Babu Gaury Prosad Koonoo.
	" —61833	100	
163	P 44—53697	100	Koylas Chunder Coondoo.
	" —85690	100	

CALCUTTA,

The 7th September 1883.

J. TAYLOR,  
Asst. Comptlr. Genl., in charge, Paper Currency.

## POST OFFICE.

## NOTIFICATIONS.

Simla, the 7th August 1883.

The date for the receipt of tenders for the conveyance of mails by sea, on the lines marginally \* noted, has been extended from the 1st September to the 1st November 1883. Tenders should reach the Office of the Director General at Calcutta not later than the 1st November 1883.

L. G. WAIT,

Asst. Director General of the Post Office of India,  
Foreign Post Branch.

Unclaimed Letters held in the Calcutta General Post Office on 6th September 1883.

Arathoon & Co.	Hockley, Charles T.	Ross, Lieut. W. C.
Bell, W. A.	Hughes, Mrs. A. A.	Taylor, Charles.
Brooker & Co., Frederick.	Lanorgere, V.	Tweedy, A.
Downie, Dr. K. M.	Macleod, C. H.	Wardle, F.
Downs, Mrs. M.	McCauley, Abraham.	Wills, H. S.
FitzWilliam, Hon'ble C. Moon, Charles.	Patterson, J.	Young, J. D.
Huish, M.		

## Letters marked "Care of Post Office."

Agist, John.	Douglas, G. P. H.	McKay, James B.
Arundell, C. L. F.	Dyett, B. H. R.	M. M. M.
A. Q. R.	Ester, Frau. Merrie.	Milsud, George.
A. X. Y. Z.	" Felia."	Moore, Miss L.
Baker, C. J. Seymour.	Fergus, Mrs. M.	Mosse, W. Forbes.
B. B.	Field, Miss Fanny.	Myers, Rev. Salem.
Battersby, Leslie C.	Fonnt, P. S.	Nordt, Miss Minnie.
Binnie, George.	Gahan, Capt. R. L.	Pearson, H. J. F. G.
Boswell, Lt.	Gelsend, Lean.	Perrins, C. H.
Bradshaw, D. E.	Cow, J. F.	Rains, —
Branson, T. F.	Hallewell, J. A.	Rathergud, R. C.
Bruntton, Mrs. J.	Haly, J. J.	Rode, Capt. J.
Buckle, Henry.	H. R. A.	Ross, C. Henry.
Bullwell, H.	Hav, Arthur.	Ryan, J. H.
Burlington, Charles.	Heller, Miss.	Sadler, J.
Burt, C. H.	Hilbert, J.	Santford, E. C. Aysb-
Camat, Madame A.	Horridge, Charles.	ford.
Campbell, Dr. M. R.	Ingels, H. V.	Specht, Otto.
Chase, J.	J. B. — B. M.	Spencer, Mrs. L.
Cotton, F.	Jones, H.	Taneoviel, Mendla.
Contt, P. S.	Jones, John.	T. C.
Crispin, C. Umberto.	Karoly, S.	Tucker, Mrs.
Crowther, John.	Kavanagh, P.	Vaughan, Percy.
Dalyell, Mrs. R. F.	Kirkbride, J.	VasAgnew, Lieut. P. A.
David, Jacob.	L. S.	White, Mrs. S.
D'Cruz, Mrs. Bella.	Langley, Manly G.	Williams, J. M.
Dean, William Edward.	Lynam, B.	Wyndham, W. G.
Donovan, John.		

## Registered Letters.

Angelo, Col. R. F.	Harrison, W. H.	Weben, Madame Mar-
Barrett, Captain J. C.	Menzies, Charles.	tha.
Danute, Michael.	Nardino, Sig. Raffaele.	Wood, Mrs. Nellie.
Gahan, Capt. R. L.	Shipley, Lieut. W. L.	
(parcel).		

The 8th September 1883.

## SEA AND FOREIGN MAILS.

Foreign Mails for	Date.	Per Steamer
	1883.	
Perman Gulf.	14th Sept.	From Bombay.
Madras, Ceylon, and Intermediate Ports.	14th "	Str. Bhudara.
Madras and Ceylon	19th "	P. & O. Str.
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	18th "	Carthage.
Foreign Mails via Bombay	8th "	From Bombay.
Foreign Mails via Bombay	15th "	From Bombay.*
Do. Book Post and Pattern Packets	14th "	From Bombay.
Rangoon and Moulemein	13th "	Str. Kilua.
Chitagon, Akyab, Kyauk Phyo, and Rangoon	13th "	Str. Commilla.
Madras, Ceylon, Batavia, Singapore & China	10th "	Fr. Str. Tibre.

\* Also for South Africa via England can be forwarded.

N.B.—The letter-box will close at 7 p.m. precisely; after which hour, foreign letters, duly prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 p.m.

E. HUTTON,  
Presidency Post Master.

## GOVERNMENT CINCHONA FEBRIFUGE.

This preparation is an efficient substitute for Quinine and can be purchased by Government

officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, for cash only, at the following rates:—per four ounce tin *R4-8*; per eight ounce tin, *R5-5*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, for cash only, at the under-noted rates:—per four ounce tin *R5-5*; per eight ounce tin *R10-5*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

## گورنمنٹ سکونا فبري فيوج

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے بوٹانیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہوا ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیواے انکے جو کوئی ایک مشت بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنے ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنے ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنے

اور عوام الناس بوٹانیکل گارڈن یعنی کمپنی با کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنے ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنے ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلائی اور دیسی دوا خانوں میں مکتی ہی ماسیواے قیمت مذکورہ بالا کے محصول ذات چار رو آٹھ اونس کے تین کا آٹھ آنے ; اور ایک پونڈ کے تین کا بارہ آنے

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Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8 0 0
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Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates .	R	a.	p.
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Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates .	1	8	0
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Offg. Under-Secy. to the Govt. of Bengal.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, SEPTEMBER 8, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

### NOWREA NUDDY TEA COMPANY, LIMITED, IN LIQUIDATION.

*Proceedings of Meeting of Shareholders of the  
above Company, held at the Registered Office,  
No. 10, Hare Street, at 10-30 A.M., on Friday,  
the 31st August 1883.*

#### PRESENT :

W. CORNELL, Esq., C.S., *by his Attorney* James  
Mumford, Esq.  
W. S. CRESSWELL, Esq., *by his Attorney* A. W.  
Figgis, Esq.  
W. M. NORTH, Esq., *by his Attorney* W. C.  
Aldam, Esq.  
J. J. HULBERT, Esq., *by his Attorney* W. C.  
Aldam, Esq.

Notice of meeting having been read, the follow-  
ing resolution was put to the meeting and  
passed :—

Proposed by W. Cornell, Esq., C.S., *by his At-  
torney* James Mumford, Esq.

Seconded by W. M. North, Esq., *by his Attor-  
ney* W. C. Aldam, Esq.—

“That the Audited Account of the Liquidation  
of the Company be and they are hereby con-  
firmed.”

W. S. CRESSWELL & Co.,  
*Liquidators.*

CALCUTTA,  
*The 31st August 1883.*

### PROMISSORY NOTES.

#### Lost or Stolen

The Government Promissory Note, No. 018714,  
of the 4 per cent. Loan of 1842-43, for Rs. 500,  
originally standing in the name of ———, and  
last endorsed to Navanidhrai Dalputrai, Vakil, the  
proprietor, by whom it was never endorsed to any  
other person. Payment of the above Note and  
the interest thereupon have been stopped at the  
Public Debt Office, Bombay, and application is  
about to be made for the issue of duplicate in  
favour of the proprietor.

NAVANIDHRAI DALPUTRAI, *Vakil,*  
*Inhabitant of Junagudh.*

RAJKOTE,  
*The 5th October 1882.*

#### Lost or Stolen

In transit by Post, Government Debentures in  
the Cawnpur and Furrackabad Railway, for  
Rs. 1,000. Application is about to be made for the  
issue of a duplicate in favour of the proprietor.

T. F. O'MEARA,  
*Resident Engineer, O. & R. Railway,  
Saharanpur.*





SUPPLEMENT TO  
**The Gazette of India.**

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N<sup>o</sup> 36.} CALCUTTA, SATURDAY, SEPTEMBER 8, 1883.

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GOVERNMENT  
DEPARTMENT OF I

PRICES CURRENT OF FOOD-GRAINS THROUGH

DISTRICTS.	QUANTITIES PER RU																							
	Wheat						Barley						Rice (best sort).						Rice (common).					
	Present fortnight.			Past fortnight.			Present fortnight.			Past fortnight.			Present fortnight.			Past fortnight.			Present fortnight.			Past fortnight.		
	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.
Ganjam . . . . .	10	5	10	5	7	6	...	...	...	...	...	...	17	0	17	0	17	13	17	14	17	14	19	8
Vizagapatam . . . . .	9	8	9	8	10	0	...	...	...	...	...	...	9	8	9	8	9	0	11	14	11	5	11	5
Godavery . . . . .	10	8	10	13	11	11	...	...	...	...	...	...	10	14	11	14	13	14	14	0	11	0	17	0
Kistna . . . . .	8	13	8	13	12	3	...	...	...	...	...	...	14	0	14	0	15	11	14	11	14	11	16	5
Nellore . . . . .	9	14	9	6	12	10	...	...	...	...	...	...	13	14	13	6	15	13	15	0	14	0	17	0
Cuddapah . . . . .	12	14	12	14	12	8	...	...	...	...	...	...	12	6	12	6	11	14	13	5	13	5	13	11
Anantapur . . . . .	13	6	13	6	13	6	...	...	...	...	...	...	11	13	11	13	12	13	12	5	12	5	15	2
Bellary . . . . .	16	5	16	5	15	5	...	...	...	...	...	...	11	13	11	13	12	5	13	0	13	0	13	8
Kurnool . . . . .	12	2	12	2	12	6	...	...	...	...	...	...	10	10	10	10	10	10	11	6	11	6	11	6
Madras . . . . .	11	5	11	10	9	13	...	...	...	...	...	...	13	8	13	8	13	5	15	2	15	2	15	2
Chingleput . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	13	8	13	8	13	8	15	2	15	2	15	2
North Arcot . . . . .	9	11	9	11	10	8	...	...	...	...	...	...	13	8	13	8	13	8	15	2	15	2	15	2
South Arcot . . . . .	9	6	10	14	9	0	...	...	...	...	...	...	13	8	13	8	14	6	16	14	16	14	16	14
Tanjore . . . . .	11	13	11	13	9	10	...	...	...	...	...	...	13	14	14	13	15	11	14	14	14	14	16	3
Trichinopoly . . . . .	9	10	9	10	8	8	...	...	...	...	...	...	17	13	17	13	15	13	...	...	...	...	...	...
Madurai . . . . .	12	8	11	11	11	5	...	...	...	...	...	...	15	13	15	13	14	0	16	11	16	11	14	8
Tinnevely . . . . .	10	10	9	14	8	0	...	...	...	...	...	...	16	0	16	6	15	2	16	14	16	14	15	10
Coimbatore . . . . .	13	2	13	2	11	8	...	...	...	...	...	...	16	5	15	14	15	6	16	13	16	6	15	13
Nilgiris . . . . .	10	10	10	16	9	14	...	...	...	...	...	...	14	6	14	6	13	2	15	6	15	6	14	8
Salem . . . . .	12	11	13	10	11	14	...	...	...	...	...	...	11	3	13	10	10	6	12	0	12	0	11	3
South Canara . . . . .	7	11	8	10	8	10	...	...	...	...	...	...	14	10	14	0	14	0	15	0	15	0	15	0
Malabar . . . . .	8	10	8	10	7	3	...	...	...	...	...	...	9	11	10	3	9	3	12	3	12	8	11	13
Bombay . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	15	0	15	6	13	13	15	13	16	10	14	8
Ahmedabad . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kaira . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Surat . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Broach . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tanna (Salsette) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Colaba (Alibag) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Khandesh (Dhulia) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nasik . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ahmednagar . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Poona . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sholapur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Koladgi (Bugal Kot) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Katara . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Belgaum . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dharwar (Hubli) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ratnagiri . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Karnar (Karwar) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Panch Mahals (Godhra) . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Acea . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Asirgarh . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Baroda . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dasa . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Damach . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Dashabud . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rajkot . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Upper Sindh Frontier . . . . .	14	0	14	4	13	0	24	8	25	8	25	4	11	4	11	4	11	4	13	4	13	4	20	0
Kutch . . . . .	13	1	13	8	12	5	22	0	23	0	21	8	9	8	9	4	9	8	15	0	16	0	18	0
Amambad (Nakur) . . . . .	18	0	18	0	14	0	24	0	27	0	26	0	12	0	13	0	13	0	17	0	19	0	16	0
Shikarpur . . . . .	12	0	14	2	12	8	23	8	23	12	25	5	12	0	12	0	12	0	18	0	17	10	18	0
Sukkur . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tina & Parkar (Umakot) . . . . .	13	0	13	5	18	0	...	...	...	...	...	...	...	...	...	...	...	...	13	0	13	0	13	4
Western Districts.																								
Budwan . . . . .	15	0	16	8	13	0	21	0	20	0	32	8	17	4	17	4	23	4	22	12	22	12	25	4
Banoorah . . . . .	14	8	14	12	13	8	16	0	16	0	15	0	19	0	19	0	20	0	24	8	25	0	24	0
Becchiroom . . . . .	15	0	15	0	13	0	...	...	...	...	...	...	16	8	16	8	18	0	21	0	21	0	19	8
Dhampore . . . . .	14	0	14	0	14	0	17	0	17	0	...	...	18	0	18	0	20	0	22	0	22	0	24	0
Lochaly . . . . .	13	0	13	0	15	0	...	...	...	...	...	...	9	0	9	0	10	0	16	0	15	0	19	0
Lowrah . . . . .	13	4	13	4	13	4	...	...	...	...	...	...	13	8	13	8	16	0	17	8	17	8	18	12

a In the sub-divisions retail prices of salt are as follow. —Culna 13-8 seers, Cutwa 11-8 seers, and Raneegunge 13 seers.  
b Retail prices of salt at Belpore 11 seers, at Orda 15 seers, at Sonamukhi 12 seers, and at Mejia, Belpore, Indas, and Kotulpore 13 seers.  
c In the interior retail prices of salt range from 11 to 13-5 seers.

OF INDIA.  
ANCE AND COMMERCE.

NDIA FOR THE 1st HALF OF AUGUST 1883.

N SEERS OF 80 TOLAHS.

Lesser Millets, Kari, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murh- wa, Nuplee), Panicum Miliaceum, &c.									Gram.			Firewood.			Salt.						DISTRICTS.
Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Wholesale.			Retail.						
												Present fort- night.	Past fortnight.	Corresponding fortnight of 1882.	Present fort- night.	Past fortnight.	Corresponding fortnight of 1882.				
Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.			
2 3	32 3	35 3	33 5	33 5	26 10	215 13	215 13	215 13				13 1	13 13	13 13					Gunjam . . . . .		
2 3	22 3	25 5	33 14	32 13	23 6	83 10	87 8	93 5	14 10	14 10	14 10	14 10	14 10	14 10	14 0	14 0	14 0	14 0	Vizagapatam . . . . .		
9 2	29 2	29 2	31 8	31 8	26 3	194 6	194 6	194 6	14 10	14 10	14 10	14 10	14 10	14 10	14 10	14 10	14 10	14 10	Godavery . . . . .		
5 0	25 0	32 5	29 10	27 6	21 11	145 13	145 13	145 13	15 11	15 11	16 5	15 3	15 3	15 3	15 3	15 11	15 11	15 11	Kistna . . . . .		
5 8	25 8	32 13	22 10	23 2	22 2	93 5	93 5	186 10	14 13	15 14	15 6	13 13	15 6	14 13	14 13	14 13	14 13	14 13	Nellore . . . . .		
0 0	31 8	31 8	34 6	35 5	29 3	194 6	194 6	194 6	17 2	17 8	17 2	16 10	17 2	16 10	17 2	16 10	17 2	16 10	Cuddapah . . . . .		
1 0	31 0	31 0	38 2	38 2	31 5	...	...	...	14 5	14 5	14 5	14 5	14 5	14 5	14 5	14 5	14 5	14 5	Anantapur . . . . .		
3 0	35 14	31 0	33 10	33 10	29 2	94 13	94 13	97 3	15 13	15 13	15 11	15 8	15 8	15 8	15 6	15 6	15 6	15 6	Bellary . . . . .		
...	...	29 10	30 0	30 0	26 3	182 11	182 11	190 8	14 13	14 13	14 13	14 13	14 6	14 6	14 6	14 6	14 6	14 6	Kurnool . . . . .		
...	24 11	28 0	25 5	25 5	24 10	85 0	85 0	81 6	16 14	16 14	16 11	16 8	16 8	16 8	16 3	16 3	16 3	16 3	Madras . . . . .		
26 0	25 5	27 6	25 0	25 0	24 10	92 5	92 5	92 5	17 5	17 5	17 5	17 0	17 0	17 0	17 0	17 0	17 0	17 0	Chingleput . . . . .		
32 8	32 8	33 5	28 10	28 10	24 10	140 0	140 0	140 0	15 6	15 6	14 13	14 13	14 13	14 13	14 5	14 5	14 5	14 5	North Arcot . . . . .		
29 6	26 3	30 3	25 10	25 10	30 3	201 11	201 11	201 11	19 5	18 0	19 5	18 6	17 8	18 14	18 14	18 14	18 14	18 14	South Arcot . . . . .		
36 3	36 3	30 3	28 0	28 0	28 0	194 6	194 6	194 6	15 10	15 3	15 10	15 3	14 11	15 10	15 10	15 10	15 10	15 10	Tanjore . . . . .		
34 2	34 2	28 13	30 13	30 13	30 13	97 3	97 3	97 3	17 13	17 13	17 13	17 0	17 0	17 0	17 0	17 0	17 0	17 0	Trichinopoly . . . . .		
38 11	40 5	33 5	35 10	35 10	34 11	170 2	170 2	170 2	17 5	17 5	16 13	16 13	16 13	16 13	16 6	16 6	16 6	16 6	Madura . . . . .		
...	...	...	37 2	37 14	27 5	70 0	70 0	81 10	18 11	18 11	18 11	18 5	18 5	18 5	16 5	16 5	16 5	16 5	Tinnevely . . . . .		
26 8	27 14	27 14	34 3	34 3	32 13	131 3	131 3	131 3	15 2	15 2	14 10	14 10	14 10	14 10	14 2	14 2	14 2	14 2	Coimbatore . . . . .		
21 10	23 0	20 3	24 2	24 14	20 11	161 13	161 13	161 13	13 0	13 0	11 0	12 0	12 0	11 0	11 0	11 0	11 0	11 0	Nilgiris . . . . .		
29 2	30 13	29 14	35 10	35 8	34 6	151 10	151 10	151 10	17 8	17 8	18 0	16 14	16 14	16 13	16 13	16 13	16 13	16 13	Salem . . . . .		
18 8	17 10	19 6	21 3	21 3	20 3	109 5	111 13	116 6	18 6	14 13	11 5	17 3	13 13	10 8	10 8	10 8	10 8	10 8	South Canara . . . . .		
21 14	18 3	21 14	26 14	26 14	25 3	121 8	121 8	121 8	14 6	14 6	13 8	13 8	13 8	13 8	12 10	12 10	12 10	12 10	Malabar . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Bombay . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Ahmedabad . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Kaira . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Sufat . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Broach . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Tanna (Salsette) . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Colaba (Alibag) . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Khandesh (Dhulia) . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Nasik . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Ahmednagar . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Poona . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Sholapur . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Kaladgi (Bagalkot) . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Satara . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Belgaum . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Dharwar (Hubli) . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Ratnagiri . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Kanara (Karwar) . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Panch Mahals (Godhra) . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Aden . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Asirgarh . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Baroda . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Disa . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Nimach . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Nasirabad . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Rajkot . . . . .		
0 0	...	40 0	22 8	24 8	19 0	160 0	160 0	160 0	12 12 1/2	12 12 1/2	10 5	12 8	12 8	10 0	10 0	10 0	10 0	10 0	Upper Sindh Frontier . . . . .		
1 0	10 7	11 0	17 0	18 8	17 0	100 0	100 0	105 0	16 0	16 0	17 13	16 0	16 0	17 0	17 0	17 0	17 0	17 0	Karachi . . . . .		
0 0	24 0	24 0	22 0	20 0	12 0	320 0	320 0	480 0	14 0	14 8	14 0	14 0	14 8	14 0	14 0	14 0	14 0	14 0	Haidarabad (Nakur) . . . . .		
...	...	...	21 8	22 0	18 4	200 0	200 0	270 0	14 0	13 4	9 2	13 14	13 0	9 0	9 0	9 0	9 0	9 0	Shikarpur . . . . .		
...	...	...	...	...	...	...	...	...	...	...	No return received			...		...		...	Sukkur . . . . .		
...	...	...	...	...	...	120 0	120 0	160 0	14 13	13 11	11 5	14 13	13 11	11 5	11 5	11 5	11 5	11 5	Thar and Parkar (Umarkot) . . . . .		
Prices per md. of 40 seers.																			Western Districts.		
...	...	...	19 8	20 4	20 0	120 0	120 0	120 0	R a. p.	R a. p.	R a. p.	0 12	10a	12 10	13 8	13 8	13 8	13 8		Burdwan . . . . .	
...	...	...	17 12	17 12	18 0	240 0	280 0	240 0	3 3 6	3 3 6	3 3 0	12 0	0 12	0 12	0 12	0 12	0 12	0 12	Baucoorah . . . . .		
...	...	...	21 0	21 0	19 8	160 0	160 0	170 0	3 7 0	3 8 3	3 10 0	11 4c	10 8	11 8	11 8	11 8	11 8	11 8	Beerbhoom . . . . .		
...	...	...	16 0	16 0	17 0	155 0	155 0	160 0	2 14 0	2 14 0	2 13 0	12 0	0d	12 0	13 8	13 8	13 8	13 8	Midnapore . . . . .		
...	...	...	17 0	16 0	20 0	120 0	120 0	120 0	2 14 0	2 14 0	2 14 0	13 9c	13 9	13 9	13 9	13 9	13 9	13 9	Hooghly . . . . .		
...	...	...	17 0	16 4	20 0	80 0	80 0	80 0	3 0 0	2 14 0	2 14 0	13 0	13 8	13 0	13 0	13 0	13 0	13 0	Howrah . . . . .		

\* In common use.  
d In the sub-divisions retail prices of salt are as follow :—Ghatal 14-4 seers and Contal 11 seers.  
e In the sub-divisions retail prices of salt are as follow :—Serampore 13 seers and Jenuabud 13-8 seers.



PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																	
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholam, Jowar), Hoicum Sorghum.			Bulrush Millet (Carnoo, Bairi, Pencilaria Spic)		
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
<b>Central Districts.</b>																		
Calcutta . . . . .	14 9	14 9	13 5	19 6	18 13	26 8	10 12	10 12	10 0	16 0	16 0	20 0	21 5	...	...	20 0	20 0	...
24-Pergunnahs . . . . .	13 5	13 5	12 9	16 0	16 0	20 0	8 0	8 0	9 8	16 0	14 0	17 8	...	...	...	...	...	...
Nuddea . . . . .	14 8	14 8	14 8	...	...	...	15 4	15 4	16 0	17 4	17 4	19 6	...	...	...	...	...	...
Khoolna . . . . .	...	...	...	...	...	...	16 0	16 0	16 0	22 0	22 0	22 0	...	...	...	...	...	...
Jessore . . . . .	13 4	13 4	14 8	...	...	...	16 0	16 0	14 12	21 4	21 4	23 8	...	...	...	...	...	...
Moorshedabad . . . . .	15 0	15 0	14 8	...	...	...	14 0	15 0	14 8	20 0	20 0	20 0	...	...	...	...	...	...
Dinapore . . . . .	16 0	16 0	14 0	17 8	17 8	16 0	18 0	16 12	18 0	20 0	19 0	19 4	...	...	...	...	...	...
Rajshahiye . . . . .	15 4	16 8	13 8	33 0	30 0	32 0	14 0	12 0	12 0	18 0	17 4	18 0	...	...	...	...	...	...
Rungpore . . . . .	13 5	13 5	16 0	...	...	...	12 5	13 5	16 0	18 0	20 0	21 8	...	...	...	...	...	...
Bogra . . . . .	15 0	15 0	15 0	...	...	...	12 0	12 0	13 8	21 0	21 0	26 4	...	...	...	...	...	...
Pabna . . . . .	18 12	18 12	16 0	...	...	...	8 0	8 0	10 0	18 12	19 8	25 0	...	...	...	...	...	...
Darjeeling . . . . .	8 0	8 0	11 0	8 0	8 0	10 0	4 0	4 0	5 0	12 0	12 0	13 0	...	...	...	...	...	...
Jalpaiguri . . . . .	10 0	10 0	10 0	20 0	20 0	20 0	13 0	12 8	14 0	16 0	17 0	20 0	...	...	...	...	...	...
<b>Eastern Districts.</b>																		
Dacca . . . . .	12 8	12 8	13 5	23 0	23 0	40 0	16 8	16 8	25 0	23 0	22 0	33 12	...	...	...	...	...	...
Farrakka . . . . .	21 0	20 0	22 0	30 0	30 0	30 8	18 0	16 0	23 0	20 0	18 0	24 8	...	...	...	...	...	...
Backergunge . . . . .	...	...	...	...	...	...	18 0	19 0	19 0	20 0	21 0	23 0	...	...	...	...	...	...
Mymensingh . . . . .	11 8	11 0	10 0	...	...	...	15 0	13 5	22 0	19 0	19 0	29 0	...	...	...	...	...	...
Chittagong . . . . .	8 0	10 0	9 0	...	...	...	13 0	14 0	16 0	18 0	21 0	26 0	...	...	...	...	...	...
Nonkholy . . . . .	...	...	...	...	...	...	20 0	20 0	26 0	22 0	22 0	28 0	...	...	...	...	...	...
Tipperah . . . . .	12 4	11 6	11 8	...	...	...	17 4	18 12	23 0	21 12	22 8	23 8	...	...	...	...	...	...
Chittagong Hill Tracts . . . . .	...	...	...	...	...	...	12 4	12 4	13 5	13 4	13 4	17 12	...	...	...	...	...	...
Hill Tipperah . . . . .	10 0	10 0	11 0	...	...	...	16 0	16 0	22 0	20 0	20 0	28 0	...	...	...	...	...	...
<b>Behar.</b>																		
Patna . . . . .	19 0	21 0	18 8	25 0	29 12	34 0	14 0	14 0	12 0	16 0	16 0	22 0	...	...	...	...	...	...
Gya . . . . .	18 8	18 8	17 0	24 0	24 0	27 0	12 0	12 0	12 0	15 0	15 0	18 0	...	...	...	...	...	...
Shahabad . . . . .	15 0	16 8	15 0	26 0	25 0	23 0	10 0	11 0	16 0	15 0	15 0	19 0	...	...	...	27 0	28 0	...
Darbhanga . . . . .	15 8	16 0	15 0	28 0	33 0	12 8	13 0	14 8	16 0	16 0	17 0	...	...	...	...	...	...	...
Muzaffarpore . . . . .	18 0	18 0	16 0	30 0	28 0	30 0	12 0	12 0	11 0	16 0	16 0	16 0	...	...	...	...	...	...
Surat . . . . .	17 0	17 0	14 8	26 0	26 0	24 0	10 0	10 0	9 0	18 0	18 0	18 0	29 0	30 0	26 0	...	...	...
Champaran . . . . .	19 0	19 0	18 0	32 0	32 0	31 0	13 0	13 0	12 0	17 0	17 0	18 0	...	...	...	...	...	...
Monghyr . . . . .	19 10	18 9	15 12	26 4	27 14	31 8	13 10	13 15	16 13	15 3	16 0	18 14	...	...	...	...	...	...
Bhagalpur . . . . .	16 6	16 6	13 14	30 4	24 0	31 9	15 2	15 2	17 11	17 10	17 10	18 15	...	...	...	...	...	...
Paruenb . . . . .	17 0	18 0	14 0	...	...	...	16 0	15 0	20 0	18 0	17 0	21 0	...	...	...	...	...	...
Maldah . . . . .	17 8	16 8	16 0	...	...	...	15 0	14 8	17 0	18 0	17 0	20 0	...	...	...	...	...	...
Southal Pergunnahs . . . . .	12 0	14 0	13 0	...	...	...	16 0	16 0	17 0	23 0	22 0	22 0	...	...	...	...	...	...
<b>Orissa.</b>																		
Cuttack . . . . .	13 2	13 2	15 12	...	...	...	13 2	13 2	17 1	22 5*	21 0	26 4	...	...	...	...	...	...
Pooree . . . . .	11 13	13 0	11 4	...	...	...	21 0	21 0	20 0	23 10	23 10	26 4	...	...	...	...	...	...
Balasore . . . . .	14 0	14 0	14 0	...	...	...	16 0	16 0	22 0	28 0	28 0	30 0	...	...	...	...	...	...
<b>CHOTA NAGPORE.</b>																		
<b>South-Western Frontier Agency.</b>																		
Hazaribagh . . . . .	15 0	14 0	12 0	20 0	20 0	...	9 0	9 0	10 0	15 8	16 0	18 0	...	...	...	...	...	...
Lohardugga . . . . .	15 0	15 0	15 0	20 0	20 0	22 0	18 0	18 0	20 0	22 0	22 0	22 0	...	...	...	...	...	...
Singhboom . . . . .	18 0	18 0	20 0	24 0	32 0	28 0	32 0	36 0	36 0	36 0	40 0	40 0	...	...	...	...	...	...
Manbhoom . . . . .	13 0	13 0	12 0	...	...	...	16 0	17 0	16 0	25 0	25 0	30 0	...	...	...	...	...	...

- \* In the interior retail prices of common rice range from 28-11 to 30-6 seers per rupee.  
 f In the sub-divisions retail prices of salt are as follow :—Baraset and Hussinat 13 seers, Diamond Harbour 10-8 seers, Barrackpore 12-12 seers, and Dam-Dam 13 seers.  
 g In the sub-divisions retail prices of salt are as follow :—Koothia 12-12 seers, Alchepore 11-8 seers, Chondanga 13 seers and Kanaghat 12 seers.  
 h In Sankhira and Bugirhat sub-divisions retail price of salt 11 seers.  
 i In the sub-divisions retail prices of salt are as follow :—Jhenidah, Magura and Narail 12 seers, and Bongong 13 seers.  
 j In the sub-divisions retail prices of salt are as follow :—Laibaga 11 seers, Jungtpore 11-0 seers, and Kandi 11-8 seers.  
 k Retail prices of salt at Raigunge 10-8 seers and Neetpore 12 seers.  
 l In Nattore retail price of salt 12 seers.  
 m In the sub-divisions retail prices of salt are as follow :—Gaibanda 10-5 seers, and Nilphamari and Kurigram 12 seers.  
 n In Serajgunge retail price of salt 12-8 seers.  
 o Retail price of salt at Kurseong and Siligoree 8 seers.  
 p Retail price of salt at Fallacotta in the Altpore sub-division 10 seers.  
 q In the sub-divisions retail prices of salt are as follow :—Mamickgunge 12 seers, Moonshoogunge 10 seers 10½ chittacks, and Naraingunge 13 seers.  
 r In the sub-divisions retail prices of salt are as follow :—Goolundo 10-8 seers, Madanpore 12 seers, and Gopalgunge 12-12 seers.  
 s In the sub-divisions retail prices of salt are as follow :—Patunkhali 9 2 seers, Porozpore 11 seers, and Buola 9 seers.  
 t In the sub-divisions retail prices of salt are as follow :—Kishoregunge 10-10 seers, Aitea 12 seers, Jamalpore 11 seers, and Netrokona 12-5 seers.

## N SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Vengam, Sawee, Cheenu, Cornu, Muru- wa, Nagies), Panicum Miliaceum, &c.										Gram.			Firewood.			Salt.									DISTRICTS.
Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Wholesale prices per maund of 40 seers.			Retail.				
S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.		
																								Present fort- night.	
S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.		
Central Districts.																									
Calcutta . . . . .																									
24-Pergunnahs . . . . .																									
Nudda . . . . .																									
Khoolna . . . . .																									
Jessore . . . . .																									
Moorshedabad . . . . .																									
Dinapore . . . . .																									
Rajshahye . . . . .																									
Rungpore . . . . .																									
Bogra . . . . .																									
Pabna . . . . .																									
Darjeeling . . . . .																									
Jalpaiguri . . . . .																									
Eastern Districts.																									
Dacca . . . . .																									
Farrakpore . . . . .																									
Backergunge . . . . .																									
Mymensingh . . . . .																									
Chittagong . . . . .																									
Naokholly . . . . .																									
Tipperah . . . . .																									
Chittagong Hill Tracts Hill Tipperah . . . . .																									
Behar.																									
Patna . . . . .																									
Gya . . . . .																									
Shahabad . . . . .																									
Durbhunga . . . . .																									
Mozufferpore . . . . .																									
Sarun . . . . .																									
Chumpan . . . . .																									
Monghyr . . . . .																									
Bhagalpur . . . . .																									
Purneah . . . . .																									
Maldah . . . . .																									
Southal Pergunnahs																									
Orissa.																									
Cuttack . . . . .																									
Pooree . . . . .																									
Balasore . . . . .																									
CHOTA NAGPUR.																									
South-Western Frontier Agency.																									
Hazaribagh . . . . .																									
Lohardugga . . . . .																									
Singbhoom . . . . .																									
Manbhoom . . . . .																									

a Retail price of salt at Kumeriah 10 seers, and Hathazaree and Cox's Bazar 8 seers.

b In the interior retail prices of salt range from 8 to 12-1 seers.

c In the sub-divisions retail prices of salt are as follow:—Brahmudbertah 12 seers, and Chandpore 13 seers.

d In the sub-divisions retail prices of salt are as follow:—Aurangabad 11 seers, and Nowada 9-8 seers.

e In sub-divisions retail prices of salt are as follow:—Buxar 11-8 seers, Bhuboia 10-8 seers and Sasseram 11 seers.

f In the sub-divisions retail prices of salt are as follow:—Madhubani 10 seers, and Tappur 11-8 seers.

g In the Hajepore sub-division retail prices of salt range from 10 to 12 seers.

h In the sub-divisions retail prices of salt are as follow:—Sewan 11-0 seers, and Gopalgunge 12 seers.

i Retail price of salt at Madhubani and Kesaria 12 seers, at Gohindgunge 12-8 seers, at Ghorasan 10-4 seers, at Dhaka and Bagaha 10 seers, and at Bettiah 11 seers.

j In the sub-divisions retail prices of salt are as follow:—Begusarai 11-8 seers, and Jamui 11 seers.

k In the sub-divisions retail prices of salt are as follow:—Banka 11 seers, Muddhepura 10-8 seers, and Soopole 10 seers.

l In the sub-divisions retail prices of salt are as follow:—Kissengunge 8 seers and Arrareah (at Raneengunge) 10 seers.

m In Khoorda retail price of salt 13 seers.

n Retail price of salt at Bhadrak 8 seers.

o Retail price of salt at Chatra 8 seers, and Khurruckdih 11-8 seers.

p Retail price of salt at Raghunathpore 11-8 seers, Burhabazar 10 seers, and Jobindpore 11 seers.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

DISTRICTS.	QUANTITIES PER RUPEE																																						
	Wheat.						Barley.						Rice (best sort).						Rice (common).						Great Millet (Cholum, Jowar), Zizus Sorghum.			Bairan Millat (Cumber, Bara), Pennisetia Spicata.											
	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	S. Ch.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	S. Ch.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	S. Ch.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	S. Ch.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	S. Ch.	Present fortnight.		Past fortnight.		Corresponding fort- night of 1882.	S. Ch.			
	S.	Ch.	S.	Ch.	S.		S.	Ch.	S.	Ch.	S.		S.	Ch.	S.	S.	Ch.		S.	S.	Ch.	S.	S.		Ch.	S.	S.	Ch.	S.		S.	Ch.	S.	S.	Ch.		S.	S.	Ch.
Sylhet . . . . .	11	0	13	4	10	8	...	...	...	...	...	11	0	14	0	14	0	16	0	17	8	28	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Cachar . . . . .	9	2	9	2	9	2	12	13	16	0	13	5	16	13	22	13	20	0	17	12	16	0	24	10	...	...	...	...	...	...	...	...	...	...	...	...	...		
Golapara . . . . .	20	0	20	0	22	12	...	...	...	...	...	13	0	12	0	13	5	21	0	20	0	20	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Garo Hills . . . . .	4	0	4	0	4	0	...	...	...	...	...	5	0	5	0	5	0	16	0	13	0	16	0	...	...	...	...	...	...	...	...	...	...	...	...	...			
Kamrup . . . . .	18	0	18	0	13	0	...	...	...	...	...	11	12	13	12	13	0	15	8	15	8	18	0	...	...	...	...	...	...	...	...	...	...	...	...	...			
Darrang . . . . .	...	...	...	...	...	...	...	...	...	...	...	8	0	10	0	12	0	13	0	13	0	16	0	...	...	...	...	...	...	...	...	...	...	...	...	...			
Nowgong . . . . .	...	...	...	...	...	...	...	...	...	...	...	9	8	10	0	13	8	13	0	16	0	16	0	...	...	...	...	...	...	...	...	...	...	...	...	...			
Sibsagar . . . . .	...	...	...	...	...	...	...	...	...	...	...	6	8	6	8	6	8	16	0	16	0	16	0	...	...	...	...	...	...	...	...	...	...	...	...	...			
Lakhimpur . . . . .	8	0	8	0	8	0	7	0	7	0	10	0	6	0	6	0	9	0	11	0	11	0	16	0	...	...	...	...	...	...	...	...	...	...	...	...			
Khasi & Jaintia Hills	6	10	...	...	8	0	...	...	...	...	...	6	10	8	0	9	0	9	0	9	0	10	0	...	...	...	...	...	...	...	...	...	...	...	...	...			
Naga Hills . . . . .	...	...	...	...	...	...	...	...	...	...	...	4	0	4	0	5	0	5	0	5	0	8	0	...	...	...	...	...	...	...	...	...	...	...	...	...			
Debra Dun . . . . .	17	0	17	8	18	0	26	0	30	0	29	0	6	8	6	8	6	0	11	0	11	0	24	0	24	0	24	0	24	0	22	0	24	0	22	0	24	0	
Saharanpur . . . . .	18	44	19	54	18	5	27	15	30	0	11	32	5	7	84	7	84	9	11	11	13	12	144	29	04	23	104	32	5	21	8	21	8	21	9	...	...		
Muzaffarnagar . . . . .	17	10	18	2	18	2	30	12	33	0	29	11	6	9	6	9	6	9	12	2	12	2	14	5	30	12	30	12	27	8	26	6	26	6	22	0	...	...	
Meerut . . . . .	17	0	17	8	17	0	27	0	30	0	25	0	6	8	7	0	6	0	14	0	14	0	15	0	27	0	29	0	25	0	20	0	20	0	21	0	...	...	
Bulandshahr . . . . .	17	8	19	8	18	8	26	0	27	0	24	0	6	0	6	0	6	0	10	0	10	0	10	5	26	8	26	0	24	0	16	0	16	0	16	0	...	...	
Aligarh . . . . .	17	0	17	4	17	8	23	8	24	8	24	8	7	0	7	0	6	0	11	0	11	8	13	0	24	8	25	8	25	0	16	8	16	0	17	0	...	...	
Kanun . . . . .	15	0	14	0	17	0	18	0	18	0	18	0	10	0	10	0	10	0	12	0	11	0	13	0	...	...	...	...	...	...	...	...	...	...	...	...	...		
Gazawal . . . . .	20	0	22	0	22	0	22	0	23	0	24	0	9	0	9	0	9	0	15	0	15	0	15	0	...	...	...	...	...	...	...	...	...	...	...	...	...		
Bijnor . . . . .	16	14	18	9	16	8	26	7	30	6	24	7	9	9	10	2	11	13	10	11	11	4	12	15	20	4	23	1	22	8	20	4	21	6	18	9	...	...	
Moradabad . . . . .	18	7	19	11	18	7	29	6	30	0	23	12	8	12	9	1	9	6	12	12	13	12	13	2	26	14	23	2	25	0	15	4	15	10	18	2	...	...	
Rudoun . . . . .	17	11	19	3	17	14	25	3	28	12	21	94	6	0	7	3	9	9	13	0	12	0	13	3	...	...	...	...	...	...	...	...	...	...	...	...	...		
Bareilly . . . . .	17	8	17	13	16	14	24	6	25	0	21	14	7	8	7	8	7	8	12	13	13	2	13	2	23	12	23	12	22	8	18	12	16	4	21	4	...	...	
Shahjahanpur . . . . .	19	0	19	8	18	4	32	0	33	0	24	8	9	12	9	12	9	4	15	8	15	8	14	8	...	...	...	...	...	...	...	...	...	...	...	...	...		
Tarai Pergunnahs . . . . .	21	0	22	8	21	0	35	0	37	8	30	0	8	12	8	8	7	8	13	12	14	0	16	0	20	0	20	0	25	0	10	0	10	0	0	25	0	...	...
Muttra . . . . .	15	8	17	8	16	12	22	0	24	8	21	8	7	0	7	0	...	...	...	...	...	...	...	22	0	24	0	25	0	19	0	18	0	21	8	...	...		
Agra . . . . .	15	4	16	12	16	12	21	8	23	0	22	8	5	8	5	12	6	8	11	8	12	0	14	0	21	0	23	0	23	0	20	0	21	0	21	0	...	...	
Farrukhabad . . . . .	17	104	17	15	17	11	23	15	24	14	22	94	7	4	7	2	6	13	12	10	12	104	13	15	23	10	24	4	22	94	21	8	21	6	21	24	...	...	
Mainpuri . . . . .	16	4	17	8	18	4	22	0	23	8	23	0	4	0	4	0	5	0	10	0	10	0	11	0	...	...	...	...	...	...	...	...	...	...	...	...	...		
Khatwa . . . . .	15	0	16	12	17	8	20	0	20	8	22	8	6	0	6	0	6	0	12	0	12	8	14	8	20	0	20	0	24	0	18	0	18	0	16	0	...	...	
Khat . . . . .	17	1	19	0	18	12	23	0	24	12	22	8	8	0	8	0	8	0	12	5	13	3	13	0	16	0	15	0	20	0	24	0	17	0	19	11	19	0	
Jalaun . . . . .	18	8	18	8	20	0	20	0	20	0	20	0	10	0	10	0	10	0	11	0	11	0	12	0	...	...	...	...	...	...	...	...	...	...	...	...	...		
Jhansi . . . . .	20	3	20	12	22	0	29	14	29	14	32	19	8	8	9	0	8	3	11	8	16	0	15	0	29	8	30	0	23	0	...	...	...	...	...	...	...	...	
Lalitpur . . . . .	19	0	20	12	21	0	33	0	40	0	37	0	9	0	9	0	11	0	11	0	13	8	13	0	29	0	36	0	32	0	24	0	30	0	30	0	...	...	
Cawnpore . . . . .	18	0	18	0	17	8	26	8	27	0	26	0	10	0	10	0	11	0	13	8	13	8	14	8	26	8	27	8	25	8	23	0	23	8	25	8	...	...	
Fatehpur . . . . .	16	10	16	10	16	4	24	8	24	12	23	12	11	4	11	4	11	4	14	8	15	8	15	4	...	...	...	...	...	...	...	...	...	...	...	...	...		
Banda . . . . .	22	0	22	0	18	0	31	0	33	0	23	0	8	0	8	0	9	0	13	8	14	8	13	8	37	0	34	0	33	0	31	0	30	0	30	0	...	...	
Allahabad . . . . .	16	14	16	14	17	8	27	10	27	12	25	0	11	0	10	8	12	0	15	0	15	8	17	8	30	8	30	0	32	0	29	12	29	8	29	0	...	...	
Hannpur . . . . .	16	0	18	4	16	14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	22	0	25	14	27	0	20	0	23	1	26	7	...	...	...	...
Jaunpur . . . . .	19	13	19	13	19	0	31	12	31	1	29	10	7	12	7	12	7	1	14	2	14	2	14	2	...	...	...	...	...	...	...	...	...	...	...	...	...		
Rorukhpur . . . . .	18	14	18	14	17	14	28	13	25	3	24	3	12	94	12	94	12	94	16	3	15	5	16	3	...	...	...	...	...	...	...	...	...	...	...	...	...		
Basti . . . . .	20	0	19	0	16	8	34	0	32	0	30	0	13	0	13	0	12	0	16	0	16	0	15	0	...	...	...	...	...	...	...	...	...	...	...	...	...		

\* Mandwa.

(a) Barley, rice and bajra, slightly rising, salt falling.

) Wheat, barley, bajra, jowar and gram rising; the great rise in barley and gram is due to the suspension of rain and the exportation of the grains towards Delhi.

# NDIA FOR THE 1st HALF OF AUGUST 1883—continued.

SEERS OF 80 TOLAHS.

Cassia, Millets, Ragl, &c. (Kavaru, Veingu, Sawee, Cheema, Coraloo, Murhwa, Nuglee), <i>Panicum Miliaceum</i> , &c.			Gram.			Firewood.			Salt.						DISTRICTS.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Wholesale.			Retail.			
									Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R. a.	R. a.	R. a.	S. Ch.	S. Ch.	S. Ch.	
...	...	...	14 0	16 12	17 12	108 0	108 0	108 0	3 4	3 6	3 4	11 0	11 12	12 4	Sylhet
...	...	...	12 13	12 13	16 0	80 0	80 0	80 0	3 8	3 10	3 9	10 10	10 10	11 10	Cachar
...	...	...	13 0	13 0	14 8	120 0	120 0	120 0	3 4	3 6	3 4	12 0	12 0	12 4	Gonipara
...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	5 6	5 6	5 6	6 6	6 6	6 6	Garo Hills
...	...	...	11 12	11 8	13 4	160 0	160 0	160 0	3 8	3 8	3 8	11 8	11 8	11 8	Kamrup
...	...	...	10 0	9 9	9 0	160 0	160 0	160 0	4 8	4 8	4 8	8 0	8 0	8 0	Darrang
...	...	...	8 0	8 0	8 0	120 0	100 0	120 0	4 0	4 8	3 12	8 0	8 0	9 0	Nowgong
...	...	...	10 0	10 0	10 0	80 0	80 0	80 0	4 8	4 8	4 8	8 0	8 0	8 8	Sibsagar
...	...	...	10 0	10 0	12 0	160 0	160 0	120 0	4 8	4 8	5 0	8 0	8 0	8 0	Lakhimpur
...	...	...	8 0	...	10 0	...	...	...	5 0	5 0	5 0	8 0	8 0	8 0	Khasi & Jaintia Hills
...	...	...	2 0	2 0	2 0	120 0	120 0	120 0	16 0	16 0	13 0	2 8	2 8	3 0	Naga Hills
...	...	...	21 0	22 0	19 8	160 0	160 0	160 0	S. Ch.	S. Ch.	S. Ch.	10 8	10 8	10 8	Dehra Dun
...	...	...	24 11	25 13	22 1	129 0	129 0	116 0	12 14	12 14	12 1	12 5	12 10	11 13	Saharanpur
...	...	...	23 2	25 13	22 8	110 0	110 0	132 0	12 6	12 6	11 13	11 8	11 8	11 4	Muzaffarnagar
...	...	...	23 0	25 0	22 0	110 0	110 0	110 0	12 8	12 8	12 0	12 0	12 0	11 8	Meerut
...	...	...	23 0	23 0	22 12	140 0	110 0	140 0	12 0	12 0	11 8	...	...	...	Bulandshahr
...	...	...	22 8	23 0	21 8	120 0	120 0	130 0	12 4	12 8	12 0	12 0	12 0	11 0	Aligarh
...	...	...	12 0	12 0	12 0	200 0	200 0	200 0	8 0	8 0	7 0	7 0	7 0	6 0	Kumaun
...	...	...	10 0	10 0	9 0	280 0	280 0	280 0	8 8	8 8	7 0	7 13	7 13	6 4	Gurhwal
...	...	...	19 11	21 15	19 6	135 0	135 0	135 0	...	...	...	11 4	10 13	10 9	Bijnor
...	...	...	21 14	23 2	21 4	125 0	125 0	137 8	12 10	12 10	12 0	12 8	12 8	11 14	Moradabad
...	...	...	21 9	24 0	19 3	192 0	192 0	192 0	11 6	11 6	10 12	10 12	10 12	10 3	Budann
...	...	...	21 14	22 8	19 6	125 0	100 0	125 0	12 3	12 8	11 14	11 14	11 14	11 14	Bareilly
...	...	...	23 8	23 8	20 12	160 0	160 0	160 0	13 0	13 0	12 6	11 0	11 0	10 8	Shahjahanpur
...	...	...	20 0	20 0	18 0	120 0	120 0	120 0	11 4	11 4	11 4	10 8	10 0	11 0	Turai Pergunnahs
...	...	...	22 0	25 8	21 8	120 0	120 0	100 0	13 0	14 0	14 0	12 8	13 0	12 0	Muttra
...	...	...	21 0	23 8	22 0	100 0	100 0	100 0	13 8	13 8	12 8	13 0	13 0	12 0	Agra
...	...	...	22 13	22 5	11 11	145 0	156 8	156 8	12 4	12 4	12 4	11 9	11 9	11 9	Farukhabad
...	...	...	20 8	21 8	21 8	160 0	160 0	160 0	11 8	11 8	12 0	11 0	11 0	11 0	Mainpuri
...	...	...	21 0	23 8	21 8	100 0	100 0	100 0	12 0	12 0	10 8	11 0	11 0	10 0	Etawah
...	...	...	21 0	22 13	20 8	167 0	139 0	160 0	12 0	12 3	11 8	11 8	12 8	12 8	Etah
...	...	...	28 0	28 0	29 0	140 0	140 0	140 0	11 0	11 0	12 0	10 0	10 0	11 0	Jalaua
...	...	...	27 3	27 2	26 8	200 0	200 0	200 0	11 0	11 0	11 8	10 0	10 0	10 8	Jhansi
...	...	...	28 0	31 4	34 0	180 0	190 0	140 0	11 0	11 0	11 0	10 0	10 4	10 8	Lalitpur
...	...	...	26 0	26 0	24 0	145 0	135 0	140 0	13 4	13 4	12 8	13 0	13 0	12 0	Cawnpore
...	...	...	27 12	27 12	23 6	200 0	200 0	200 0	11 0	11 0	10 4	10 12	10 12	10 0	Fatehpur
...	...	...	36 0	37 0	32 0	160 0	160 0	160 0	11 0	11 8	12 4	10 8	11 0	12 0	Banda
...	...	...	29 4	29 0	24 8	140 0	120 0	130 0	12 0	12 0	11 8	11 0	11 0	10 8	Allahabad
...	...	...	25 0	31 8	29 4	140 0	140 0	140 0	11 4	11 4	12 6	10 0	10 0	11 12	Hamirpur
...	...	...	31 1	31 1	24 11	148 12	148 12	120 0	10 12	10 12	9 11	10 10	10 10	9 9	Jaunpur
...	...	...	29 11	29 11	24 3	160 0	160 0	160 0	10 9	10 9	11 13	10 6	10 6	10 6	Gorakhpur
...	...	...	30 0	30 0	25 0	150 0	150 0	140 0	9 0	8 8	10 0	8 0	8 0	9 8	Basti
...	...	...	25 13	25 15	22 2	147 8	147 8	147 8	10 8	10 8	10 10	9 14	9 14	7 12	Azimgarh
...	...	...	24 0	26 0	21 0	60 0	60 0	100 0	11 0	10 0	9 0	9 0	8 0	8 0	Mirzapur
...	...	...	25 14	24 6	22 4	90 0	100 0	140 0	10 6	10 6	11 4	10 2	10 2	1 2	Benares
...	...	...	26 11	28 0	24 7	128 12	128 12	130 0	10 15	10 15	10 15	10 5	10 5	9 10	Ghazipur
...	...	...	26 4	26 4	25 0	90 0	90 0	100 0	11 4	11 4	11 4	11 4	11 4	11 8	Balia
...	...	...	24 3	21 6	18 1	150 0	150 0	150 0	13 0	12 8	12 12	12 12	12 0	11 12	Pilibhit
...	...	...	31 0	31 0	26 0	160 0	160 0	160 0	12 0	12 0	11 8	11 12	11 12	11 4	Sultanpur
...	...	...	27 8	27 5	22 14	200 0	200 0	200 0	11 0	11 0	11 0	10 11	10 10	10 8	Partalgarh
...	...	...	28 0	26 0	23 0	120 0	120 0	140 0	11 0	11 0	11 0	10 0	10 8	10 0	Fyzabad
...	...	...	29 0	27 0	18 8	120 0	120 0	160 0	10 8	10 12	11 0	10 0	10 8	10 0	Kheri
...	...	...	23 7	22 10	21 0	115 0	115 0	115 0	11 0	11 0	10 0	10 8	10 8	9 8	Lucknow
...	...	...	25 0	25 0	22 0	130 0	130 0	120 0	12 0	12 0	12 0	11 0	11 0	10 0	Bara Banki
...	...	...	32 0	30 0	26 0	160 0	160 0	160 0	...	...	...	9 8	9 8	9 0	Bharatnagar
...	...	...	24 8	24 0	21 8	160 0	160 0	160 0	...	...	...	10 0	10 0	9 0	Rai Bareilly
...	...	...	28 0	27 8	20 12	160 0	160 0	160 0	12 8	12 8	12 8	11 8	11 8	11 8	Sitapur
...	...	...	33 14	33 10	26 12	200 0	200 0	240 0	11 4	11 4	11 8	11 0	11 0	11 4	Gonda
...	...	...	24 8	26 0	22 8	160 0	160 0	160 0	...	...	...	11 8	11 0	11 0	Unao
...	...	...	20 14	20 10	22 8	200 0	200 0	240 0	9 6	9 6	8 8	7 8	7 8	8 7	Hardui
...	...	...	32 0	32 8	28 0	95 0	95 0	95 0	15 4	15 0	15 4	15 0	14 8	15 0	Gujranwala (a)
...	...	...	31 0	30 0	29 0	80 0	80 0	80 0	14 0	14 0	15 0	13 0	11 0	14 0	Lahore
...	...	...	33 0	33 0	29 0	100 0	95 0	80 0	12 12	13 4	12 8	12 8	13 0	12 8	Ferozepore
...	...	...	31 0	37 8	33 0	120 0	120 0	120 0	12 0	12 0	11 8	11 8	11 8	11 0	Sirsa (b)
...	...	...	22 0	29 0	26 0	120 0	120 0	80 0	12 0	12 0	9 8	11 8	11 8	9 0	Hissar (c)
...	...	...	21 12	24 0	23 0	100 0	100 0	100 0	11 8	11 12	11 0	10 8	11 8	10 0	Rontak (d)
...	...	...	19 0	24 8	20 8	130 0	120 0	130 0	12 0	12 0	12 0	12 0	12 0	12 0	Gurgaon
...	...	...	19 8	23 0	21 0	80 0	80 0	80 0	12 8	12 12	12 8	11 8	11 0	11 8	Delhi
...	...	...	22 0	25 0	22 0	140 0	140 0	160 0	12 0	12 0	11 8	11 12	11 8	11 4	Karnal (e)
...	...	...	25 0	28 0	24 0	140 0	140 0	140 0	13 12	13 10	13 10	13 4	13 8	13 8	Umthalla
...	...	...	33 4	33 4	27 0	100 0	100 0	100 0	14 1	14 1	14 10	14 0	14 0	14 4	Ludiana
...	...	...	...	17 8	16 0	80 0	80 0	80 0	10 8	9 4	10 1	9 11	8 10	9 7	Simla (e)

(c) Prices rising.

(d) Wheat, barley, bajra, gram and salt rising.

(e) Salt falling.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

DISTRICTS.		Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Choum, Jowar), Hortus Sorghum.			Bairush Millet (Choumoo, Baire), Pennisetia Spicat.																					
		Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.																			
		S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.											
PUNJAB—continued.																																						
Kangra . . . . .		22	0	23	0	24	0	34	0	34	0	38	0	...	...	...	14	0	15	0	15	0	...	...	...	36	0	36	0	32	0	26	0	26	0	20	0	
Jullundur (a) . . . . .		20	0	22	0	22	0	32	0	36	0	32	0	...	...	...	8	0	8	0	8	0	31	0	31	0	31	0	31	0	27	0	27	0	22	0	17	0
Hoshiarpur . . . . .		20	8	21	12	23	0	31	0	23	8	31	0	...	...	...	13	0	13	0	11	0	32	0	32	0	32	0	32	0	24	0	24	0	14	0	14	0
Gurdaspur . . . . .		25	0	28	0	30	0	32	0	38	0	40	0	...	...	...	16	0	16	0	16	0	36	0	36	0	36	0	36	0	29	0	29	0	26	0	26	0
Amritsar (b) . . . . .		22	0	22	0	24	8	35	0	36	0	39	0	...	...	...	12	0	12	8	11	8	36	0	36	0	36	0	36	0	29	0	29	0	26	8	26	8
Siālkot . . . . .		24	4	26	0	24	8	36	15	40	0	40	0	...	...	...	16	0	16	0	15	0	39	11	40	0	39	11	40	0	32	12	32	0	22	0	22	0
Gujrat (c) . . . . .		25	0	29	8	25	12	15	0	44	0	39	8	...	...	...	14	0	14	0	12	0	42	0	42	0	42	0	42	0	25	0	25	0	40	0	40	0
Jhelum . . . . .		22	0	25	8	24	0	37	0	40	0	31	0	...	...	...	13	0	12	0	10	0	38	0	40	0	38	0	40	0	25	0	25	0	40	0	40	0
Rawalpindi (d) . . . . .		21	8	24	0	20	8	39	0	40	0	39	0	...	...	...	13	0	14	0	8	4	40	0	50	0	40	0	50	0	30	0	35	0	38	0	24	0
Shahpur . . . . .		28	0	31	0	20	12	52	0	55	0	32	0	...	...	...	16	0	16	0	13	0	42	0	40	0	42	0	40	0	20	0	44	0	48	0	19	0
Jhang (e) . . . . .		20	0	22	0	19	8	32	0	37	8	31	0	...	...	...	10	0	12	0	10	8	28	0	24	0	28	0	24	0	16	0	28	0	32	0	16	0
Montgomery . . . . .		18	8	19	0	20	8	32	0	32	0	24	0	...	...	...	6	0	5	8	5	8	32	0	32	0	32	0	32	0	20	8	...	...	...	...	16	0
Mooltan (f) . . . . .		16	8	17	0	17	0	28	0	29	0	27	0	...	...	...	10	0	10	0	1	0	29	0	29	0	27	0	28	0	28	0	23	0	23	0	23	0
Muzaffargarh (g) . . . . .		20	0	20	0	20	0	28	0	27	0	26	0	...	...	...	6	0	5	0	7	0	31	0	31	0	31	0	31	0	18	0	23	0	23	0	18	0
Dera Ghazi Khan . . . . .		18	12	19	1	17	8	33	12	33	12	20	0	...	...	...	10	0	10	0	7	8	37	8	40	0	37	8	40	0	20	0	36	0	43	0	42	0
Dera Ismail Khan . . . . .		23	7	24	1	18	13	39	1	39	6	27	1	...	...	...	8	7	8	7	8	12	41	4	41	4	41	4	41	4	25	13	37	8	36	14	21	0
Bahawalpur . . . . .		35	10	38	12	30	10	51	14	56	4	45	0	...	...	...	8	12	8	12	8	12	42	8	43	0	42	8	43	0	25	0	40	0	40	0	25	0
Kohat (h) . . . . .		23	4	23	9	16	4	43	6	44	10	31	14	...	...	...	12	12	12	12	12	2	43	6	43	6	43	6	43	6	24	3	42	0	42	0	19	0
Peshawar . . . . .		23	10	24	4	19	0	40	10	43	8	36	0	...	...	...	12	0	12	0	9	8	35	6	36	11	23	0	35	6	36	11	23	0	33	1	8	13
Hazara . . . . .		No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
CENTRAL PROVINCES.																																						
Nagpur . . . . .		18	12	19	4	17	4	...	...	...	...	...	9	12	8	4	8	12	16	0	16	0	17	4	41	0	31	12	25	12	...	...	...	...	...	...		
Bhandara . . . . .		20	0	21	4	19	0	...	...	...	...	...	10	0	10	0	11	4	20	0	18	12	20	0	35	0	35	0	24	0	...	...	...	...	...	...		
Chanda . . . . .		19	0	19	0	17	0	...	...	...	...	...	...	...	...	...	...	15	0	14	0	14	0	...	...	...	27	8	27	8	21	0	...	...	...	...		
Wardha . . . . .		No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Balghat . . . . .		19	0	20	0	17	0	...	...	...	...	...	15	0	16	0	15	0	26	0	26	0	24	0	...	...	...	22	0	21	0	17	8	18	0	18	0	
Jubbulpore . . . . .		18	0	19	8	16	8	20	0	20	0	23	0	...	...	...	9	0	10	0	10	0	11	0	15	0	...	...	...	...	...	...	...	...	...	...		
Saugor . . . . .		20	0	23	0	18	0	...	...	...	...	...	11	4	12	4	14	0	12	8	13	4	14	8	...	...	...	...	...	...	...	...	...	...	...			
Damoh . . . . .		24	0	26	0	23	0	...	...	...	...	...	11	8	12	8	12	0	14	0	15	0	16	0	...	...	...	...	...	...	...	...	...	...	...			
Seoni . . . . .		18	8	21	8	19	0	...	...	...	...	...	11	8	12	8	12	0	14	0	15	0	16	0	...	...	...	...	...	...	...	...	...	...	...			
Mandla . . . . .		25	0	25	0	19	0	...	...	...	...	...	10	8	10	8	9	0	11	0	11	0	10	0	20	0	20	0	20	0	...	...	...	...	...	...		
Betul . . . . .		18	0	18	0	16	0	...	...	...	...	...	10	8	10	8	9	0	11	0	11	0	10	0	31	12	31	12	123	0	...	...	...	...	...	...		
Chhindwara . . . . .		25	0	25	0	18	0	...	...	...	...	...	8	8	9	8	8	0	13	8	14	6	13	0	...	...	...	...	...	...	...	...	...	...	...			
Hoshangabad . . . . .		16	2	15	6	15	7	...	...	...	...	...	4	0	4	0	4	8	9	9	9	9	10	13	21	0	21	0	18	0	19	4	19	4	18	0		
Narsinghpur . . . . .		18	0	18	0	15	4	...	...	...	...	...	9	8	9	0	10	0	12	8	12	8	12	8	...	...	...	...	...	...	...	...	...	...	...			
Nimar . . . . .		15	7	16	8	14	0	...	...	...	...	...	13	10	13	10	...	...	11	14	15	15	11	9	18	12	18	12	22	0	20	0	18	0	21	0		
Raipur . . . . .		20	0	24	0	21	0	...	...	...	...	...	17	8	17	8	20	0	33	0	36	0	42	0	...	...	...	...	...	...	...	...	...	...	...			
Sambalpur . . . . .		17	0	17	0	21	0	...	...	...	...	...	31	8	31	8	32	0	35	0	40	4	36	12	...	...	...	...	...	...	...	...	...	...	...			
Bilaspur . . . . .		27	0	31	0	15	0	...	...	...	...	...	27	0	32	0	36	0	50	0	50	0	45	0	...	...	...	...	...	...	...	...	...	...	...			
ARAKAN DIVISION.																																						
Akyab . . . . .		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Northern Arakan . . . . .		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Kyaukpada . . . . .		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Sandoway . . . . .		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
PEGU DIVISION.																																						
Bangoon Town . . . . .		11	2	11	2	15	5	...	...	...	...	...	11	6	10	6	12	3	12	3	12	0	12	9	...	...	...	...	...	...	...	...	...	...	...			
Hanthawaddy . . . . .		...	...	...	...	...	...	...	...	...	...	...	7	2	7	2	10	13	7	14	7	11	13	6	...	...	...	...	...	...	...	...	...	...	...			
Therawaddy . . . . .		...	...	...	...	...	...	...	...	...	...	...	9	9	12	3	12	3	13	1	13	1	15	4	...	...	...	...	...	...	...	...	...	...	...			
Prome . . . . .		10	6	9	2	18	3	...	...	...	...	...	9	9	12	3	12	3	13																			

IN SEERS OF 80 TOLAHS.

Lesser Mills, Bagri, &c. (Kavaru, Veragu, Sawee, Cheema, Coraoo, Murnwa, Nurjee), Pansum Aitaseum, &c.			Gram.			Firewood.			Salt.			DISTRICTS.												
Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Present fortnight.			Past fortnight.			Corresponding fortnight of 1882.			Wholesale.			Retail.			
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.		
...	...	...	21 0	22 0	20 0	140 0	140 0	140 0	10 8	10 8	10 8	10 0	10 0	10 0	Kangra									
...	...	...	26 8	28 0	27 0	110 0	110 0	100 0	14 0	14 0	14 0	13 8	13 8	13 0	Jullundur(a)									
...	...	...	27 0	29 0	26 0	110 0	110 0	100 0	14 8	14 0	13 12	13 12	13 0	13 8	Hoshiarpur									
...	...	...	32 0	36 0	33 0	120 0	120 0	120 0	13 0	13 8	13 4	12 0	13 0	13 0	Gurdaspur									
...	...	...	31 0	31 4	29 4	80 0	80 0	80 0	14 13	14 13	14 12	14 6	14 6	14 6	Amritsar(b)									
...	...	...	31 15	34 2	25 8	130 0	120 0	130 0	15 0	15 0	15 0	14 8	14 8	14 8	Sialkot									
...	...	...	32 14	38 0	25 0	100 0	100 0	100 0	*	*	*	14 8	15 8	15 0	Gujrat(c)									
...	...	...	28 0	34 0	24 0	120 0	120 0	160 0	15 8	15 4	16 8	15 0	15 0	16 0	Jhelum									
...	...	...	31 8	32 0	22 0	100 0	100 0	95 0	14 12	13 8	14 12	14 8	13 0	14 8	Rawalpindi(d)									
...	...	...	40 0	52 0	23 0	320 0	320 0	320 0	17 0	17 0	17 0	16 0	16 0	16 0	Shahpur									
...	...	...	29 8	32 0	23 8	200 0	200 0	200 0	14 8	14 12	14 4	14 0	14 8	14 0	Jhang(e)									
...	...	...	31 0	33 0	28 0	200 0	200 0	200 0	13 0	13 0	12 0	12 0	12 0	11 0	Montgomery									
...	...	...	27 0	29 0	24 0	90 0	90 0	90 0	15 0	15 0	14 12	14 8	14 8	14 8	Mooltan(f)									
...	...	...	26 8	27 0	20 0	100 0	100 0	120 0	*	*	*	14 0	14 0	13 0	Muzaffargarh(g)									
...	...	...	28 12	27 8	19 6	100 0	100 0	100 0	30 4	29 8	31 4	28 2	28 2	28 12	Dera Ghazi Khan									
...	...	...	34 11	35 10	24 3	125 0	125 0	100 0	51 1	42 0	55 0	48 12	40 0	53 0	Dera Ismail Khan									
...	...	...	40 0	43 2	29 11	80 0	80 0	80 0	100 0	100 0	120 0	80 0	80 0	100 0	Bannu									
...	...	...	28 1	28 1	17 14	102 0	89 4	76 0	71 6	71 6	89 0	66 5	66 5	75 0	Kohat(h)									
...	...	...	27 4	30 3	17 3	96 0	96 0	96 0	47 8	47 8	58 8	46 0	46 0	56 0	Peshawar									
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Hazara									
...	...	...	22 4	22 4	22 4	110 0	110 0	130 0	12 8	12 8	11 8	12 4	12 4	11 4	Nagpur									
...	...	...	26 8	25 0	21 8	110 0	96 0	...	11 8	11 8	11 0	11 0	11 0	10 8	Bhandara									
...	...	...	21 8	21 8	25 0	360 0	360 0	360 0	...	...	...	10 0	10 0	10 0	Chanda									
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Wardha									
...	...	...	28 0	28 0	25 0	275 0	275 0	275 0	9 4	9 4	10 0	8 8	9 0	10 0	Balaghat									
...	...	...	26 0	26 0	25 0	120 0	120 0	120 0	11 8	10 0	11 10	11 0	9 8	11 4	Jubbulpore									
...	...	...	26 8	28 0	23 8	180 0	160 0	160 0	9 8	9 8	8 8	9 0	9 0	8 4	Saugor									
...	...	...	39 0	43 0	37 0	200 0	200 0	200 0	9 12	9 0	9 8	9 8	8 8	9 0	Dumoh									
...	...	...	24 0	27 0	22 8	220 0	220 0	210 0	10 0	10 0	11 0	9 12	9 8	10 12	Seoni									
25 0	25 0	25 0	40 0	41 0	35 0	256 0	256 0	256 0	...	...	...	8 8	8 8	9 8	Mandla									
13 8	13 8	14 0	18 0	18 0	17 0	320 0	320 0	240 0	9 8	9 8	9 0	9 0	9 0	8 8	Betul									
16 7	17 12	18 0	30 14	31 14	23 0	200 0	200 0	200 0	9 0	10 0	10 0	8 0	9 0	9 0	Chhindwara									
...	...	...	23 15	26 7	24 0	120 0	160 0	160 0	11 8	11 8	9 8	11 0	11 0	9 0	Hoshangabad									
...	...	...	24 8	24 8	25 0	140 0	140 0	160 0	10 8	10 8	10 8	10 0	10 0	10 0	Narsinghpur									
...	...	...	18 7	19 5	19 5	160 0	160 0	93 0	13 13	13 13	13 0	13 0	13 0	12 12	Nimar									
...	...	...	28 8	28 8	28 0	64 0	80 0	70 0	10 4	10 1	9 6	10 0	10 0	8 8	Raipur									
...	...	...	18 0	18 0	29 4	120 0	120 0	120 0	10 8	10 0	10 0	9 8	9 0	9 0	Sambalpur									
120 0	120 0	150 0	28 0	31 0	40 0	120 0	120 0	120 0	...	...	...	8 0	9 0	7 0	Bilaspur									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Arakan Division.									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Akyab									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Northern Arakan									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kyaukpoo									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Sandoway									
...	...	...	19 7	19 7	21 1	320 0	320 0	320 0	50 11	50 11	50 11	22 10	22 10	22 10	Pegu Division.									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Rangoon Town									
...	...	...	16 5 11	16 5 11	13 9 10	535 11 1/2	535 11 1/2	535 11 1/2	...	...	...	35 11 1/2	35 11 1/2	27 7 1/2	Hanthawaddy									
...	...	...	15 9	15 9	17 12	139 11	139 11	139 11	25 5	25 5	29 9	16 9	16 9	18 10	Tharrawaddy									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Prome									
...	...	...	12 3 1/2	13 0	13 8	275 12	265 7	181 15	26 0	28 9	35 7	21 4	19 8	30 2	Irrawaddy Division.									
...	...	...	...	...	...	183 8	183 8	183 8	29 9	29 9	29 9	29 9	29 9	29 9	Bassein									
...	...	...	16 13	16 13	...	246 0	184 8	...	33 12	33 12	...	32 4	32 4	...	Henzada									
...	...	...	13 13	13 13	18 7	245 0	245 0	245 0	25 5	25 5	20 13	18 15	18 15	14 2	Thonegwa									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Thayetmyo									
...	...	...	12 3	12 2	11 1	220 0	220 0	220 0	35 8	32 5	47 7	25 5	22 12	35 8	Tenasserim Division									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Moulmein Town & Amhe									
...	...	...	...	...	...	428 0	428 0	...	24 5	24 5	...	14 7 1/2	14 7 1/2	...	Tavoy									
...	...	...	12 9	12 9	12 9	24 0	24 0	24 0	27 1	27 1	30 12	18 12	18 12	18 12	Mergui									
...	...	...	...	...	...	250 0	250 0	250 0	32 3	29 8	32 3	18 14	18 14	18 14	Toungoo									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Shwaygyin									
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Salween									
29 9	...	...	17 12	18 4	17 12	125 0	125 0	125 0	10 11	10 14	10 11	10 3	10 6	10 3	Secunderabad									
...	...	...	19 10	19 2	19 7	116 14	116 14	116 14	...	...	...	10 12	10 12	10 12	Bolarum									
...	...	...	18 8	18 8	19 0	80 0	80 0	80 0	...	...	...	9 12	9 12	9 8	Chuddeghat									
...	...	...	18 0	18 0	20 0	64 0	64 0	64 0	12 8	12 8	12 8	12 0	12 0	12 0	Amraoti									
8 0	8 0	7 0	18 0	18 0	21 0	64 0	64 0	64 0	11 0	11 0	11 0	10 0	10 0	10 0	Akola									
...	...	...	15 0	16 0	18 0	64 0	64 0	64 0	...	...	...	9 0	9 0	9 0	Ellienpur									
...	...	...	16 0	17 0	22 0	...	...	...	...	...	...	11 0	11 0	10 0	Bulawa									
...	...	...	17 0	19 0	20 0	200 0	300 0	100 0	...	...	...	11 8	11 8	8 0	Wun									
...	...	...	20 0	21 0	26 0	64 0	64 0	64 0	10 8	10 8	10 0	10 0	10 0	9 0	Bawa									

(e) Wheat, barley, rice, bajra, gram and salt rising; jowar falling. (f) Wheat, barley, and gram rising. (g) Barley falling; gram rising. (h) Wheat and barley



## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																							
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholam, Jowar, Holam Sorghum).			Bulrush Millet (Cannoo, Bajra), Pennisetum Spicata								
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Bangalore . . . . .																								
Kolar . . . . .																								
Tumkur . . . . .																								
Mysore . . . . .																								
Hassan . . . . .																								
Shimoga . . . . .																								
Kadur . . . . .																								
Chitaldroog . . . . .																								
Coorg . . . . .	8 10	8 9	8 8	9 11	10 0	8 3	13 11	13 1	10 13	13 5	17 6	12 11	...	...	...	...	...	...	...	...	...	...	...	...
Jeypore . . . . .	16 0	17 4	16 4	20 0	22 8	20 0	6 0	6 0	6 0	8 8	9 0	9 0	20 0	22 8	17 0	19 0	21 0	19 0	19 0	19 0	19 0	19 0	19 0	19 0
Kishengurh . . . . .	17 8	17 0	17 8	23 8	23 12	25 8	8 0	9 0	8 0	9 0	10 0	10 8	25 4	24 8	21 8	17 12	17 8	19 0	19 0	19 0	19 0	19 0	19 0	19 0
Kerrowlee . . . . .	15 10	19 6	16 0	19 11	25 10	18 8	11 14	12 0	12 8	12 8	13 0	13 8	19 11	25 10	19 0	17 8	21 9	16 0	16 0	16 0	16 0	16 0	16 0	16 0
Ulwur . . . . .	18 2	19 6	18 12	24 10	26 1	24 0	8 10	8 10	8 0	11 0	11 0	11 10	23 8	21 11	23 8	22 6	23 2	17 13	17 13	17 13	17 13	17 13	17 13	17 13
Bhurlpore (City) . . . . .	16 5	18 13	17 7	23 11	27 4	22 13	7 12	7 12	6 12	9 12	9 6	11 4	20 0	21 11	20 11	21 0	22 8	17 11	17 11	17 11	17 11	17 11	17 11	17 11
Ajmere . . . . .	13 8	15 8	16 0	19 8	23 0	22 0	5 0	5 0	5 0	8 0	8 0	8 0	16 0	19 0	18 0	16 0	17 0	18 0	18 0	18 0	18 0	18 0	18 0	18 0
Deoli Cantonment . . . . .	18 11	19 9	16 0	25 9	26 9	20 15	...	...	...	13 0	13 8	10 8	24 13	25 8	20 18	0 13	0 16	0 16	0 16	0 16	0 16	0 16	0 16	0 16
Erinpura . . . . .	16 9	16 9	16 4	25 4	25 4	23 0	...	...	...	8 0	8 0	8 0	20 0	20 0	22 0	20 0	20 0	22 0	22 0	22 0	22 0	22 0	22 0	22 0
Sirohee . . . . .	13 4	13 8	17 8	25 0	25 0	29 0	7 0	7 0	7 0	8 0	8 0	8 0	18 0	18 0	17 0	18 0	18 0	21 0	21 0	21 0	21 0	21 0	21 0	21 0
Abu . . . . .	11 5	12 15	15 12	20 0	19 12	23 0	6 8	6 10	6 8	7 4	8 2	8 0	...	...	...	15 6	15 12	18 0	18 0	18 0	18 0	18 0	18 0	18 0
Anadra . . . . .	12 8	14 4	17 12	23 0	22 8	26 0	7 0	7 4	7 0	8 0	9 0	9 0	...	...	...	17 1	17 8	21 0	21 0	21 0	21 0	21 0	21 0	21 0
Hilly Tracts of Meywar . . . . .	19 0	20 0	22 0	27 0	26 0	28 0	...	...	...	15 0	16 0	18 0	...	...	...	...	...	...	...	...	...	...	...	...
Meywar (Oodeypore) . . . . .	14 1	14 1	15 3	19 21	20 5	20 11	10 2	10 2	10 2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Banswara (Meywar Agency) . . . . .	21 14	22 8	22 8	...	...	...	10 0	10 0	10 0	17 8	17 8	18 12	...	...	...	...	...	...	...	...	...	...	...	...
Partabgarh ( " ) . . . . .	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received	No return received
Marwar (Jodhpore) . . . . .	14 11	15 15	15 15	20 0	22 8	22 8	6 4	6 4	6 4	7 8	8 12	7 8	18 12	20 10	22 8	16 11	18 12	20 0	20 0	20 0	20 0	20 0	20 0	20 0
Bikaner . . . . .	10 12	11 0	11 8	...	...	...	3 8	3 8	3 4	5 12	6 4	6 12	...	...	...	18 9	18 6	18 0	18 0	18 0	18 0	18 0	18 0	18 0
Boondee . . . . .	19 8	21 0	17 0	27 8	30 0	27 0	9 0	9 0	9 8	10 0	10 0	10 0	25 0	26 0	27 0	...	...	...	...	...	...	...	...	...
Kotah . . . . .	22 0	21 0	16 12	25 0	25 0	19 4	10 0	10 0	8 12	13 0	13 0	11 12	25 0	26 0	21 8	14 8	14 0	16 0	16 0	16 0	16 0	16 0	16 0	16 0
Tonk . . . . .	17 3	18 4	14 4	23 0	24 8	20 5	6 0	6 8	7 0	8 0	8 8	9 12	23 12	26 8	22 12	...	...	...	...	...	...	...	...	...
Jhalawar . . . . .	18 1	17 8	16 1	23 10	23 10	15 14	...	...	...	8 14	8 14	8 14	23 6	23 7	17 4	17 1	17 1	13 6	13 6	13 6	13 6	13 6	13 6	13 6
Shanpoora . . . . .	18 4	19 0	16 1	23 3	23 12	20 6	11 12	12 2	10 4	16 4	16 4	14 8	18 0	16 8	16 8	15 0	16 4	16 4	16 4	16 4	16 4	16 4	16 4	16 4
Dholpur . . . . .	16 12	17 3	17 9	24 4	25 5	24 3	10 2	10 2	10 2	11 4	11 4	12 6	31 12	21 15	21 10	21 1	21 12	21 12	21 12	21 12	21 12	21 12	21 12	21 12
Indore . . . . .	14 8	14 2	15 0	...	...	...	9 3	9 3	10 0	10 14	10 0	12 0	20 13	17 12	21 5	19 3	18 7	20 0	20 0	20 0	20 0	20 0	20 0	20 0
Gwalior . . . . .	15 11	15 15	15 9	22 3	22 14	18 12	7 9	7 7	7 7	9 2	9 2	9 10	23 12	13 20	1 18	10 13	12 19	12 19	12 19	12 19	12 19	12 19	12 19	12 19
Guna . . . . .	20 4	24 0	20 0	20 0	20 0	17 0	10 0	10 0	9 8	10 8	11 0	10 0	30 0	33 0	24 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0	20 0
Baghelkhand (Sutna) . . . . .	24 0	23 11	21 1	38 7	40 0	32 0	7 0	7 0	8 0	18 0	17 11	18 0	38 13	40 12	22 0	24 0	29 0	24 0	24 0	24 0	24 0	24 0	24 0	24 0

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)



INDIA FOR THE 1st HALF OF AUGUST 1883 —concluded.

PEERS OF 80 TOLAHS.

Lesser Millets, Ragi &c. (Kavaru, Veragu, Sawee, Cheena, Coraioo, Murhwa, Nuklee), Panicum Miliaceum, &c.			Gram.			Firewood.			Salt.						DISTRICTS.																
Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Wholesale.			Retail.																			
									Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.																	
Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	S.	Ch.	S.	Ch.																
7	1	25	0	19	10	27	13	26	4	19	10	110	0	110	0	110	0	9	13	9	10	8	13	9	9	9	2	8	4	Bangalore	
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kolar
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Tankur
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Mysore
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Hassan
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Shimoga
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kudur
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Chitaldroog
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Coorg
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Jeypore
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kishengurh
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kerrowlee
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Ulwur
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Bhurlpore (City)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Ajunere
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Deoli Cantonment
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Erinpara
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Sirohee
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Abu
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Anadra
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Hilly Tracts of Meywar
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Meywar (Oodeypore)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Banswara (Meywar Agency)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Partabgarh ( " )
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Marwar (Jodhpore)
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Bikaneer
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Boondee
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kotah
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Tonk
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Jhallawar
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Shahpoora
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Dholpur
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Indore
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Gwalior
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Goona
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Baghelkhand (Sutna)

\* Eight pies per bundle.

† Ten pies per bundle.

D. BARBOUR,  
Secretary to the Government of India

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXXI of 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 12TH AUGUST 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 11TH AUGUST 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 12TH AUGUST 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 11TH AUGUST 1883.		Total Increase in 1883-84.	T. Dec in 18
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		₹	₹		₹	₹	₹	₹	₹	₹	₹	
18th Aug. 1883	Eastern Bengal . . .	172	1,26,676	736	172	(a) 63,236	368	15,07,360	458	(a) 15,96,557	489	89,197	
11th ditto	Ondh and Rohilkhand . . .	547	63,185	116	547	79,545	145	19,29,943	184	22,28,777	214	2,98,834	
11th ditto	Sind, Punjab & Delhi . . .	676	1,27,771	189	749	2,15,344	288	35,35,317	273	45,51,360	323	10,19,043	
11th ditto	Madras . . .	861	1,28,354	149	861	1,07,355	125	26,61,447	162	24,62,315	151	...	2,02
11th ditto	South Indian . . .	655	61,463	94	655	65,958	101	14,49,044	116	11,76,816	119	27,772	
18th ditto	Great Indian Peninsula . . .	1,450	4,66,551	322	1,451	4,39,919	303	1,31,82,330	475	1,38,79,314	502	6,96,984	
11th ditto	Bombay, Baroda and Central India . . .	461	1,05,675	229	461	1,88,430	409	41,97,417	475	45,27,070	517	3,29,653	
	TOTAL . . .	4,822	10,79,675	224	4,896	11,59,787	237	2,84,65,858	309	3,07,25,209	330	22,59,351	
	<i>State.</i>												
18th Aug. 1883	East Indian . . .	1,507	7,83,890	520	1,509	8,97,334	595	1,66,28,566	576	1,94,58,498	679	28,29,932	
11th ditto	Calcutta and South-Eastern . . .	33	2,523	76	56	4,440	79	72,747	127	1,10,969	110	38,222	
18th ditto	Nalhati . . .	27	1,116	41	27	1,375	50	25,351	48	28,763	55	3,417	
11th ditto	Northern Bengal . . .	230	35,189	153	239	30,000	126	6,85,992	155	7,49,043	169	63,051	
18th ditto	Tirhoot . . .	75	10,892	145	116	14,888	90	2,36,985	149	3,09,025	99	72,040	
14th July 1883	Patna-Gya . . .	57	6,624	116	...	(b) ...	...	(c) 1,43,051	166	(d) 1,31,453	154	...	11,
11th Aug. 1883	Muttra-Mathras . . .	29	1,889	65	29	2,436	84	41,274	75	46,196	83	4,922	..
18th ditto	Cawnpore-Furakkhabad . . .	87	5,725	66	87	6,762	78	1,25,356	76	1,22,789	74	...	2,
18th ditto	Dildarnagar-Ghaziपुर . . .	12	458	38	12	655	55	18,368	80	19,361	85	993	..
18th ditto	Rajputana-Malwa . . .	1,117	1,48,210	133	1,117	2,10,300	188	39,48,573	185	46,27,727	218	6,79,154	..
18th ditto	Wardha Coal . . .	45	13,098	291	45	10,915	243	2,04,214	237	2,72,652	319	68,468	..
18th ditto	Nagpur & Chhattisgarh . . .	98	4,213	43	149	9,301	62	2,37,251	127	5,82,386	206	3,45,135	..
18th ditto	Rangoon and Irrawaddy Valley . . .	161	17,169	107	161	15,480	96	5,42,387	176	5,23,800	171	...	18,5
18th ditto	Sindia . . .	75	4,321	58	75	4,801	64	1,18,372	83	1,15,792	81	...	2,5
11th ditto	Punjab Northern . . .	409	41,930	102	419	53,313	127	11,12,493	144	11,58,594	145	46,101	...
18th ditto	Indus Valley and Kandahar . . .	660	33,818	51	660	1,16,411	176	15,87,758	126	29,32,235	234	13,44,477	...
18th ditto	Muttra-Achnera . . .	23	1,003	44	23	1,260	55	20,724	47	26,647	61	5,923	...
11th ditto	Kaunia-Dhurla . . .	32	1,115	35	32	1,272	40	27,997	46	35,907	59	7,910	...
18th ditto	Rewari-Ferozepore . . .	...	...	...	89	5,870	66	...	...	1,18,222	70	1,18,222	...
	TOTAL . . .	3,170	3,29,293	104	3,386	4,89,479	145	91,48,893	151	1,19,11,596	183	27,62,703	...
	<i>Assisted Company.</i>												
21st July 1883	Bengal Central . . .	...	...	...	...	(b) ...	...	...	...	(c) 34,978	62	34,978	...
	<i>Native States.</i>												
11th Aug. 1883	Bhavnagar-Gondal . . .	194	8,534	44	193	9,181	48	3,80,146	102	4,22,930	115	42,793	...
11th ditto	Nizam's . . .	121	15,281	126	121	12,272	101	3,22,012	139	2,94,410	128	...	27,60
11th ditto	Mysore . . .	86	4,329	50	86	4,259	50	1,05,381	64	96,943	59	...	8,45
18th ditto	Jodhpore . . .	19	335	18	19	620	33	(f) 930	7	13,431	37	12,501	...
	TOTAL . . .	420	28,479	68	419	26,332	63	8,08,469	104	8,27,723	104	19,254	...
	GRAND TOTAL . . .	9,919	22,21,337	224	10,210	25,72,932	252	5,50,51,786	290	6,29,58,004	322	79,06,218	..
	GROSS ESTIMATED EXPENSES . . .	...	...	...	...	...	...	2,73,84,865	144	3,06,82,782	157	...	...
	NET RECEIPTS . . .	...	...	...	...	...	...	2,76,66,921	146	3,22,75,272	165	46,08,351	...

(a) Exclusive of the Company's share of the earnings of the B. C. Railway (estimated for period subsequent to 21st July 1883).  
(b) Return not received.  
(c) Total receipts from 1st April to 15th July 1882.

(d) Total receipts from 1st April to 14th July 1883.  
(e) Total receipts from 1st April to 21st July 1883.  
(f) Total receipts from 24th June to 12th August 1882.

R. A. SARGEANT, Major, R.E.,



# EXTRA SUPPLEMENT TO The Gazette of India.

CALCUTTA, SATURDAY, SEPTEMBER 8, 1883.

## GOVERNMENT OF INDIA. LEGISLATIVE DEPARTMENT.

No. 1411J., dated Calcutta, the 20th March 1882.

From—HORACE A. COCKERELL, Esq., C.S.I., Secretary to the Government of Bengal, Judicial, Political and Appointment Departments,

To—The Secretary to the Government of India, Home Department.

I am directed to submit, for the consideration of the Government of India, the accompanying copy of a note † by Mr. B. L. Gupta, of the Bengal Civil Service, representing the anomalous position in which the Native members of the Covenanted Civil Service are placed under the provisions of the Code of Criminal Procedure, which limit the jurisdiction to be exercised over European British subjects in the interior to Judicial officers who are themselves European British subjects. Chapter VII of Act X of 1872, which deals with the subject, has been reproduced in the new Code of Criminal Procedure (*vide* Chapter XXXIII of Act X of 1882).

2. The question raised in Mr. Gupta's note is one which requires full consideration, and on which the Government of India will probably deem it desirable to obtain the opinions of all the Local Governments and Administrations, inasmuch as it may not be expedient to apply to the Madras and Bombay Presidencies a rule which may be applicable to Bengal. Mr. Gupta desired that the question of the jurisdiction to be exercised by Covenanted Civilians over Europeans in the mofussil might be considered in connection with the Bill to amend Act X of 1872; but the Lieutenant-Governor felt that a discussion on the subject could not with propriety be raised at the final reading of that Bill. Sir Ashley Eden is, however, of opinion that the matter should receive full and careful consideration, whenever, on any future occasion, a fitting opportunity occurs.

3. As a question of general policy, it seems to the Lieutenant-Governor right that Covenanted Native Civilians should be empowered to exercise jurisdiction over Europeans as well as over Natives who are brought before them in their capacity as Criminal Judges. Now that Native Covenanted Civilians may shortly be expected to hold the office of District Magistrate or Sessions Judge, it is also, as a matter of administrative convenience, desirable that they should have the power to try all classes of persons brought before them. Moreover, if this power is not conferred upon Native members of the Civil Service, the anomaly may be presented of a European Joint Magistrate, who is subordinate to a Native District Magistrate or Sessions Judge, being empowered to try cases which his immediate superior cannot try. Native Presidency Magistrates within the towns exercise the same jurisdiction over Europeans that they do over Natives, and there seems to be no sufficient reason why Covenanted Native Civilians, with the position and training of District Magistrate or Sessions Judge, should not exercise the same jurisdiction over Europeans as is exercised by other members of the Service.

4. For these reasons Sir Ashley Eden is of opinion that the time has now arrived when all Native members of the Covenanted Civil Service should be relieved of such restrictions of their powers as are imposed on them by Chapter XXXIII of the new Code of Criminal Procedure, or when at least Native Covenanted Civilians who have attained the position of District Magistrate or Sessions Judge should have entrusted to them full powers over all classes, whether European or Native, within their jurisdictions.

### *Jurisdiction over European British Subjects.*

As the law now stands—Chapter VII of Act X of 1872 †—no Magistrate or Sessions Judge has jurisdiction to enquire into a complaint or to try a

charge against a European British subject unless he is a Justice of the Peace and himself a European British subject. An exception to this rule is allowed

within the limits of Presidency towns where, under Act IV of 1877, a Presidency Magistrate, whether himself a European or not, has the same jurisdiction over Europeans as over Natives of the country.

Previous to the passing of Act X of 1872 (the present Criminal Procedure Code) no Magistrate or Justice of the Peace, even though a European himself, had jurisdiction (outside the limits of the Presidency towns) to try a charge against any European British subject. But all Magistrates who were also Justices of the Peace had jurisdiction to enquire into charges against Europeans and to commit them to the High Court for trial. (See sections 39, 40 and 41 of Act XXV of 1861, the old Criminal Procedure Code). And by section 3, Act II of 1869, the Government was empowered to appoint any Covenanted Civil Servant to be a Justice of the Peace. Under Act X of 1872, however, a Covenanted Civil Servant, even though a first class Magistrate and a Justice of the Peace, would have no jurisdiction over a European British subject unless he himself is a European British subject.

This provision of the law would give rise to an invidious distinction and to many practical inconveniences in the case of those Natives of the country who in the course of time expect to attain to the position of a District Magistrate or of a Sessions Judge. Hence, when the Bill for Act X of 1872 was still before the Council, an amendment to section 72 in favour of the

\* See proceedings of the Governor General's Council on the Criminal Procedure Bill at a meeting held on the 16th April, 1872, published in the Supplement to the *India Gazette* of the 4th May 1872, page 572.

Native members of the Covenanted Service was proposed by the Hon'ble Mr. Ellis. The \* amendment was put to the vote and lost by a majority of *seven* against *five*. But it is remarkable that the minority in that instance comprised the highest officials of the State. The President and Governor General, the Commander-in-Chief, the then Lieutenant-Governor of Bengal, and his successor in office, all voted for the amendment, and I would humbly invite attention to the utterances of those dignitaries on that occasion. Nothing can be added to the eloquence or the sound reasoning of those speeches, and I shall content myself with appending a few extracts for ready reference.

The Bill of the new Criminal Procedure Code now before the Council † proposes to perpetuate the distinction noted above, and the disability under which myself and other Indian members of the Service

† Section 443.

labour. The arguments which were uttered in 1872 for its removal present themselves with redoubled force after an interval of ten years. They are too obvious to require mention, and they would lose all their grace and much of their force if repeated by one who is personally interested in the matter. My only sentiment on the subject is, that if you do entrust us with the responsible office of a District Magistrate or of a Sessions Judge, do not cripple us in our powers. The question affects seriously the efficiency of district administration; and I make bold to trust that the expediency of a change in the law cannot but be recognized if the matter be put before the Council in its present true light.

Since the passing of Act X of 1872, however, the constitution of the Civil Service has undergone an important change, with reference to which a few words need be said. Under a recent measure of Government, Natives of India have been appointed to the Covenanted Civil Service under a system of nomination and without the test of any competitive examination or a compulsory journey to England. This fact somewhat alters the aspect of the question discussed in the Council in 1872, and under existing circumstances stronger objections would probably be raised against any proposal to extend generally the criminal jurisdiction over European British subjects to all Native members of the Covenanted Civil Service. I would therefore venture to make a suggestion which would probably meet the urgent requirements of the case, at the same time that it would obviate all reasonable objections and command a general assent. I would propose that the extension of jurisdiction over European British subjects be limited to Natives of the country holding the office of a Magistrate of the District or of a Sessions Judge.

B. L. GUPTA.

*Extracts from speeches of the Members of the Legislative Council upon an amendment proposed by the Hon'ble Mr. Ellis to sections 72, 76 and 77 of the Bill for the present Criminal Procedure Code (Act X of 1872) at a meeting held on the 16th April 1872 (see Supplement to India Gazette of the 4th May 1872.)*

*The Hon'ble Mr. Ellis.*—In making the invidious distinction which was now proposed, if we excluded any Justice of the Peace from the exercise of certain powers, we were really casting a stigma on the whole educated native population of India. He might also urge that there would be considerable inconvenience in having such a distinction. But he preferred to put it on the broad ground that, if you had Native Covenanted Civil Servants, you ought not to bar them from exercising the powers of a Civil Servant, among which powers is the jurisdiction of a Justice of the Peace over European British subjects. By Act II of 1869 natives might be appointed Justices of the Peace, and on what ground, he would ask, was it proposed to restrict their powers as Justice of the Peace?

*His Honour the Lieutenant-Governor.*—The Council should adhere to the decision which had been come to by the passing of Act II of 1869, namely, that a Justice of the Peace must

be either a European British subject or a Covenanted Civil Servant. To re-open that question and to limit the powers that might be exercised by any Justices who were Covenanted Civil Servants, appeared to His Honour to be somewhat invidious, and would be, as it were, setting themselves against the policy hitherto pursued. Viewing the matter in that light, the should be inclined to vote for the motion before the Council.

*His Excellency the Commander-in-Chief* said that the native members of the Covenanted Civil Service having been to Europe, having become acquainted with the European feelings, ideas and customs, and having qualified themselves to take their places with the European members of the Civil Service, His Excellency would frankly accept them as real members of the Covenanted Civil Service, and allow them to exercise all the functions which the European members exercised.

*His Excellency the President* said that his vote would be given in conformity with the opinion which had been expressed by His Excellency the Commander-in-Chief. His Excellency thought that the restriction would embody a stigma on the Native community in general. It was equivalent to stating that under no circumstances, as far as the administration of the law was concerned, could the Native attain to that degree of impartiality and courage which would justify the Government in reposing in his hands the powers of trying European British subjects.

He thought that by the restriction we in effect said to the European—"You are not to be tried in the mofussil by the agency by which you are tried in the High Court and in the Courts of the Magistrates in the Presidency towns, with the general approval and sanction of the European and Native communities." It was saying in effect that the Native who had attained to the position of the Sessions Judge was not competent to try a European British subject, but that he might try him when he became a Judge of the High Court and sat beside a European Judge. His Excellency could not but help thinking that there was practically no greater disparity in permitting these Native Civil Servants to try a European British subject, than in permitting Native Justices in the Presidency towns to try him. There appeared to His Excellency to be no such broad distinction whatever between the conditions of the society and of public opinion in this respect between the Presidency towns and the mofussil. There were now a great number of public-spirited men and a great deal of public spirit all over the provinces. Communications by rail, the dissemination of newspapers both in English and the Vernacular, and a great variety of other circumstances had destroyed that distinction which formerly existed between the Presidency towns and the mofussil. His Excellency did not himself consider that there was the slightest possibility that in the rare case of a Civil and Sessions Judge trying a European British subject in the mofussil there would be an abuse of justice.

*The Hon'ble Mr. Ellis.*—But he desired to add his testimony to the efficiency with which Native Magistrates had performed their duties in the Presidency towns, in the administration of justice to both Europeans and Natives, and he had no hesitation in saying that they had performed their duties with as much credit and efficiency as the European Magistrates. And if they had done that, he saw no reason why Natives in the position of Covenanted Civil Servants or Sessions Judges should not be equally competent to administer justice to the European in the mofussil. His hon'ble friend, Mr. Stephen, had remarked that in this matter we were not to consult the feelings of the Judge, but of those who were to be subjected to the jurisdiction. In answer to that Mr. Ellis would say that he saw no reason why that which did not hurt the feelings of Europeans in the Presidency towns should hurt in the mofussil.

*His Honour the Lieutenant-Governor.*—After consideration, and having listened to the arguments, and given due weight to the weighty considerations which His Excellency the President had placed before the Council, His Honour was prepared to vote in favour of the very limited change which was proposed by the amendment.

*The Hon'ble Sir Richard Temple.*—He thought that the inference was undeniable that if the Natives were eligible to all the great offices of the administration, it seemed improper and unreasonable to say that they should not sit as Judges over Europeans in the mofussil for offences of the trivial nature over which it was proposed to give Justices of the Peace cognizance. After what had fallen from Hon'ble Member, he felt that he ought not to give a silent vote on the subject. He would vote in favour of the amendment of his hon'ble colleague, Mr. Ellis.

The question being put, the Council divided—

*Ayes.*

His Excellency the President.  
His Honour the Lieutenant-Governor.  
His Excellency the Commander-in-Chief.  
Hon'ble Sir R. Temple.  
Hon'ble Mr. Ellis.

*Noes.*

Hon'ble Mr. Strachey.  
Hon'ble Mr. Stephen.  
Major-General the Hon'ble H. W. Norman.  
Hon'ble Mr. Inglis.  
Hon'ble Mr. Robinson.  
Hon'ble Mr. Chapman.  
Hon'ble Mr. Stewart.

So the amendment was negatived.



Nos. 7—586 to 594, dated 28th April 1882.

From—A. MACKENZIE, Esq., Secretary to the Government of India, Home Department,

To—The Secretaries to the Governments of Madras, Bombay, N.-W. P. and Oudh, Punjab; Chief Commissioner of the Central Provinces, British Burma, Coorg, Assam; and Resident at Hyderabad.

I am directed to forward for consideration the accompanying copy of a letter\* from the Government of Bengal on the subject of the position of Native members of the Covenanted Civil Service, under those provisions of the Code of Criminal Procedure which limit the jurisdiction to be exercised over European British subjects outside the presidency towns to judicial officers who are themselves European British subjects. It will be seen that, for the reasons set forth in paragraph 3 of this letter, the Lieutenant-Governor of Bengal is of opinion that the time has arrived when all Native members of the Covenanted Civil Service should be relieved of such restrictions of their powers as are imposed by Chapter XXXIII of the new Code\* of

Criminal Procedure; or that at least Native covenanted civilians who have attained the position of District Magistrate or Sessions Judge, should be entrusted with full powers over all classes of persons, European or Native, within their jurisdictions. It is certainly anomalous that a Native member of the Civil Service holding the position of a District Officer should be debarred from taking up cases which his European Assistants may try and of which he himself, if appointed Presidency Magistrate, would have full power to dispose.

\* No. 1411J., dated 20th March 1882, and enclosure.

\* Act No. X of 1882.

† Madras . . . . .	} with the opinion of His Excellency the Governor in Council.
Bombay . . . . .	
N.-W. P. and Oudh . . . . .	} with the opinion of His Honor the Lieutenant-Governor.
Punjab . . . . .	
Central Provinces . . . . .	} with your opinion.
British Burma . . . . .	
Coorg . . . . .	
Assam . . . . .	
Hyderabad . . . . .	

Before, however, taking any action of the kind suggested, the Governor General in Council would be glad to be favoured† on the subject.

No. 329, dated 8th June 1882.

From—C. G. MASTER, Esq., Acting Chief Secretary to the Government of Madras,

To—The Secretary to the Government of India, Home Department.

In acknowledging your letter No. 7—586, dated 28th April 1882, on the subject of the position of Native members of the Covenanted Civil Service in respect of criminal jurisdiction over European British subjects outside the presidency towns, I am to transmit the accompanying minutes which have been recorded by the Members of Government on this important question.

2. It will be observed that while the Right Hon'ble the Governor and His Excellency the Commander-in-Chief are in favour of the proposed extension of jurisdiction, the Hon'ble Messrs. Hudleston and Carmichael have recorded minutes of dissent.

*Minute by the Honourable D. F. CARMICHAEL, dated the 15th May 1882*

It is not true, as stated by Mr. Gupta,\* whose error is not noticed by the Lieutenant-Governor of Bengal, that, previous to the passing of Act X of 1872 (the existing Code of Criminal Procedure), no Magistrate, even

\* Paragraph 2.

though a British subject himself, had jurisdiction (outside the presidency town) to try a charge against a British subject. From the earliest days of British settlement in India, the Governor and his Council of every plantation, factory, or fort, had plenary criminal jurisdiction over British subjects. After this, as each Supreme Court was established, British subjects resident in India, even without the presidency towns, became amenable to those Courts only. This restriction proving very inconvenient was removed in the Company's charter of 1813, which empowered

S. cv—53, Geo. III, cap. 155.

District Magistrates—extended afterwards to all persons exercising full magisterial powers—to adjudicate all complaints preferred against any British subject of assaults or other injuries, not being felonies. So that for nearly sixty years before the present Code of Criminal Procedure came into force, the British Magistrate in the mufassal had pretty nearly the same authority which is given to him by that Code. The only considerable enlargement in the Code is the power given to a (British) mufassal Sessions Judge to deal with British subjects committed by the Magistrate, provided that no severer sentence than one year's imprisonment shall be inflicted on conviction.

2. It is important to notice Mr. Gupta's mistake, because, if we were going now for the first time to try British subjects in the mufassal, it would be difficult to defend the propriety of limiting the jurisdiction to British officials: but the case is different where it is proposed to legislate towards the forfeiture of an ancient privilege, dating perhaps—at any rate, this is the common superstition—from Magna Charta, which declares that no Englishman shall be condemned except *per legale iudicium parium*?

3. I observe from Mr. Gupta's extracts that Sir James Stephen's view of the matter was that this is eminently a case where we should consult the feelings of those who are to be subjected to the jurisdiction. I agree entirely to this. Before the Company's charter of 1833 the Government of India had not acquired the power of legislating as Mr. Gupta would desire. That statute gave them the power of investing the mufassal Courts with full criminal jurisdiction (the sentence of death excepted) over any of Her Majesty's natural-born subjects and the children of such subjects. Practically, however, except the petty jurisdiction given to a Sessions Court presided over by a British subject, in the present Code passed in 1872, nothing whatever has been done, and we know why it has not been done—the British Lion, a vulgar brute, no doubt, has wagged his tail and roared; that he would do so again now is, I think, pretty certain. To refuse the jurisdiction to the *covenanted* Native Magistrate is, I own, less defensible. He has lived some years in England, graduated at Oxford or Cambridge, and won his position by honourable competition with young English gentlemen. The members of the Civil Service receive him cordially; but 'Society' in India unfortunately does; we propose him at the Club where 'Society' blackballs him; and I fear the lower orders of the Briton in India are not prepared to accept him as one to be trusted with their personal liberty. If they accept the Native Magistrate in the presidency town, it is because there they are surrounded by thousands of public-spirited compatriots who, they are sure, would never allow them to be injured.

4. Lastly, I would observe that there is no little inconsistency about the treatment of this question at Calcutta. At one time it was enacted that, at all events, every British subject holding any of certain high judicial offices, ordinarily occupied by Natives, in the mufassal should be amenable to mufassal Courts for corruption in the exercise of such office. After some years this Act was repealed; and when during Lord Napier's Government here, the courts of the Travancore State convicted and punished a British subject, its treasurer, for fraud, an immense stir was made at the Foreign Office, and a law was quickly passed that no Native State could so proceed by inherent right or sovereignty, though the contrary practice had prevailed in Travancore for 35 years under the formal approval of the British Government. So at present, in Travancore, no Briton can be tried by a Magistrate who is not a Briton, and such Magistrate has no power at all till invested with it by the Governor General in Council. But if highly respectable Natives are to try Britons in British India, how can we refuse to let Natives of the same class do the same in Travancore territory, or in that of other civilised Native States?

5. After all, there is such a thing as *privilege*; this one is highly valued by those who possess it, and certainly does no harm to the Native population; while its surrender would, in my opinion, cause great exasperation, perhaps accompanied with much political mischief, amongst Her Majesty's natural-born subjects, their children and grandchildren, lawfully begotten, who now constitute the privileged class.

*Minute by the Honourable W. HUDLESTON, dated the 16th May 1882.*

I concur in opinion with my honourable colleague, Mr. Carmichael, that the proposed extension of jurisdiction would be impolitic, and is not expedient; and I would note that section 3, Act II of 1869, which empowers the Government of India and Local Governments to "appoint such and so many of the Covenanted Civil Servants of the Crown in India or other British inhabitants" to be Justices of the Peace in British India beyond the presidency towns (in which any persons not subjects of a foreign State may be so appointed), distinctly contemplated that the Covenanted Civil Servants would be *British* inhabitants. It was clearly not anticipated or perceived that the contrary might be the case.

2. The position in the presidency towns with their European population and *Bar* is essentially different from that of a mufassal Court, where, in this Presidency at least, the *accused* might very probably be the only European British subject within a circuit of 100 miles, and with all due recognition of the merits of the Native members of the Covenanted Service, I do not think the position would be a fair one. I am confident it would raise an outcry that would aggravate race friction far more than the removal of the *already existing* disability attaching to a small number of officials would allay it.

3. Mr. Gupta seems to me to wrongly assume that the *nominated* members of the *Native Civil Service* are members of the *Covenanted Civil Service*.

*Minute by the Right Honourable M. E. GRANT-DUFF, Governor of Fort St. George, dated the 22nd May 1882.*

I have read with great care and much respect the opinions of my honourable colleagues, Mr. Hudleston and Mr. Carmichael; but I cannot agree with them. It is, perhaps, a pity that a question was raised just now which affects so few people; but I see no answer to the claim made by Mr. Gupta which is logically defensible. It may be that to admit that claim may wake up bad passions, which are now slumbering; but I trust this will not be so. We cannot



stop where we are, if pressed to advance, without stultifying our past action. Very soon, if not immediately, the *Covenanted* civilian of Native birth must be put on precisely the same footing as his European colleague. Mr. Gupta does not quite ask for this, in consequence of a misconception which Mr Hudleston has pointed out; but there is no safe standing ground till we take up that position.

*Minute by His Excellency SIR FRED. ROBERTS, G.C.B., C.I.E., Commander-in-Chief, Fort St. George, dated the 23rd May 1882.*

I agree with the remarks of His Excellency the Governor. I don't see how in equity any difference can be made in the position and power of British and Native covenanted civilians.

No. 4622, dated 28th July 1882.

From—H. F. ASTON, Esq., Acting Under-Secretary to the Govt. of Bombay, Judicial Department,  
To—The Secretary to the Government of India, Home Department.

In answer to your letter No. 7—587 of 28th April last, enquiring as to the opinion of this Government on the question whether Native covenanted civilians, or at least those of them who have attained the position of District Magistrate or Sessions Judge, should not be relieved of such restrictions as are imposed on their jurisdiction in relation to European British subjects by Chapter XXXIII of the new Code of Criminal Procedure, I am directed to state that, after consulting the higher judicial and magisterial officers in the Presidency on the question, and finding much diversity of opinion thereon, the Governor in Council has no hesitation in concurring with the preponderating opinion, which is to the effect that the disability of Native Judges and Magistrates in respect to the jurisdiction in question should certainly be removed from those Native members of the Covenanted Civil Service who attain to the position of District Magistrate and Sessions Judge.

No. 692, dated 27th May 1882.

From—The Officiating Secretary to Government, N.-W. P. and Oudh,  
To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter No. 7—588, dated 28th April 1882, on the subject of the position of Native members of the Covenanted Civil Service under those provisions of the Code of Criminal Procedure which limit the jurisdiction to be exercised over European British subjects outside the presidency towns to judicial officers who are themselves European British subjects.

2. The opinions of several officers of experience have been received and considered, and copy of a note recorded by Mr. Duthoit, D.C.L., Officiating Judicial Commissioner of Oudh, is forwarded for information.

3. The officers consulted are generally agreed that jurisdiction over European British subjects cannot any longer be withheld from Native members of the Covenanted Civil Service as a class. They are unanimous in thinking that when a Native member of the Service has risen to the position of a Magistrate of a district or of a Sessions Judge, it is imperative that he should exercise over European British subjects the same jurisdiction as is exercised by European members of the Service who are Magistrates of districts or Judges. There is, however, some difference of opinion as to the circumstances under which the jurisdiction in question should be given to Native members of the Civil Service who hold other offices than those above named. In the opinion of the majority of those consulted, it should be conferred on all Native members of the Covenanted Civil Service who are possessed of the requisite judicial experience, and who have shown by their ability, judgment and strength of character, that they are fitted to exercise it. The Local Government would exercise its discretion as to the individual Native members of the Service upon whom the powers of a Justice of the Peace might be conferred. But the general statutory disability under which the Native Magistrates and Judges now labour ought, they think, to be removed.

4. Sir Alfred Lyall's views on the subject are briefly these. No European officer is appointed to be a Justice of the Peace, or Magistrate of a district or Sessions Judge, until he has been found to be, by experience and character, fitted to exercise the powers and perform the duties which are attached to these offices. During the period that ordinarily elapses before any officer can attain to the position of Magistrate of a District or Judge, or is appointed to be Justice of the Peace, ample opportunities are afforded of forming an opinion as to his qualifications for the offices in question; and he is not appointed to them if he has shown himself to be unfit to perform the duties and exercise the powers belonging to them. The interests of the European British subject and of the administration would, in Sir Alfred Lyall's opinion, be sufficiently provided for, if the general restriction, under which no one who is not himself a European British subject has jurisdiction over a European British subject, being removed, power be left with the Local Government to appoint as Justices of the Peace those Native members of the Covenanted Civil Service who have proved their fitness to exercise the jurisdic-

tion. The Local Government would then apply the test of personal fitness to each particular case for Native, as well as for European, members of the Covenanted Civil Service.

5. On general principles of justice it must, Sir Alfred Lyall thinks, be admitted that the existing class differences between European and Native members of the same Service should be, as far as possible, removed. But so long as the special jurisdiction of Justices of the Peace, and the special procedure for the trial of European British subjects, are retained in our laws (and the Lieutenant-Governor would not have them withdrawn hastily, or upon a side-issue), it is as reasonable and consistent to look specially to the qualifications of officers who are to use these exceptional powers. In these Provinces there has not yet been opportunity to form any very decided opinion about the character and qualifications of the Native members of the Service; and the time is still distant when it will be necessary to apply to the Native Civilian of these Provinces the test of personal fitness for the charge of a district, or for the post of Sessions Judge. On general grounds, however, Sir Alfred Lyall considers that the influences which are now brought to bear on Natives in the position of members of the Civil Service— influences arising from education and professional training, and from the responsibility that must necessarily fall upon them when placed on a level, and brought into comparison, with European officers, are rapidly rendering them as a class capable of exercising impartially the jurisdiction and judicial powers which are ordinarily exercised by European members of the Service.

6. It must, Sir Alfred Lyall thinks, be admitted that an officer who is appointed to be a District Magistrate should have jurisdiction over European British subjects. Inconveniences of various kinds would result if this jurisdiction were not enjoyed by every District Magistrate. A Native Covenanted Civilian, therefore, who is appointed to the charge of a district, ought to exercise this jurisdiction; for a Native Civilian, who may not be entrusted with the powers of a Justice of the Peace, is hardly fit to hold charge of a district. And if he as Magistrate of a district may be trusted to exercise the powers of a Justice of the Peace, he should retain them when, his charge of a district being temporary, he reverts to a subordinate post. For it would be unreasonable to let a restriction, in regard to the exercise of jurisdiction over European British subjects, operate so as to bring about the anomalous result that an officer, though considered fit to exercise certain powers when officiating as District Magistrate, is considered unfit to exercise them when he reverts to his former appointment.

7. Sir Alfred Lyall would therefore recommend that the Code of Criminal Procedure be so amended as to allow effect to be given to the views above expressed. Act II of 1869 has now been repealed, but section 22 of the Code of Criminal Procedure (X of 1882) forbids the Local Government to appoint any persons except European British subjects to be Justices of the Peace beyond the presidency towns. It would be necessary therefore to amend the section in such a manner as to allow Local Governments to appoint Native members of the Covenanted Service to be Justices of the Peace. It would be necessary in section 443 of the same Code to omit the words "and an European British subject"; in section 444 to omit all reference to European British subjects, and to repeal section 450. These amendments would enable the Local Government to carry out the views above expressed, whenever occasion might arise. In short, although the Lieutenant-Governor would not, for the present, advise that a Native Covenanted Civilian should be invested (save in very special cases) with the powers of a Justice of the Peace until he has been appointed, temporarily or permanently, to be Magistrate of a district, he would confer the powers of Justice of the Peace on every Native officer, whether a member of the Covenanted Civil Service or a commissioned civil officer in a non-regulation province, who may be appointed to be a Magistrate of a district.

*Note by W. DUTHOIT, Esq., Officiating Judicial Commissioner of Oudh, dated Lucknow, the 19th May 1882.*

There are, I suppose, two arguments in favour of restraining Natives of India from the exercise of jurisdiction in criminal trials over Europeans :—

I.—That, say what we may, the European is the dominant race in India, and as such is entitled to have its feelings considered and its prestige maintained :

II.—That it is doubtful whether, in the exercise of jurisdiction over Europeans, the Native judiciary would not be influenced by race prejudices.

There is, I think, much force in both these arguments.

As regards the former, I would remark that, go where we may in the East, we find that a claim to be judged by their peers is successfully asserted wherever Europeans are located in any numbers ; and that there is much point in Mr. Fitzjames Stephen's remarks (*Supplement, Gazette of India, 4th May 1872, page 577*)—"There is no country in the world, and no race of men in the world, from whom a claim to absolute identity of law for persons of all races and all habits comes with so bad a grace as from the natives of this country, filled as it is with every distinction which race, caste and religion can create, and passionately tenacious as are its inhabitants of such distinctions." But the time has, I think, come when these considerations may wisely be disregarded ; and I would not advocate the restriction of the powers of Native Covenanted Civilian upon an argument based upon mere sentiment. We have taken the Native into our most important governing body ; let us treat him loyally, and, as far as may be, trust him.

In the latter of the two arguments, however, I find a valid reason for not placing our Native brothers quite on the same platform with ourselves.

As Mr. Gupta has pointed out, we have now two classes of Covenanted Civilians,—the men who have entered the Service by competition in England and the men who have been appointed to it by the Viceroy in India.

These two classes of men must, I think, be treated differently.

The men of the former class will, from the circumstances of the case, be men who have in their own persons overcome the caste and religious prejudices into which they were born, and who are more or less *au courant* with European feelings and customs. Those of the latter class, on the contrary, may often be men saturated with caste and religious prejudices, and ignorant of European modes of thought and feeling. In his own person a man of the former class is likely to be as impartial a Judge as his European brother, and to influence from outside he would probably be almost equally inaccessible. But can we, for a long time at any rate, look for the same impartiality, the same inaccessibility to outside influences, in the latter class of men? I think not. We must not, I think, expect for some time to come to find in the latter class of men officers of higher intellectual capacity or greater strength of character than we have at present in our Native Uncovenanted and Honorary Magistrates of good family. I do not know what officers of the last-mentioned classes may be like in other parts of India; but I am certain that in these Provinces, they are not men who can be fully trusted to do even-handed justice as between their own countrymen of different religions, or between their own countrymen and Europeans. When I say this, I do not mean that they would be likely as a rule to press hardly upon the European; I think, on the contrary, that they would, as a rule, unduly favour the European; all that I mean is that, from my experience of them, I could not always trust them to hold the scales fairly. It is apt to be assumed that Native Civilians will make good Judges. I take leave to doubt whether more than a small minority of the men appointed for some years to come by the Governor General will ever be fit for judicial employment.

Things being so, I would make a distinction between the two classes of Native Civilians.

I would make it the rule, in default of special cause to the contrary, to appoint men of the former class (the men appointed in England by the Secretary of State) to be Justices of the Peace under Act II of 1869. I would only appoint men of the latter class (the men appointed in India by the Viceroy) to be Justices of the Peace after it had been fully ascertained that they are men fitted by strength of character and judicial ability to exercise high judicial functions.

Assuming the appointment of Native Civilians as Justices of the Peace to be restricted as above, I would meet the difficulty by omitting the words "*and an European British subject*" from between the words "first class" and the words "shall enquire" in section 443 of the new Code of Criminal Procedure; by substituting for the words "*himself is an European British subject*" in section 444 the words "is a Justice of the Peace" and by substituting for the words "*an European British subject*" in section 450 the words "a Justice of the Peace."

It will perhaps be objected to this proposal that it interferes with the theory upon which the system of appointment of Native Covenanted Civilians of the Viceroy—*viz.*, that they should be treated in all respects as the Civilians sent out from England—is based. The objection is valid; but I would reply that as a fact the men appointed in India do not all of them come up to the standard of excellence which was propounded for them, and that the adoption of the proposal will not require an invidious distinction to be publicly made, but merely the laying down of a rule of practice to be privately observed by the Government of India and the Local Governments.

No. 703, dated 5th August 1882.

From—W. M. YOUNG, Esq., Secretary to the Government of the Punjab,  
To—To the Secretary to the Government of India, Home Department.

I am directed to acknowledge your letter No. 7—589, dated 28th April 1882, forwarding, for an expression of the Lieutenant-Governor's opinion, a copy of a letter from the Government of Bengal, recommending that all Native members of the Covenanted Civil Service should be relieved from such restrictions of their jurisdiction over European British subjects outside the presidency towns as are imposed by Chapter XXXIII of Act X of 1882, or that at least Native Covenanted Civilians, who have attained the position of District Magistrate or Sessions Judge, should be entrusted with full powers over all classes of persons, European or Native, within their jurisdiction.

2. In reply, I am to say that Sir Charles Aitchison entirely concurs in the arguments quoted in the enclosures of your letter from the Proceedings of the Legislative Council of 16th April 1872, and has little to add to them. His Honour considers that Native members of the Covenanted Civil Service should be relieved from all restrictions and disqualifications imposed upon them under Chapter XXXIII of the new Code of Criminal Procedure, Act X of 1882, by reason only of their not being European British subjects; and that such of them as may be from time to time appointed Justices of the Peace and Magistrates of the 1st class, or Sessions Judges, should be authorised by law to exercise all the powers and jurisdiction which a European British subject similarly appointed can exercise under that or any other Act.

3. Sir Charles Aitchison, moreover, is of opinion that the same powers ought to be conferred upon all Justices of the Peace and first class Magistrates, and upon all Sessions Judges, whether they are European or Native, and whether they belong to the Covenanted Civil Service or not. The powers and jurisdiction to be exercised by judicial officers should, His Honour thinks, depend entirely upon personal fitness, and in no respect upon race or service distinctions. It may be assumed that no one of any class will be appointed a Justice of the Peace or Magistrate of the 1st class or Sessions Judge who is not considered to possess the requisite qualifications, and the appointment ought, therefore, to carry with it all the usual powers and jurisdiction without regard to race, service, or creed. Under Act II of 1869, any British subject, whether European or Native, and whether belonging to the Covenanted Civil Service or not, may be made a Justice of the Peace, if he is considered properly qualified to act as such, and under section 5 of the Act, every such Justice of the Peace has power to commit European British subjects for trial before a proper Court, and to do all other acts which any Justice of the Peace may lawfully do; and this appears to Sir Charles Aitchison to be the broad and equitable principle which Government ought to follow. The restrictions introduced by the Code of Criminal Procedure upon the powers of Courts to enquire into and try charges against European British subjects, which rest exclusively on race distinctions, are, in His Honour's opinion, invidious and unnecessary. They are indeed a mere residuum of the time when Europeans were to a great extent under English law, with which Native Judges were not supposed to be acquainted, and should now be entirely abolished, having ceased to be defensible with the revision of the Codes.

No. 1694—86, dated 15th May 1882.

From—A. H. L. FRASER, Esq., Offg. Secretary to the Chief Commissioner, Central Provinces,

To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge receipt of your letter No. 7—590, dated 28th ultimo, regarding the position of Native members of the Covenanted Civil Service under those provisions of the Code of Criminal Procedure which limit the jurisdiction to be exercised over European British subjects outside the Presidency towns to judicial officers who are themselves European British subjects. The Chief Commissioner is of opinion that Native members of the Covenanted Civil Service should be placed in this respect on the same footing as European members of the same service, and should be relieved of such restrictions of their powers as are imposed by Chapter XXXIII of the new Code of Criminal Procedure.

No. 360, dated 11th May 1882.

From—E. S. SYMES, Esq., Junior Secretary to the Chief Commissioner, British Burma,

To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter No. 7—59, dated the 28th April, concerning the investiture of Native Civil Servants with power to try European British subjects within their jurisdiction.

I am to submit that, in the Chief Commissioner's opinion, it is desirable that Native Civil Servants should possess the same jurisdiction over European British subjects as is exercised by European Civil Servants. Native Civil Servants are and will usually be quite fit to exercise such jurisdiction.

European British subjects are liable to the jurisdiction of Asiatics in Upper Burma; and the Chief Commissioner does not apprehend that there would be any prolonged feeling against the change advocated by the Bengal Government among the better classes of Europeans in India.

No. 764, dated 26th May 1882.

From—C. J. LYALL, Esq., C.I.E., Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your Circular No. 593T., dated the 28th ultimo, in which you ask for the opinion of the Chief Commissioner on the proposals made by His Honour the late Lieutenant-Governor of Bengal, that all Native members of the Covenanted Civil Service should be relieved of such restrictions of their powers as are imposed by Chapter XXXIII of the new Code of Criminal Procedure, or that at least Native Covenanted Civilians who have attained the position of District Magistrate and Sessions Judge should be entrusted with full powers over all classes of persons, European or Native, within their jurisdictions.

2. In reply, I am to say that if the proposal had been to do away altogether with the distinction between European and Native Magistrates in this respect, Mr. Elliott would not have supported it. The distinction is no doubt open to the charge of being invidious, and rests to a large extent rather upon sentiment and prejudice than upon reason. But that such prejudice did exist in great strength some years ago is notorious; and now that the feeling has somewhat died out, the measures taken for introducing equality between the races should be gra-

dual and tentative, in order to run no risk of re-awakening the antagonism which is passing away. It should not be forgotten, moreover, that besides the strong disinclination which would undoubtedly be felt by European British subjects in India to being made subject generally to the jurisdiction of Native Judges and Magistrates there are several practical reasons against that course which are not without great weight. An extensive conferment of these powers on Native Magistrates would involve the trial by them of Europeans in parts of the country where neither our police nor our jails are suited for dealing with such persons. The appearance of Europeans in Courts before a Native Magistrate, surrounded by Native amla, and guarded by Native police, accustomed only to deal with the generally tractable and (in the face of justice) submissive members of their own race, might easily lead to scandals in the administration of justice, which would be very regrettable, and which would, Mr. Elliott fears, by the excitement and agitation, which they would create, lead to exacerbation and strengthening of that popular prejudice and race antagonism, which it has taken a long course of years to soften and abate.

3. But while these considerations, in the Chief Commissioner's opinion, should forbid any extensive conferment of jurisdiction over Europeans upon Native judicial officers at present, he is quite at one with Sir Ashley Eden in regard to the limited proposal now put forward. He thinks that there is room and reason for a distinction between Native Civilians appointed in England by competition, and those Native members of the Covenanted Service who have been appointed by nomination in India. The former class should, in his opinion, be placed in every respect on an equality with their British-born brothers in the service, and permitted, like them, if appointed Justices of the Peace, to deal with cases in which Europeans are accused. In the case of Native Civilians appointed in India, who have not had their experience enlarged, and their education broadened by a visit to Europe, he would confine the extension of these powers to such of them as have attained the grade of District Magistrate or Sessions Judge, and have also been appointed Justices of the Peace.

4. The Chief Commissioner does not think that this slight progress in the direction of equality is likely to excite any serious opposition on the part of the European community. The feeling which ten years ago it would have encountered is, he believes, gradually dying out; and the experience which is being acquired of the efficiency with which Native officers administer justice is by degrees undermining it. The extension of Native agency in the public service, and the increase of the influence of the Native voice in all political matters, are palpable facts, and the European settler is learning that he must reconcile himself to the march of events and accept the inevitable.

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No. 315—17, dated 16th May 1882.

From—MAJOR H. WYLIE, C.S.I., Secretary to the Chief Commissioner of Coorg,  
To—The Secretary to the Government of India, Home Department.

With reference to letter No. 7—592, dated the 28th ultimo, inviting the opinion of the Chief Commissioner of Coorg, regarding Native members of the Civil Service exercising jurisdiction over European British subjects, I am directed to state, for the information of His Excellency the Viceroy and Governor General in Council, that Mr. Sandford is of opinion that the provisions of the present law of Criminal Procedure, which limit jurisdiction to try for criminal offences European British subjects to persons who are themselves European British subjects, are wise, and should, for political reasons, be maintained.

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No. 345, dated 24th August 1882.

From—W. B. JONES, Esq., Resident at Hyderabad,  
To—The Secretary to the Government of India, Home Department.

Replying to your Circular No. 3—594 of 28th April last, I have the honour to submit in original, a letter in which the Commissioner, Hyderabad Assigned Districts, discusses the matter there referred. The Judicial Commissioner, who was also consulted, is of opinion that "the time may be considered to have arrived for extending to Natives who have qualified for the Civil Service, and who have attained the position of District Magistrate, or of Sessions Judge and Justice of the Peace, jurisdiction over European British subjects."

2. My own opinion is that such jurisdiction should be exercised by—

- (1) all Native members of the Civil Service who have attained the position of District Magistrate or Sessions Judge;
- (2) by such other Native members of the Civil Service as the Local Government may specially empower in this behalf.

3. It is scarcely necessary for me to state in detail the reasons which induce me to give my opinion in favour of the small relaxation of the present law which His Honour the Lieutenant-Governor of Bengal suggests. The principle that a European British subject shall only be tried by one of his own class has the sanction of a long history behind it. I certainly should not be disposed to rest a recommendation for a departure from it on considerations of mere administrative convenience. All that can be said is that the reasons by which the general principle might be defended have, from the days when it was first asserted, until now, been



gradually getting weaker, and that the reasons for the particular departure from the principle now proposed are the novel results of the altered circumstances of the Civil Service, and of India generally, and that, to use the Judicial Commissioner's expression, "the time has come" when the change ought to be made. It will be a small change in itself, but it will be an act of justice to those Natives of India whom we invite to take their places by our side as civil administrators, and will add one to the numerous measures which of late years have tended to bridge over the separation between Englishmen and their Indian fellow subjects, which began when, assuming the Dewani of Bengal, we constituted ourselves the sole civil administrators of the country.

4. I will only add that, while the proposed change appears to me to be demanded of us, as a measure of justice to Native members of the Civil Service, and of reasonable concession to general Native opinion, I cannot believe that it can be regarded by intelligent Europeans with serious dislike. In days when the interior of India was reached with difficulty, when no press, railways, telegraphs or bar existed, when Native Magistrates were untrained and unacquainted with European habits and feelings, an Englishman almost alone in an up-country district might with reason apprehend that he would not always obtain an impartial trial before a Native Magistrate. All this is now changed, and a claim which was formerly grounded on a reasonable apprehension, can, it seems to me, when concession is limited, as it is proposed to limit it, rest on little besides unreasonable class prejudice.

No. 32A., dated 1st June 1882.

From—A. P. HOWELL, Esq., Commissioner, Hyderabad Assigned Districts,  
To—The Secretary for Berar to the Resident at Hyderabad.

I have the honour to acknowledge your No. 319J., of the 8th instant, forwarding for opinion a letter from the Government of Bengal, with enclosure, relative to the jurisdiction to be exercised by Native members of the Covenanted Civil Service over European British subjects.

2. The Lieutenant-Governor is of opinion that the time has now arrived when all Native members of the Covenanted Civil Service should be relieved of such restrictions of their powers as are imposed on them by Chapter XXXIII of the new Code of Criminal Procedure, or when "at least Native Covenanted Civilians, who have attained the position of District Magistrate or Sessions Judge, should have entrusted to them full powers over all classes, whether European or Native, within their jurisdictions. The grounds of this opinion are (1) that it is right, as a matter of general policy, that Covenanted Native Civilians should be empowered to exercise jurisdiction over Europeans as well as Natives; and (2) that it will be a matter of administrative convenience for Natives to exercise such powers, otherwise the anomaly might occur of a European Joint Magistrate, who is subordinate to a Native District Magistrate or Sessions Judge, being empowered to try cases which his immediate superior cannot try. It is added that as Native Presidency Magistrates within the presidency towns exercise the same jurisdiction over Europeans that they do over Natives, therefore there is no reason why Covenanted Native Civilians, with the position and training of District Magistrate or Sessions Judge, should not exercise the same jurisdiction over Europeans as is exercised by other members of the service. These views are expressed upon a note by Mr. Gupta, of the Bengal Civil Service, representing the anomalous position in which Native members of the Covenanted Civil Service are placed by Chapter VII of the old Code, which is reproduced in Chapter XXXIII of the present Code.

3. The first point that occurs to me is, that the case is, unintentionally no doubt, very unfairly and incompletely stated by Mr. Gupta. He refers to the discussion of 1872, and says that nothing can be added to the eloquence or the sound reasoning of those who argued then in favour of the view which he advances now. He adds that the arguments of 1872 in favour of his view present themselves with redoubled force in 1882, and that "they are too obvious to require mention." Still he does mention them, and at length, in skilfully arranged "extracts for ready reference," and then he gives a reason, due to a recent but "important change" in the constitution of the Covenanted Civil Service, why there is admittedly less force in those arguments now than there was ten years ago.

4. To this I reply that if the arguments in favour of Mr. Gupta's view are all that they are represented to be, how is it that they were in the minority in 1872? Mr. Gupta attempts to make a point in the composition of that minority, but when I find Sir J. Stephen and Sir John Strachey voting on the same side, and that side the majority, it is idle to say that the arguments against which they voted are "too obvious to require mention." Mr. Gupta cites the authority of the late Lieutenant-Governor of Bengal (Sir George Campbell), who voted with the minority, but Mr. Gupta fails to notice in his extract, or even to allude to Sir George Campbell's admission, that he seldom had greater doubt and difficulty in making up his mind, and that when he did vote for the amendment, it was on the express ground that "it appeared to His Honour that what was now proposed was a minimum of change." It was not proposed to impose upon the European public the general liability to be tried by Native Magistrates, but only the possibility of being placed under the jurisdiction of three or

four Natives who had qualified themselves for admission into the ranks of the Covenanted Civil Service, and who, under the existing law, might be 'Justices of the Peace.' What then was Sir J. Stephen's argument? I give it, as Mr. Gupta gives the opposite views, in extracts: "In countries situated as most European countries are, it is no doubt desirable that there should be no personal laws; but in India it is otherwise. Personal, as opposed to territorial, laws prevail here on all sorts of subjects, and their maintenance is claimed with the utmost pertinacity by those who are subject to them. The Muhammadan has his personal law. The Hindu has his personal law. Women who, according to the custom of the country, ought not to appear in Court, are excused from appearing in Court. Natives of rank and influence enjoy, in many cases, privileges which stand on precisely the same principle; and are English people to be told that, whilst it is their duty to respect all these laws scrupulously, they are to claim nothing for themselves? that whilst the English Courts are to respect, and even to enforce a variety of laws which are thoroughly repugnant to all the strongest convictions of Englishmen, Englishmen who settle in this country are to surrender privileges to which, rightly or otherwise, they attach the highest possible importance? I can see no ground or reason for such a contention. I think there is no country in the world, and no race of men in the world from whom a claim for absolute identity of law for persons of all races and all habits comes with so bad a grace as from the Natives of this country, filled as it is with every distinction, which race, caste and religion can create, and passionately tenacious as are its inhabitants of such distinctions.

"It may be replied that to use this argument is to desert the characteristic principles of English government, and to make a point against an antagonist by surrendering what we ourselves believe. My answer is, that the general principle that all persons should be subject to the same laws is subject to wide exceptions, one of which covers this case. It is obvious enough; but possibly the best way of stating it will be to show how it applies to the particular matter before us. The English people established by military force a regular system of government, and, in particular, a regular system for the administration of justice, in this country, in the place of downright anarchy. The system of administering justice was, and is, beyond all question, infinitely better than any system which the English people found here; but it neither is, nor can be, the English system.

"It must of necessity differ from it in its characteristic features; and, although I am not one of those who blindly admire the English system of criminal justice, I say that, if English people in India like it, which they notoriously do, they have a perfect right to have it."

*Again:—*"The privilege as to jurisdiction is the privilege of the prisoner, not the privilege of the Judge. The European had an objection to be tried by the Native. Considering the position in which he stood, the question was, whether you would put him in a position in which he did not at present stand. You placed no slight upon the Native by saying that he could only try a man of his own race. What was there against the feelings of the Native in saying that? Why should any one feel a slight, because he was told that this particular man was to be tried in a particular way? On the other hand, it was a feeling, and not an unnatural one, that a man should wish to be tried by his own countrymen."

I think Mr. Gupta would have strengthened his case had he explained what is the answer now to Sir J. Stephen's arguments which commanded a majority ten years ago. Logically it would seem that as long as we have personal law in the country, as long as women and privileged Natives are excused from appearing in our Courts, as long as the European British subject has any rights and privileges under the law, so long should the present law, as to the Judge before whom the European British subject must be tried, be maintained. I submit that when a European discusses the question, he is exposed to the converse difficulty of that urged by Mr. Gupta, on the score of being personally interested, and that he is likely to be deceived by the false glamour of liberality attaching to his adoption of Mr. Gupta's view, which ought not, however, to obscure the real issue whether, under the circumstances of India, the European British subject should be deprived of the one privilege of personal law which he most values. The question is by no means so obvious as Mr. Gupta represents. I believe that the majority of non-official Europeans would answer it still as Sir H. Norman did, "He had the highest regard for the natives of the country, and particularly for those who had attained the very important position of a Magistrate of the first class; but looking to the peculiarities of our position here, and to the great differences of character between Natives and Europeans, he thought it was undesirable to allow the trial of European British subjects by Natives in the mufassal."

5. As to the arguments urged by the Government of Bengal, the first simply and admittedly begs the whole question on which Sir J. Stephen and Sir H. Norman took their stand. As for the second argument, based on administrative convenience, the question is, how often would such cases be likely to arise, and whether, if they did, the inconvenience would be so frequent, or of such consequence, as to supply an answer to the arguments of Sir J. Stephen and Sir H. Norman, which, I submit, are just as strong now as ever they were. In any case the plea of anomaly has far less force in India than elsewhere. Surely, too, it might be argued that Natives and Europeans are not on the same footing in fact in many ways, and that the law recognises this fact; that there must be some differences in the position of the European British subject from that of the Native, and that the law recognises these differences, and that the nationality of the Judge is no more invidious or special than the composition of the jury.



6. In conclusion, then, if I am asked for an opinion about a clause in a law which, although only just passed, and not yet actually in force, is considered by a high authority already to require to be amended in an important particular, I would admit that there is enough force in the plea urged by Mr. Gupta, and supported by the Bengal Government, to warrant a reconsideration of the question decided in the Legislative Council on the 4th May 1872. I go further and think that the point should be raised and discussed now, because in 1872 many of the speakers were hampered by pledges or *quasi*-pledges which prevented the question being really decided on its merits. And as to the merits of the question, I would say that it is no doubt desirable that there should be no personal laws, but that, in my humble opinion, the whole question of personal law should be considered together, and not the single point raised by Mr. Gupta. And if the question be raised, the decision should be final, for we cannot always expect the same serenity in the political horizon which we enjoy at present.

I append the replies of the Deputy Commissioners of Buldana and Amraoti, who were consulted on the subject.

In my opinion the time has certainly come when Native members of the Civil Service who have been made District Magistrates or Sessions Judges, should be entrusted with full powers over all classes, European or Native, within their jurisdiction.

AMRAOTI,  
27th May 1882.

A. TULLOCH,  
Deputy Commissioner.

I am of opinion that the invidious distinction should be abolished, or that an understanding should be arrived at under which Native members of the Covenanted Civil Service would be held to be disqualified for office as Sessions Judges or Magistrates of the District. I quite agree with Mr. Gupta, that if you entrust them with these responsible offices, you ought not to cripple their powers.

There is, however, no force in so much of the argument as is based on the fact that Native Presidency Magistrates and High Court Judges already have jurisdiction over Europeans. They are exposed to a publicity that renders their position exceptional. Mr. Gupta himself seems inclined to make distinction between Native Covenanted Civilian who have been trained in England and those who have not, and I think he does so rightly. I am therefore inclined to believe that the latter class of civilians should not hold office as Sessions Judges or Magistrates of Districts. In other words, I would make the experiment under restricted conditions, and confine the exercise of jurisdiction over Europeans to Native Civilian who have been trained in England.

BULDANA,  
29th May 1882.

H. C. MENZIES, *Lieut.-Colonel*,  
Deputy Commissioner.

*A Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.*

Whereas it is expedient to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects; X of 11  
Preamble. It is hereby enacted as follows:—

Amendment of section 22. 1. For the last clause of section 22, the following shall be substituted:—

“may, by notification in the official Gazette, appoint such persons as he or it thinks fit, who, being

- (a) members of the Covenanted Civil Service,
- (b) members of the Native Civil Service constituted under the Statute 33 Vic., cap. 3,
- (c) Assistant Commissioners in Non-Regulation Provinces, or
- (d) Cantonment Magistrates,

are invested with the powers of a Magistrate of the first class, to be Justices of the Peace within and for the territories mentioned in the notification.”

Amendment of section 25. 2. In section 25, after the words “British India” the following shall be inserted:—

“Sessions Judges and District Magistrates are Justices of the Peace within and for the whole of the territories administered by the Local Government under which they are serving.”

Amendment of section 443. 3. In section 443, the words “and an European British subject” shall be omitted.

New section substituted for section 444. 4. For section 444 the following shall be substituted:—

“444. An Assistant Sessions Judge shall not exercise jurisdiction over an European British subject, unless he has held the office of Assistant Sessions Judge for at least three years, and has been specially empowered in this behalf by the Local Government.”

Assistant Sessions Judges who may try European British subjects.

Proposed by Mr. George Irving, seconded by the Hon'ble J. E. Caithness—

"That this Association, in view of the recent public demonstrations of feeling and opinion on this subject on the part of Her Majesty's European British subjects throughout the country, and the representations already made to the Government, feel it to be needless to submit, in respect thereof, a separate memorial; it desires, therefore, that copies of the Resolutions passed at this meeting be forwarded to the Secretary to the Government of India in the Legislative Department, with a letter signed by all the members of the Association, for submission to His Excellency the Viceroy in Council as an unanimous expression of the views of the Association, and of its respectful protest against the proposed alteration of the present law of Criminal Procedure, being Act X of 1882."

*Carried unanimously.*

The Meeting then closed.

No. 31, dated 8th March 1883.

From—The Hon'ble KRISTODAS PAL, C.I.E., Secretary to the British Indian Association,  
To—The Additional Secretary to the Government of India, Legislative Department.

I have the honour to forward, herewith, a joint memorial of several Native Associations to His Excellency the Viceroy in Council regarding the Criminal Jurisdiction Bill, and request the favour of your laying the same before His Excellency in Council.

*To His Excellency the Viceroy and Governor General in Council.*

The joint memorial of the British Indian Association, the Indian Association, the Muhammadan Literary Society, the National Muhammadan Association, the East Bengal Association and the Vakils' Association, High Court, Calcutta.

RESPECTFULLY SHEWETH,—That your memorialists regard with feelings of deep satisfaction and thankfulness the introduction into Your Excellency's Council of the Criminal Procedure Code Amendment Bill, with a view to remove the judicial disqualification of race in the trial of European British subjects in criminal cases, as a step in advance towards the establishment of that equality in the eye of the law without the invidious distinction of country, race or religion, which is the just pride of British jurisprudence and polity, and the guiding principle of British rule in India.

That your memorialists have noticed with regret a statement to the effect that the Native community do not care for this measure. It is utterly unfounded. However limited the scope of the present Bill may be, the principle on which it is based is just, sound and righteous, and meets with their entire approval.

That your memorialists had originally intended to convene a public meeting, as the constitutional mode of procedure in matters of this kind, in order to give an emphatic contradiction to the statement noticed above; but remembering how apt is such a demonstration to lead to a display of passions and feelings, and to stir up race animosities and antipathy, which none can regret more than your memorialists do, they have thought fit to approach Your Excellency in Council on the subject in this form. Your memorialists have too high a regard for the non-official European community of India, and too keen a sense of the services they have rendered, by promoting the material advancement and contributing to the political education of the people of this country, to take any steps that, though perfectly lawful and constitutional, may have the effect of embittering feelings and setting class against class.

That relying on the wisdom, justice and liberality of Your Excellency's Government, and of Her Majesty's Government in England, and on the noble principles which actuate the great British nation in the government of peoples of many races and religions, which owe allegiance to the British Crown, your memorialists feel confident that Your Excellency in Council will not allow any clamour, taunt or threat, based on mistaken and prejudiced notions, to interfere with the progress and due enactment of this just and righteous measure.

And your memorialists, as in duty bound, will ever pray.

Dated 6th March 1883.

From—H. W. I. WOOD, Esq., Secretary to the Bengal Chamber of Commerce,  
To—The Secretary to the Government of India, Legislative Department.

By desire of the Hon'ble the Sheriff of Calcutta, I have the honour to forward, for submission to the Legislative Council of His Excellency the Governor General of India, copies, hereto annexed, of Resolutions adopted at a public meeting of the European community held at the Town Hall of this City on Wednesday, the 28th of last month, relative to the Bill to amend the Criminal Procedure Code of 1872 so far as it relates to the exercise of jurisdiction over European British subjects.

*Resolutions adopted at a Public Meeting held at the Town Hall on the 28th February 1883.*

**FIRST RESOLUTION.**—Proposed by J. J. J. Keswick, Esq., seconded by J. H. A. Branson, Esq., supported by W. Bleack, Esq.

That in the opinion of this meeting the Bill for the amendment of the Criminal Procedure Code is unnecessary in the interests of justice; uncalled for by any administrative difficulty; based on no sound principle; founded on no experience, whilst forfeiting a much-valued and prized and time-honoured privilege of European British subjects; it confers no benefit upon Natives, whilst imperilling the liberties of European British subjects; it in no way affords any additional protection to Natives; it will deter the investment of British capital in the country by giving rise to a feeling of insecurity as to the liberties and safety of the European British subjects employed in the mufassal and also of their wives and daughters; and it has already stirred up on both sides a feeling of race antagonism and jealousy, such as has never been aroused since the mutiny of 1857.

**SECOND RESOLUTION.**—Proposed by J. Pitt-Kennedy, Esq., seconded by W. H. Pratt, Esq., supported by J. G. Apcar, Esq.

That memorials of protest be drawn up, and circulated for signature in Bengal and other Provinces; and, when duly signed, be presented to His Excellency the Viceroy and Governor General in Council and to Her Majesty's Secretary of State for India; and that the Sheriff be requested to sign the same on behalf of this meeting.

That petitions for the protection of the rights, privileges and liberties of Her Majesty's European British subjects be drawn up and circulated for signature in like manner, and, when duly signed, presented to both Houses of Parliament.

**THIRD RESOLUTION.**—Proposed by J. Murdoch, Esq., seconded by D. Cruickshank, Esq., supported by the Revd. H. Finter.

That a committee be formed consisting of the following gentlemen:—Messrs. Keswick, Flemington, Thomas, A. B. Miller, Apcar, Branson, Ezra, Gubboy, Finter, Madge, Murdoch and Cruickshank, with power to add to their number, for the purpose of preparing the memorials and petitions in terms of the last resolution.

*To His Excellency the Most Honourable the MARQUIS OF RIPON, K.G., P.C., G.M.S.I., G.M.I.E.  
Viceroy and Governor-General of India in Council.*

The memorial of the European British-born subjects of Her Majesty the Queen-Empress and Employés of the East Indian Railway Company.

**MOST HUMBLY AND RESPECTFULLY SHEWETH,**—That your memorialists have read with much concern the provisions of the Criminal Procedure Code Amendment Bill which was introduced into your Excellency's Council by the Hon'ble Mr. Ilbert on the 2nd February 1883, by which it is sought to invest Native Civil Servants with jurisdiction over European British subjects in criminal cases.

2. That your memorialists humbly submit that they have a constitutional right to be tried only by their peers and their country, and that in India they have always enjoyed the right of being tried by men of their own nationality, and have done nothing whatever to forfeit that right.

3. That, although the Natives of India have by force of conquest become subjects of the British Crown, they are, nevertheless, still aliens both in nationality and religion; and a European British subject appearing before a Court presided over by a Native Magistrate or Judge would be essentially before a foreign tribunal, without the advantage of that Consular protection which he would be entitled to in a foreign country.

4. That, in the humble opinion of your memorialists, the proposed amendment of the existing law is not only inopportune, but is calculated to engender class feeling and race antagonism, which your memorialists, who are collaborators with a very large number of Native Railway employés, cannot too strongly deprecate as being injurious in the extreme to European and Native alike and to the public service generally.

5. That your memorialists would draw your attention to the fact that no dissatisfaction has been expressed by the native community generally on the subject of the immunity from native jurisdiction now enjoyed by European British subjects, and that none of their privileges have been affected by the existing order of things. In proof that the present law, as a piece of class legislation, has been a success, and that cases coming under it should be enquired into and tried by trained European Magistrates, your memorialists beg to quote the opinion expressed by the Honourable the Legal Member of Council at the meeting of your Excellency's Council on the 2nd ultimo, in which he said—"and as to the facts with which we have to deal, no one who has studied the statistics and reports of the cases involving charges against European British subjects can fail to be struck with two things: first, that, as compared with the great mass of ordinary criminal business, they are exceptionally rare, and, secondly, that they are exceptionally troublesome and difficult."

6. That your memorialists, as Railway employés, are more likely to be injuriously affected by the proposed change in the law in respect of jurisdiction over European British subjects than other classes of the European community: first, on account of, in many cases, their isolation at stations far removed from European centres and Courts of revisional jurisdiction; and, secondly, owing to the great amount of technical and scientific evidence that is usually introduced into railway criminal cases, and which would be almost, if not quite, unintelligible to a Native Magistrate. A protracted trial, with all the heavy expenses attendant thereon, followed probably by an erroneous and perhaps ruinous judgment, might therefore, not unreasonably, be expected from the Judge's want of technical knowledge and experience in subjects with which European Judges are all more or less familiar. To illustrate the possible vexatious action of a Native Magistrate in a railway criminal case, your memorialists feel that they cannot do better than quote an instance which recently occurred in which the presiding Magistrate was a Native.

On the 19th November 1882, a collision occurred in the Howrah yard, and on the 22nd a line jamadar was prosecuted for carelessness in connection therewith before a Native Magistrate. The jamadar *admitted his guilt*, and formal evidence only was necessary to summarily dispose of the case; but the Magistrate, after recording some evidence, postponed the case until the 24th idem. When the case was resumed some technical evidence was tendered and rejected, and the trial was then postponed until the following morning at 8-30 o'clock for a local investigation. At the appointed hour *ten* Railway employés, European and Native, attended in the goods yard but the Magistrate did not come, and, after waiting in the yard at much inconvenience to the traffic and themselves until 12-30 p.m., they were all summoned by a court messenger to the court-house, only to be informed on their arrival there that the Magistrate had left, but that he would be in the yard at 2-30 p.m. Again the ten witnesses returned to the goods yard and had to wait there until dark, when a messenger arrived at 5-30 p.m. and said that the Magistrate could not come. Two days after this, notice was received that the case would come on for trial on the 29th November, but the Magistrate did not attend the yard until 4-30 p.m., and again postponed the case until the 4th December. The ten European and Native witnesses duly appeared on the latter date, *but only one of them* was called to give some slight formal evidence and, then, after all these adjournments, the prisoner was convicted on his own plea of "guilty."

7. That your memorialists, whilst fully and cordially recognizing the right of Natives to a share in the administration of the laws of this country, beg to point out that the proposed amendment, if it becomes law, will place European British subjects at a positive disadvantage when compared with the mass of the population of India. An *INDIAN* British subject will enjoy the high privilege of being tried by his countrymen or by European Magistrates who have been specially selected, educated and trained for the Indian Civil Service, and who have taken up their fixed residence in India; but *EUROPEAN* British subjects will be under the jurisdiction of Native Magistrates and Judges, whose ideas of western civilisation, manners and thought will have been gained only in India, or during two or three years' study in England, instead of their being subject, as at present, only to the jurisdiction of highly trained and educated Englishmen, who, being of their own nationality, have an intimate knowledge of their inner life, habits and manners.

8. That your memorialists would draw attention to the fact that a Native Magistrate of any class can exercise, under section 445 of the Criminal Procedure Code, nearly, if not all, the powers which a Justice of the Peace can exercise in England, inasmuch as he can issue process of arrest, making it returnable to himself or to any other Magistrate having jurisdiction.

9. That your memorialists would deprecate any argument founded on the basis that because Natives exercise jurisdiction over European British subjects in Presidency-towns, they should therefore exercise that jurisdiction outside Presidency-towns, as obviously misleading, seeing that the respective positions are widely different. In a Presidency-town any high-handed proceeding of a Magistrate would not of necessity imperil the liberty of the subject, as an immediate application could be made to the High Court and suspensory writ obtained within an hour; but in the Mofussil the European British subject would be entirely at the mercy of the local native authority, and would be liable to be degraded by actual confinement in an Indian gaol, perhaps with hard labour, in a most deleterious climate, before a distant High Court could be moved by the most energetic advocate to suspend a sentence which might ultimately prove to be unwarranted by law.

10. That your memorialists, in conclusion, would respectfully submit that the protection which has hitherto been afforded them by the existing law is no more than they are entitled to under the British Constitution, and, as Muhammadans, Hindus, Parsis, and many other races and sects in India are protected in the exercise of their own peculiar laws and customs by class legislation, your memorialists pray that the rights and liberties so dear to them, and which are menaced by the proposed amendment of the Code of Criminal Procedure, may not be withdrawn.

And your memorialists will ever pray, &c.

Dated 6th March, 1883.

From—H. W. I. WOOD, Esq., Secretary, Bengal Chamber of Commerce,

To—The Secretary to Government of India, Legislative Department.

At a Special General Meeting of the Bengal Chamber of Commerce, held on Wednesday, the 21st of last month, resolutions were adopted with reference to the Bill to amend the Criminal Procedure Code of 1882 so far as it relates to the exercise of jurisdiction over European British subjects; and I am desired to forward copies thereof, hereto annexed, with the request that the same be submitted to the Legislative Council of His Excellency the Governor General of India.

*Resolutions passed at a meeting of the Chamber of Commerce held on the 21st February, 1883.*

*Resolution.*—Proposed by J. J. J. Keswick, Esq., seconded by James Murdoch, Esq.,—

That in the opinion of this meeting the alteration of the law proposed by the Government in the Bill entitled “A Bill to amend the Code of Criminal Procedure of 1882 so far as it relates to the exercise of jurisdiction over European British subjects”, calls for the unqualified disapproval of the Bengal Chamber of Commerce, and should be opposed to the utmost by every means in its power.

*Second Resolution.*—Proposed by J. W. O’Keefe, Esq., seconded by J. P. Thomas, Esq.,—

That a Sub-Committee of this Chamber be appointed to draw up a memorial to Government protesting against the Bill, and to take steps to procure signatures to the memorial throughout every district.

*Third Resolution.*—Proposed by the Hon’ble R. Miller, seconded by E. E. Bigge, Esq.,—

That the following members of the Chamber be invited to form the Sub-Committee for the foregoing purpose:—

J. J. J. Keswick, Esq., D. Cruickshank, Esq., J. Murdoch, Esq., J. Flemington, Esq., A. G. Watson, Esq., F. Aitchison, Esq., with power to add to their number.

*Fourth Resolution.*—Proposed by R. A. Turnbull, Esq., seconded by J. J. Guise, Esq.,—

That this Chamber confer with the Chambers of the Bombay and Madras Presidencies, so as to have united action against the Bill.

Dated 5th March, 1883.

From—C. B. WESTERHOUT, Esq., Chaplain of Ghaziabad,

To—The Secretary to Government of India, Legislative Department.

I have the honour to forward, herewith, a memorial signed by the residents of Ghaziabad, for the favourable consideration of His Excellency the Viceroy and Council, on the subject of the proposed Criminal Procedure Bill.

*To His Excellency the Viceroy, President, and the Honourable Members of the Legislative Council for India.*

The petition of the European British subjects of Ghaziabad,  
in the District of Meerut—

HUMBLY SHOWS,—That your petitioners view with extreme apprehension and alarm the introduction of the Bill for giving jurisdiction to Native Magistrates over European British subjects.

2. That, so far as your petitioners are aware, the only reason assigned for depriving them of a privilege which they have always been accustomed to look upon as a birthright, and which they most highly prize, is one of sentiment, and that in favour of a class of persons who themselves, as remarked by Sir FitzJames Stephen, have numerous privileges which are not accorded to your petitioners; *e.g.*, the exemption of *parda nishin* women from attendance in Civil Courts.

3. That the Honourable Member who introduced the Bill could not but admit that the present law had worked well; that the number of cases against European British subjects were few; and the existing qualified Magistrates quite sufficient to deal with them; and that the nature of the cases were such as required their determination by Magistrates of some experience and tried abilities. All these reasons, your petitioners submit, are in favour of making no alteration in the law as it is at present.

4. That the two principal reasons assigned for the proposed alteration, are—

1st.—The invidious position of Native Magistrates who are members of the Civil Service.

2nd.—The fact that the existing law is founded on a compromise.

Your petitioners would remark, as to the former, that it is no grievance, and that a mere sentimental feeling, so far as your petitioners are aware, has never been considered a sufficient reason for depriving a class of persons of privileges which they highly prize, when such privi-



leges work no injury to the non-privileged members of the community. Your petitioners would here remark that the same reason would apply for conferring the jurisdiction on all Native Magistrates of the first class.

As to the latter, your petitioners would beg to point out that it is this compromise which has conferred the present extended jurisdiction on Mufassal Magistrates and Sessions Judges. Prior to the Criminal Procedure Code, 1872, no European British subject could have been sentenced to imprisonment, however short, by a Mufassal Magistrate or Sessions Judge except for non-payment of a fine.

5. Your petitioners respectfully beg to point out how impossible it is for them to have any confidence in the Native Magistracy, when they are fully aware that the Natives themselves have no such confidence; and would, in all cases, prefer being tried by European Magistrates.

6. That the effect of the mere introduction of the Bill into Council has been to embitter the feelings between European British subjects and Natives. Your petitioners cannot do better in support of this allegation than refer to the article in the *Amrita Bazar Patrika*\* quoted at length by the *Englishman*.

7. Finally, your petitioners would submit, that the state of native society is such as to make the appearance of an European woman before a Native Magistrate a disgrace to her; and especially in the eyes of the Natives themselves.

Your petitioners therefore pray that your Excellency in Council will be pleased to take this petition into your favourable consideration and to reject the Bill.

And your petitioners, as in duty bound, will ever pray, &c.

*To the Right Hon'ble the Viceroy and Governor General of India in Council.*

The Humble Memorial of the Anglo-Indian and European British subjects residing at Mirzapur in Upper India—

SHEWETH,—That your memorialists have learnt with surprise and alarm that a Bill has been introduced into the Legislative Council of India, having for its object the conferring, for the first time in the history of India, upon Natives of India, of criminal jurisdiction over European British subjects residing in the Mufassal.

2. Your memorialists have also learnt with surprise that the Government of India has given its sanction to this innovation in the law of India without being subjected to the slightest pressure proceeding from the Natives of India; that it has, of itself, thus raised this grave question of race antagonism, and that it bases its action principally on the ground that a large proportion of Covenanted Civilians—i.e., Lieutenant-Governors, Commissioners and other salaried officials who have little or no stake in the permanence of British rule in India, and who can have very few more years to reside in India,—after being informed of the Governor General's opinion of the measure, have expressed themselves to be in favour of the same.

3. Your memorialists further notice with regret that the Government of India entirely failed to seek for any expression of opinion regarding this measure from either those European British subjects residing permanently in the Mufassal, whose lives and fortunes depend on the security of life and property in the Mufassal—the persons likely to be affected in their personal safety by measures of this kind—or the great body of English merchants, planters, traders and others, both in England and in this country, being those who are likely to suffer by depreciation in the value of their property.

4. Though your memorialists are as strongly impressed as any one can be of the desirability of extending the principle of equality in the judicial administration of India, where it can be done with safety and without disturbance, yet, considering the disproportion in numbers of Natives and Europeans in India, especially of Europeans residing in the Mufassal (about one to 5,000 Natives), your memorialists are as strongly persuaded that the principle of equality is not applicable in the present state of India, and that Natives, especially those in the Mufassal, are unprepared for, and will entirely misunderstand and misapprehend the announcement that Europeans are now by law liable to be punished by the Native Magistracy.

5. Your memorialists are also strongly convinced that no change in the law is necessary or expedient, and they most earnestly deprecate any further attempts on the part of those Europeans in India, whose power is great, but whose presence is temporary and not permanent, to encourage the Natives of India to agitate for positions in the administration and government of India on the principle of equality, while the following indisputable facts exist, namely:—

- (a) The Natives of India are admittedly subject races; bearing the greatest enmity and animosity towards each other; dependant on European soldiers to keep the peace; and, except an insignificant number of individuals in the Presidency-towns (who owe everything to compulsory education and contact with Europeans), are wholly unfit for independence.
- (b) They have, unquestionably, more of liberty, peace and protection than any other people in the world who are subject to foreign domination.
- (c) They already stand equal before the law; subject to the same Penal and Civil Codes as the dominant race.

- (d) They have the benefit of personal laws to a greater extent than Europeans—Natives of rank and women being exempted from attendance in Courts of Justice.
- (e) The number of Europeans in India are comparatively so small that to admit and enforce the principle of equality without reservation and without considerations of race or feeling in every department would reduce British power in India to a cypher, and make the British occupation of India unmaintainable, and eventually produce the same state of anarchy and disorder that prevailed before its conquest by the British.
- (f) The principle of equality has no application among the Natives themselves, as their domestic and social institutions prove.

6. Your memorialists further submit that, with so many indications present in the minds of the people of India, namely:—

- (a)—of their acknowledged unfitness for independence or self-government;
- (b)—of their (with few exceptions) acknowledged unfitness to exercise jurisdiction over the liberty and lives of even their own fellow-countrymen;
- (c)—of the necessity for excluding them from exercising any power except under proper safeguards;
- (d)—of the necessity for excluding them from appointments in the Army, and taking part in the defence of their country against disturbers of the *Pax Britannica*;

to propose to grant them the principle of equality to the extent of permitting them to sit in judgment upon members of the dominant race seems to your memorialists residing in the Mufassal an unnecessary and dangerous innovation, which for many generations to come your memorialists (speaking on behalf of their wives and children) will never calmly acquiesce in or submit to.

7. Your memorialists unhesitatingly aver that should this Bill pass (which has already been spoken of by the Native papers as “an instalment” of what is to follow), there will be no adequate security or safety for your memorialists and European residents in the Mufassal, and the present peaceful state of India will, on the punishment of a European by a Native, be liable to disturbances of such a character as, if once set on foot, will produce greater anarchy and disorder than has been known in India for centuries.

8. Your memorialists would further observe that they perceive in this Bill, in which the principle of equality is affirmed, the prelude to others of a similar character calculated to destroy British interests in, and exclude Europeans from, Mufassal India. That if such is the ultimate aim and policy of the Government of India, your memorialists submit that the same should be boldly announced, and notified to your memorialists and the thousands of Europeans entering into and settling in the country.

Your memorialists therefore pray—

- (1) that they may be heard by Counsel against the passing of this Bill;
- (2) that the Bill may be thrown out;
- (3) that the Bill, if passed, may be limited to Bengal, or places where residents will have the protection of European public opinion and the press.

And your memorialists will ever pray.

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*Memorial of certain Anglo-Indian and European British subjects of Saharanpore.*

[This memorial is, *mutatis mutandis*, identical with that from Mirzapur.]

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*Memorial of certain Anglo-Indian and European British subjects of Cawnpore.*

[This memorial is, *mutatis mutandis*, identical with that from Mirzapur.]

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Dated 8th March 1883.

*To His Excellency the Viceroy and Governor General of India in Council.*

The Memorial of the Eurasian and Anglo-Indian Association.

**RESPECTFULLY SHEWETH,**—That your memorialists have become aware of the desire of the Legislature to be informed of public feeling, in all classes concerned, in regard to a proposed change in the criminal law relating to the subjection of European British subjects to certain Native Magistrates in the Mufassal; and that, as loyal subjects, many of whom personally possess the status of European British subjects under the law, your memorialists submit for consideration the following objections which they hold against the change.

2. That it is a wise maxim of British statesmanship that legislation, and more especially important legislation, should wait upon necessity; and that no pressing necessity has been made out for this change, in the Statement of Objects and Reasons which has been given to the country.



6. That, in the absence of such necessity, the grounds advanced for the change are : that it was thought anomalous that, while Natives of India were admitted to the Covenanted Civil Service and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over Europeans outside the Presidency town ;" and that " the Government of India had accordingly decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinctions."

4. That, as regards the implied popularity of an assumed objection to an alleged anomaly, your memorialists have reason to believe that public feeling is very much divided on the subject, and that the preponderance of opinion weighs against, rather than for, the change, but that, at any rate, if the convictions of all thoughtful persons throughout the country, including responsible officials, missionaries, non-officials and native gentlemen of good family and real social influence in the interior, were carefully sought, it would be found that the right of a European British subject to be tried by his peers is not thought more anomalous, or in any way more offensive, and is probably thought much less so than the predominance of British power in India, and that all consistent objections which tell against the one—the mere fraction of a composite anomaly—tell with equal, if not greater, force against the other—the whole.

5. That, in the opinion of the European and Anglo-Indian community, the concessions to native prejudice made in connection with the administration of justice, such as the exemption of the native gentry and ladies from attendance as witnesses in our Law Courts, represent greater anomalies than any involved in the right of European British subjects to be tried by their peers. To such concessions the European community have never demurred ; and they feel that, on this very account, the only right which they themselves have hitherto enjoyed should remain untouched.

6. That, without presuming to assert that the Indian Legislature has no strict legal power to enact that European British subjects may be tried by native judicial officers, your memorialists respectfully submit that a great constitutional difficulty underlies the proposed legislation. That during the many centuries through which the English people struggled for liberty and for the complete and practical attainment of the right of trial by one's peers, the possibility of the spectacle of an Englishman being tried by anybody but an Englishman was not, and could not have been, contemplated. That such a possibility has now arisen not only in India, but in several of the dependencies and colonies belonging to the British Empire, such as Cape Colony, Natal, New Zealand, and the West Indies. That, without denying the many virtues and merits of the Natives of India and of these other countries, it cannot be contended that they are the peers or equals of Englishmen. That the trial of an Englishman by a Native of any of these dependencies, that is to say, the trial of an Englishman by one who is not his peer, is an infringement of a great constitutional right. That your memorialists respectfully, but confidently, submit that the Parliament of Great Britain and Ireland is the only Legislature which ought to deal with so momentous a trespass on the principle which is the foundation of English constitutional law.

7. That your memorialists crave leave to submit the following considerations to illustrate the force of the contention put forward in the last preceding paragraph, and to establish the fallacy of what is now popularly known as the argument from anomalies. A peer of the realm, charged with a felony in England, can only be tried by his peers, that is, by the House of Lords. If the principle which underlies the Bill which is now under consideration be sound, an English peer, charged with a similar offence in India, would be liable to be tried and punished by a Bengali Judge. *Ex hypothesi*, therefore, a Court presided over by a Bengali Judge in India would have a higher jurisdiction than a Court presided over by the Lord Chief Justice of England.

8. That if it is not certain that an English peer, charged with a felony in India, could not claim his constitutional right of being tried by the House of Lords, by parity of reasoning, an English commoner sojourning in India ought also, your memorialists submit, to be considered to have brought with him to India *his* constitutional right of being tried by *his* peers ; that, speaking broadly and generally, a Native of India is not an Englishman's peer, and that, therefore, an Englishman in India cannot be liable to be tried by a Native of India.

9. That if one reason now relied upon for the proposed change is, that the administrative difficulty which has arisen in consequence of the appointment of Covenanted Native Civilians to the office of Sessions Judge was not anticipated on former occasions when the question was fully discussed, this reason, your memorialists submit, is not borne out by the provisions of either Act X of 1872 or Act X of 1882, which distinctly contemplated and expressly provided for the contingency of a Sessions Court presided over by a Judge who was not a European British subject. Your memorialists solicit attention to the terms of the two sections :

*Section 77, Act X of 1872.*—" If the Sessions Judge of the Sessions division within which the offence is ordinarily triable is not a European British subject, the case shall be reported by the Committing Magistrate for the orders of the High Court."

*Section 450, Act X of 1882.*—" If the Judge of the Sessions division within which the offence is ordinarily triable is not a European British subject, the case shall be reported by the Committing Magistrate for the orders of the highest Court of criminal appeal for the province within which such division is situate."

10. That as regards the allusion made in the Statement of Objects and Reasons, already quoted, to "race distinctions" in law, such an allusion derives all its significance from considerations of abstract justice which cannot, your memorialists respectfully plead, apply to a country sustaining the relation which India unavoidably bears to England; but that if it were applicable at all in this peculiar relation, the same abstract justice on which it relies would demand its enforcement, not against a single distinction, but against every distinction based on difference of race, and that the further action, which would be the only just outcome from any movement in this direction at all, would involve the simultaneous withdrawal of all the privileges and exemptions hitherto conceded to native gentlemen of rank and to native ladies, as well as to the removal of the legal civil disabilities under which European British subjects in a large class of suits between themselves on the one part as plaintiffs, and Muhammadans or Hindus on the other as defendants, are compelled to bear the burden of subjection to Muhammadan and Hindu laws.

11. That as regards the question of personal disqualification unhappily raised in the present discussion on jurisdiction, your memorialists would respectfully remind the Government of India that, as Sir J. FitzJames Stephen, an English jurist of great eminence, and an Anglo-Indian official of some experience, clearly pointed out on the occasion of a former discussion in 1872, "*the privilege as to jurisdiction is the privilege of the prisoner and not the privilege of the Judge*"; that it would alter the whole attitude consistently for many centuries taken by English law towards persons accused of offences, if allowances deliberately made, and carefully guarded from a tender regard for individuals placed in the painful position of persons accused of offences, and always held to be innocent unless and until proved to be guilty, were now suddenly withdrawn in deference to sentimental ideas about the personal dignity of Judges which find no place among English traditions.

12. That the right of trial by peers forms part and parcel of, and is inseparable from, the habitual concern disclosed by the English law for the accused, and that this concern commends itself to the Christian conscience as the root of many considerate arrangements, which conduce not only to the safety of the body, but also to the comfort of the mind, of a person who may be innocent whilst charged with a foul crime. That all such considerations possess a grave meaning in India, where an innocent accused person may be an Englishwoman, and where women are not treated by men with the chivalrous respect that has grown into a habit in Christian countries.

13. That, under these circumstances, attacks made by Natives in a hostile spirit on privileges conceded to accused persons, betoken, especially when connected in an illogical way with irrelevant questions of personal disqualification, a condition of mind that calls for repression rather than encouragement; and that such attacks, whatever position a few well-meaning Englishmen may thoughtlessly take up in regard to them, could never, your memorialists respectfully urge, be originated by a typical English Magistrate, or a typical English Judge. That the fascination which such attacks evidently possess for a class of over-sensitive Indian minds affords strong proof of the great difference between the English ideal of the judicial mind and the ideal which, in spite of education and external social influence, still prevails in this country; and that such attacks possess a serious significance for the Indian Government which has been understood to repose trust in the judicial qualifications of the educated native mind.

14. That if the proposition submitted by your memorialists be unassailable, namely, that the question of jurisdiction relates to the privileges of the accused, and not to the competence of the Court, a proposition abundantly proved by the numberless exemptions and distinctions based on race and social customs which it is apparently intended inconsistently to leave untouched after the solitary personal right claimed by European British subjects is given up, it should lead, your memorialists respectfully but earnestly urge, to a more careful consideration of the proposed amendment than it would appear yet to have received (judging from the papers published in connection with the Bill introduced into the Legislative Council) from the particular stand-point suggested in the present remarks.

15. That if, and when, so viewed, the right of European British subjects to be tried by their peers commends itself to unprejudiced minds as being not merely absolutely free from all such invidiousness as has unreasonably been imported into it, but also in perfect harmony with the right given to all accused persons in this country to challenge jurors of whose qualifications to understand them and do them justice they themselves (and not the Government or the trying officer) may entertain any doubt. No right-minded European British subject has ever felt offended at being so challenged by an unfortunate Native of India placed on his trial on a criminal charge, or thought of urging on the legislature a withdrawal of the right as involving a reflection on himself or a civil disqualification. Nor, if any wrong-minded European British subject thought fit to do so on the ground of some imaginary offence lurking in the right, or of any inconvenience which it caused to the administration of justice, is it conceivable that the legislature would grant the request.

16. That your memorialists sincerely and solemnly believe, and, therefore, humbly but gravely urge, that a truer lesson in self-culture, and therefore, one better calculated to serve their own higher interests in the end, would be taught to the small section of educated Natives, chiefly in the province of Bengal, who have no real personal interest whatsoever in this matter, but yet have demanded, or are demanding, not only the subjection of European British subjects in the Mufussal to Native Justices of the Peace, but also the prosecution of the principle under-

tying the proposed change to its logical extreme, if they were now kindly, but firmly, instructed in the real merits of the question which they have virtually raised, and are keeping open, as these appear to fellow-subjects who have done them no wrong and wish them no harm, than if their present more or less unworthy and wholly unfriendly feeling, and the politically dangerous and socially suicidal mood, of which it is the clear and melancholy evidence, were without sufficient consideration, gratified at much cost to their European British subjects and with no benefit whatever to themselves.

17. That, acting solely in self-defence, and without an unkindly thought or feeling towards those side by side with whom, in the providence of God, they are called to pass their lives in this country, your memorialists earnestly and solemnly pray that the Criminal Procedure Code Amendment Bill, now before the Council, may not be passed.

And your memorialists, as in duty bound, shall ever pray, &c.

On behalf of the Board of Direction, Eurasian and Anglo-Indian Association.

*Telegram from Chairman, Chamber of Commerce, Bombay, to Secretary to Government of India, Legislative Department,—dated 5th March, 1883.*

At a numerously attended special general meeting of the Chamber, called to consider Bill amending Criminal Procedure Code, following resolutions were passed almost unanimously, three native members only dissenting. That, in the opinion of this meeting, the Bill for the amendment of the Criminal Procedure Code is, under existing circumstances, uncalled for, and ought not to have been introduced without first eliciting the opinions of the un-official classes, whom the proposed change in the administration of the law will affect. Special committee appointed to frame memorial to Viceroy praying abandonment of proposed amendment. Memorial will be forwarded shortly through Bombay Government, but Viceroy proposes stating his views on subject in Legislative Council on 9th instant. Detailed proceedings of meeting and memorial will not reach in time. Chamber respectfully commends resolutions to favourable consideration of Viceroy, submitting no real necessity exists for measure, nor has any pressure been brought upon Government to introduce it. Measure also considered premature, as Bill will affect whole Mufassal European community, while on other hand affecting status of only a few Natives in Bengal and Bombay. Further, measure pronounced inopportune, and calculated to imperil success of other important measures now pending.

*Memorial of certain Anglo-Indian and European British subjects of Ghazipur.*

[ This memorial is, *mutatis mutandis*, identical with that from Mirzapur.]

*Resolutions of the Public Meetings held at Muzaffarpur, Motihari, Darbhanga, Samastipur, Chapra, Barhoga (Siwan), on the 5th March, 1883, received through Honourable Sir S. C. Bayley.*

RESOLVED—That all present at this meeting protest against any interference with the rights we enjoy as European British subjects in India. That we believe it is only ignorance of the position in which thousands of Europeans are placed in the interior that permitted the proposal to give Natives jurisdiction over European British subjects to be placed before the Council, and that we authorize the Secretary of the Bihar Indigo Planters' Association to request the Hon'ble Sir Stuart Bayley to place this our firm and indignant protest before His Excellency the Viceroy in the assurance that Lord Ripon will not permit our most cherished right of being tried by our peers to be taken from us:—

Meeting.	Chairman	Signatures.
Muzaffarpur . . . . .	J. S. Begg, Dist. Honorary Secretary } W. B. Hudson, General Secretary }	95
Motihari . . . . .	Dr. J. H. G. Hill . . . . .	54
Chapra . . . . .	E. G. Williams . . . . .	56
Darbhanga . . . . .	M. Gale . . . . .	23
Barhoga (Siwan) . . . . .	D. N. Roid . . . . .	38
* Samastipur (Jitwarpur) . . . . .	W. S. Crowdy . . . . .	28
		<hr/> 294

\* Separate Resolution forwarded herewith.

*Resolution of a Public Meeting held at Jitwarpur on 5th March, 1883, received through Honourable Sir S. C. Bayley.*

MR. W. S. CROWDY having been voted to the chair.

Proposed by Mr. F. Mackinnon,

Seconded by Mr. W. S. Mackenzie,—

“That, in the opinion of this meeting, the change in the law proposed by Government in the Bill to amend the Criminal Procedure Code, by which European British subjects in this

country will lose the privilege which they have hitherto enjoyed of being tried by their countrymen, is an unjustified invasion of their rights, which they have done nothing to forfeit.

"The proposed amendment is not required by any administrative necessity; nor in the interests of justice; it will not in any way benefit Natives, while it will seriously endanger the liberties of Europeans in remote parts of the Mufassal.

"The principle of the proposed measure, if once admitted as a basis for legislation, must logically be carried out to still greater lengths in the way of interference with the rights of the European community in India, and calls for the unqualified condemnation and opposition of all those interested in preserving them"—(Carried unanimously.)

Proposed by Mr. S. Nicholson,  
Seconded by Mr. W. Mackenzie,—

"That the Secretary of the Bihar Indigo Planters' Association be requested to represent the resolution of this meeting, in combination with the resolutions of other meetings throughout these districts, in the proper quarters, and to co-operate generally with the committee appointed at the Calcutta meeting of 28th February last in petitioning the Indian and Home Governments".—(Carried unanimously.)

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No. 330, dated 16th March, 1883.

From—W. C. MACPHERSON, Esq., Assistant Secretary to Chief Commissioner, Assam,  
To—The Secretary to Government of India, Legislative Department.

At the instance of Mr. James Peters, of Hailakandi, in the Kachar District, I am directed to forward, in original, the minutes of proceedings of a meeting of tea-planters of Hailakandi in which they protest against the proposed amendment of the Criminal Procedure Code.

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*Resolutions passed at a Meeting held at Hailakandi on the 1st March, 1883.*

*1stly.*—Proposed that Mr. Peters take the chair. *Carried unanimously.*

*2ndly.*—That the following resolutions be communicated to the Assistant Commissioner:—

*3rdly.*—That notwithstanding Governmental promises to the effect that no Bill would become law without allowing full time for discussion, this Meeting deprecates the haste with which this Bill is being pushed on, as not allowing the European residents time to lay fully their views before Government, and strongly protests against the same.

*4thly.*—It was unanimously agreed that the present Meeting view with great apprehension Mr. Ilbert's Bill to amend the Criminal Procedure Code, and beg to record a strong protest against the same, as likely, more especially in Mofussil districts like the tea-districts, to create a still further gap in the already existing race-prejudices, and as being likely to alienate capital from a district which has sprung into a prosperous condition by the aid of European energy and capital.

*5thly.*—That already, before this has become law, the Native Press are calling for more concessions and protesting against the control of coolies in Darjeeling; such a control, too, as contemplated being only what exists in every town in the United Kingdom. The Meeting, therefore, strongly protests against any of the contemplated concessions.

*6thly.*—That, under the above circumstances, as there is no time given to lay our views before Government in writing, it is resolved unanimously that the Assistant Commissioner be asked to telegraph the above resolutions to the Chief Commissioner, to be laid immediately before the Viceroy's Council.

With a vote of thanks to the Chair the Meeting dissolved.

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No. 459 T., dated 23rd March, 1883.

From—B. G. GRIDT, Esq., Personal Assistant to Chief Commissioner, Assam,  
To—The Secretary to Government of India, Legislative Department.

I am directed to forward, for submission to his Excellency the Viceroy, a copy of resolution passed by a Meeting of Planters held at Jorehat on the 16th March last, regarding the proposed amendment of the Code of Criminal Procedure.

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*Resolutions passed at a Meeting of European Planters held at Cinnawara, in the Jorehat District, on 16th March, 1883.*

*First.*—That this Meeting views with indignant astonishment the proposed alteration of the Criminal Procedure Code giving Natives the power of trying Europeans, and thereby depriving the latter not merely of a privilege but of an inalienable right, that, namely, of every Englishman being tried by his peers, which it is difficult to believe that any Government, however despotic and arbitrary, could wish to deprive him of.

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As the present state of the law, under which European British subjects can only be tried by Europeans, does not in any way interfere with the privileges of the Native population, nor involve any injustice towards them, the non-official Europeans of the community here unanimously resolve and pledge themselves to oppose and resist by every means in their power the proposed amendment of the Criminal Procedure Code, and, if the amendment becomes law, are strongly convinced that the relations between European and Natives, which hitherto have been most friendly, will be severely strained—a most unfortunate result, for which the Government will be entirely responsible through this ill-advised scheme. Already bitter feelings have been shown on both sides in consequence of it, and the growth of cordiality between the two races, which was the outcome of the policy of former Governments, has been thrown back to a lamentable degree.

*Second.*—That this Meeting condemns the policy of Government in attempting to degrade the status of the non-official European population without in any way consulting them, and deeply regrets that Government, while professing to do everything in its power to encourage private enterprise, should take such a step, which would undoubtedly be the means of driving away capital from the country generally, but more especially from an outlying province like Assam.

*Third.*—That copies of the above Resolutions be sent to the Chief Commissioner of Assam and to the Chamber of Commerce, to be forwarded to the Viceroy.

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*Supplementary memorial from certain employés of the East Indian Railway.*

[NOTE.—The memorial is similar to that from the employés of the East Indian Railway, and is signed by 100 persons.]

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Dated 4th April, 1883.

From—BABOO SAJANI KANT CHATTERJEE, Secretary, Burdwan Association,

To—The Secretary to the Government of India, Legislative Department.

I have the honour to forward herewith copy of certain resolutions adopted at a meeting of the inhabitants of District Burdwan held on the 18th ultimo to consider the Criminal Procedure Code Amendment Bill, and to request the favour of your laying it before His Excellency the Viceroy and Governor General of India in Council.

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*Resolutions adopted at a Meeting of Inhabitants of District Burdwan held on 18th March, 1883.*

I. That, in the opinion of this Meeting, the Bill to amend the Code of Criminal Procedure, recently introduced into the Legislative Council of India, by conferring criminal jurisdiction on Native members, possessing certain qualifications, of the Covenanted Civil Service of India, over European British subjects residing therein, is a just, wise and righteous measure.

II. That, in the opinion of this Meeting, the Bill to amend the Code of Criminal Procedure, recently introduced into the Legislative Council of India, by conferring criminal jurisdiction on Native members, possessing certain qualifications, of the Covenanted Civil Service of India, over European British subjects residing therein, is calculated to remove a growing administrative inconvenience and to put an end to an unnecessary disqualification affecting the people of this country.

III. That, in the opinion of this Meeting, the judicial officers on whom the above jurisdiction is proposed to be conferred are not unfit, either by their education or their nationality to exercise the same.

IV. That the thanks of this Meeting be conveyed to His Excellency the Viceroy and Governor General of India for this fresh instance of his noble policy to promote in every respect the welfare and prosperity of this vast country the government of which is now committed to his care.

V. That the Burdwan Association be requested to forward the above resolutions on behalf of this Meeting to His Excellency the Viceroy and Governor General of India.

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*Memorial from certain European residents of Bareilly, Lucknow, and Jabalpur.*

[NOTE.—These memorials are similar to that from Mirzapur.]

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No. 2351, dated 5th April 1883.

From—C. G. W. MACPHERSON, Esq., Under-Secretary to Government of Bombay.

To—The Secretary to Government of India, Legislative Department.

At the request of the Bombay Chamber of Commerce, I am directed to forward to the address of His Excellency the Viceroy and Governor General of India the accompanying memorial, dated the 22nd ultimo, praying that the Criminal Procedure Code Amendment Bill, now before the Legislative Council of the Government of India, may be abandoned.



Dated 22nd March 1883.

*To His Excellency the Most Honourable THE MARQUIS OF RIPON, P.C., K.G., G.C.B., G.M.S.I.,  
Viceroy and Governor General of India.*

Memorial of Bombay Chamber of Commerce.

RESPECTFULLY SHEWETH,—That at a numerously attended General Meeting of the Chamber of Commerce held on the 6th March 1883, to discuss the Criminal Procedure Code, 1882, Amendment Bill, now before the Legislative Council of His Excellency the Governor General, the following Resolutions were passed almost unanimously, three Native members of the Chamber only dissenting :—

- 1.—That in the opinion of this Meeting, the Bill for the amendment of the Criminal Procedure Code is, under existing circumstances, uncalled for, and ought not to have been introduced without first eliciting the opinions of the non-official classes whom the proposed change in the administration of the law will affect.
- 2.—That the following members of the Chamber, namely, the Chairman of the Chamber, Mr. M. Mowat, the Hon'ble W. M. Macaulay, Messrs. Bythell, Russell, L. R. W. Forrest and Blascheck, be appointed a Sub-Committee, with power to add to their number, to prepare a memorial to the Viceroy, praying that His Excellency may be pleased to abandon the proposed alteration in the law.

That the discussion which resulted in the passing of these resolutions is contained in the printed proceedings of the Meeting which are appended hereto, and to which your Excellency's attention is respectfully invited.

That the privilege which Englishmen have hitherto enjoyed, of being tried by their own countrymen, is one on which they set the highest value. It has never interfered in any way with the rights of the Natives, nor has it occasioned inconvenience to any appreciable extent in the administration of justice.

That the European communities acquiesced in the proposal to confer on Native Magistrates jurisdiction over Europeans in the Presidency-towns, in the well-grounded belief that in those towns there were sufficient safeguards for the efficient performance of the duties of their office. The example of other Judges, the vigilant criticism of an able and influential Bar, from whom the Magistrates at the same time receive valuable assistance in arriving at their decisions, and the influence of an intelligent public opinion, were generally felt to be sufficient guarantees against miscarriage of justice. But the case is widely different in the districts of the Mufassal, where a few isolated Europeans may have to contend with the prejudices of the surrounding people, who are necessarily ignorant of their customs and feelings. Even in England, in places where feeling runs high against the accused, it is not uncommon to change the venue in order to secure for him a fair and impartial trial. It is not unnatural for the Native Judge in the Mufassal, however able he may be, and anxious to dispense justice impartially, to be to some extent influenced, it may be unwittingly, by the prejudices of his own people: he enjoys none of the advantages which the Native Magistrates in the Presidency-towns possess, while the European who may be brought before him can neither have the assistance of his countrymen to defend him, nor the protecting influence of a strong and enlightened public opinion. Examples, indeed, are not wanting of the difference between the administration of justice in a place in the interior where an European British subject cannot have counsel to represent him, and where there is no public opinion, and the dispensing of justice in Bombay, where there is a strong Press and he can employ counsel to defend him.

That the Code of Criminal Procedure was exhaustively discussed in 1872, and, after having been in force for ten years, was last year re-enacted, and came into force on 1st January 1883. A variety of alterations and amendments were introduced into the new code, after it had been submitted to the different local Governments for their opinions, but no alteration was made in that part of it which related to European British subjects. This, your memorialists respectfully submit, in itself showed that no practical reason, no real urgency, existed to justify the withdrawal of what is perhaps the only legal privilege which European subjects in India possess against many, on the same principle, which Natives of rank and influence enjoy.

That in the discussion in the Legislative Council on the 9th of March, your Excellency was pleased to admit that at present there is no irresistible necessity for introducing this measure, although it might be an inconvenience to the administration of justice and a hardship to suitors if the present state of things were allowed to exist. And the Honourable Mr. Gibbs cited as an example Carwar (where Mr. Tagore was Sessions Judge), in the neighbourhood of which large railway-works were being commenced. These works would, he said, bring European British subjects in considerable numbers into that district; and if they were not tried by the Sessions Judge, they would either have to be sent by sea to Bombay, or have to march 80 or 100 miles through a district which at many times of the year was injurious to health. The illustration was an unhappy one, inasmuch as the railway referred to is being carried inland from Marmagao through Portuguese territory, and not from Carwar. Supposing, however, a large number of Europeans had been attracted to the Carwar collectorate by the construction of a railway, your memorialists submit that it would have been preferable to have appointed an European Magistrate to the district, instead of altering the law of the land to meet an isolated and exceptional case such as the one in question.

That in a country such as India, whose population is composed of so many different races, languages and religions, it is in the highest degree impolitic to introduce fundamental changes in the law, affecting large and important sections, unless such changes are justified by urgent necessity; and your memorialists are of opinion that any such change now is premature and uncalled for.

That it has always been regarded as of great importance to the Government that harmony should exist between the Government and the general European population; and it is much to be regretted that Government did not take the precaution to elicit an expression of their opinion before the proposed Bill was introduced into the Legislative Council of His Excellency the Governor General.

Your memorialists therefore respectfully pray that your Excellency may be pleased to abandon the proposed alteration in the law.

And your memorialists, as in duty bound, will ever pray.

*Proceedings of the Special General Meeting of the Bombay Chamber of Commerce, held on the 6th March, 1883.*

A SPECIAL General Meeting of the Bombay Chamber, of Commerce was held on Tuesday, the 6th March 1883, at which the following members were present:—Mr. Cornforth (Aldridge, Salmon & Co.), Mr. Brandenburg (Bell, Brandenburg & Co.), Messrs. Russell and Macdonald (Benn, Ashley & Co.), Mr. Blascheck (A. Blascheck & Co.), Mr. Macaulay (Ewart, Latham & Co.), Messrs. Symons and Wilson (Finlay, Muir & Co.), Mr. Forbes (C. H. B. Forbes & Co.), Mr. Sorabjee Framjee (Framjee, Sands & Co.), Messrs. Gaddum and Bythell (Gaddum & Co.), Mr. Glade (Glade & Co.), Mr. F. Adam (W. & A. Graham & Co.), Mr. Cotton (Greaves, Cotton & Co.), Messrs. Forrest and Stewart (Killick, Nixon & Co.), Mr. Moir (Lang, Moir & Co.), Messrs. Comber, Beaufort and Glazebrook (Lyon & Co.), Mr. Miller (C. Macdonald & Co.), Mr. Mackay (Mackinnon, Mackenzie & Co.), Messrs. Poole and Cassels (Peel, Cassels & Co.), Mr. Punnett (Punnett & Co.), Mr. Fachiri (Ralli Brothers), Mr. Mowat (Ritchie, Stuart & Co.), Mr. Sassoon (D. Sassoon & Co.), Mr. Steiner (Volkart Brothers), Mr. Wyer (Wallace & Co.), Mr. Ahmedbhoj Hubibbhoj, Mr. Dinshaw Manockjee Petit, Mr. Nanabhoy Byramjee Jeejeebhoy, Mr. Balfour (the Bank of Bombay), Mr. Wood (the B. B. and C. I. Railway Company), Mr. T. Forrest (the Chartered Mercantile Bank of India, London and China), Mr. Lowell (the Comptoir d'Escompte de Paris), Mr. Reid (the Oriental Bank Corporation), Mr. Parker (the P. & O. S. N. Co.), and Mr. Vizbhokundas Atmaram (Narandas Rajaram & Co.), and many other gentlemen who were not members of the Chamber. Mr. James Thorburn, of the firm of Messrs. Sir Charles Forbes & Co., Chairman of the Chamber, presided.

*Criminal Procedure Code, 1882, Amendment Bill.*

The CHAIRMAN in opening the proceedings said:—"Gentlemen, you are all, I dare say, very well aware that at a meeting of the Viceregal Council held in Calcutta early last month, the Honourable Mr. Ilbert, the Legal Member of the Government of India, asked leave to introduce a Bill to amend the Criminal Procedure Code of 1882, which was only passed in the beginning of last year—in fact, it is only just a year old to-day, having been passed on the 6th March 1882. The object of our meeting to-day is to consider the propriety of that measure becoming law or being carried any further. We have come here to pronounce our opinion upon it, and to express our views as to whether the amendment should take effect or not. As all of you, who have been reading the daily Press, are aware, the question has been very warmly discussed, more particularly in Bengal, and it has also attracted very general attention in England. It is quite right, and quite proper, that we, as the representatives of the European mercantile community and also of the non-official community of this city, should meet to discuss this question and express our opinion upon it; but I trust that nothing that will be said in this room to-day will have the effect or be likely to stir up ill-feeling either between ourselves and the Government of this country or between ourselves and our native fellow-subjects. I think that a temperate expression of opinion will be not only more dignified, but it will probably carry more weight, and by adhering to that principle we shall avoid giving offence to, or wounding the feelings or susceptibilities of, those with whom I think it is our duty as fellow-subjects of the same sovereign to be on a good and friendly footing. We were obliged, gentlemen, to call our meeting at a very late hour for various reasons, and I don't intend for that reason, and also for the reason that other gentlemen will speak presently to the resolutions which have been circulated amongst you, to go minutely into the subject of this proposed Bill myself; but I shall, at the same time, before sitting down, take the opportunity of saying that I disapprove of the measure, and I shall give some reasons for saying so. The first thing that strikes me is that there is really no pressing necessity for this measure at all; and I don't think that we require to go any further than Mr. Ilbert's speech in asking leave to introduce this measure to show that this is the case. The Criminal Code, as you are aware, was last amended previous to 1882 in 1872, and this very question we are met to discuss



came on then; and although I don't wish to go minutely into what took place at that time, I may say that it was carried, by a majority of seven to five, that this amendment should not be given effect to. Mr. Ilbert takes great care to cite the opinions of the five who were in favour of that amendment being introduced into the measure, but he leaves out, or says nothing about, the opinions of the seven. I don't think it is likely that the whole of these seven were non-official members, for I think from our experience we may assume that no measure could be carried by a non-official majority in any legislative council in this country. To proceed, however, Mr. Ilbert starts by saying that from that time (1872) forward, when any suggestions were offered to the Government of India in the direction of the amendment of the Code, the question always came up. Now, one would have thought that, if that had been so, the Government would have taken the very earliest opportunity of ascertaining the opinions not only of their own officers but of the public generally, and would have acted as speedily as possible on the opinions they might receive. You have only to read a little further on, and it becomes quite apparent that for ten years they did nothing. This Code, as I have previously explained, became law a year ago to-day. The Government had completed all the amendments they intended to give effect to, and this question never came up at all, and, as Mr. Ilbert says himself, the now historical Mr. Gupta's letter or his suggestion that this amendment should be made in the Code came forward at the last moment when it was impossible to introduce it. What the Government afterwards did was to take the opinions of some of their own officers, and now we have the result before us. I think it is clear, as has been shown, that there is no pressing necessity for this measure in the shape of the proposed amendment. In fact, the only person whose name has been associated with it, as far as can be gathered, is Mr. Gupta, and, as Mr. Ilbert says, his letter gave rise to the discussion. That concludes what I have to say on that point, and I think there can be no question that there was no real necessity for introducing the measure, or any pressure brought upon Government to introduce it. Another point that strikes me, gentlemen, is this: it seems to me that the measure is premature. I have shown you from what Mr. Ilbert said that there was no pressing necessity for it, and I also think it unquestionably premature for this reason: this Bill will have the effect of touching the whole of the Mufassal European community, while, on the other hand, it will only affect the status of some six Native Civilians in Bengal, and I think I have seen it stated only one here. Therefore, I say that for that reason it is premature. I also say it is premature for this reason, that the Presidency-towns are in a very much more advanced state than the Mufassal. It is proposed to extend this measure to the whole country—to the most most outlying and backward districts, where you may say that civilization has been barely introduced, and I am of opinion that from that point of view the Bill is premature. If the mufassal was as advanced as our Presidency-towns are, then there might have been some reason for introducing a measure of this kind. I not only consider, however, that the measure is premature, but I also consider it has been introduced at a very inopportune moment. We all know that the Government have got at least three very important measures before them at the present moment, one of which at least introduces very radical and sweeping changes; and many people, including myself, I may say, think that the country is scarcely prepared or ripe for these measures. I cannot help thinking that, that being so, it was particularly inopportune to introduce the measure at the present time, when other important measures about which there has been, and is likely to be, a good deal of difference of opinion, are pending. Then, gentlemen, I also object to the Bill, because it was brought forward without allowing the classes who are likely to be affected by it any opportunity of being heard. It has been, in a sense, sprung upon us, and not only upon us, but, as you may have noticed in the debate to which I have referred, the Honourable Mr. Evans, one of the members of the Council, stated that he heard for the first time on the day of the meeting what the proposed measure was. He was ignorant of the character of the measure, and we also were ignorant of it until it was brought forward in the Council. It strikes me as being very much out of place to introduce a measure of this kind on the strength of the opinions elicited by a private circular, without the non-official community generally having an opportunity of expressing their opinion upon a measure which was to affect them so closely as this measure does. It is all very well for gentlemen who would have the administration of the law to express approval of it, but it looks rather different to those who are certain to be affected by the administration of it; and I cannot help thinking that when this private circular—which none of us have seen, and which I should rather like to see—was sent round, probably, I think very likely, most of the officials to whom it was sent looked upon the question from a theoretical rather than from a practical point of view, without considering what effect the introduction of such a measure would have on the country. I notice further, gentlemen, that Mr. Ilbert says, in speaking of this circular, that its result was very remarkable. Well, I should think that he must have realised ere this that the effect of acting upon the circular has been very remarkable indeed. I think he must feel now, and I think that the Government of India must also feel, that they have made a blunder in bringing forward a measure of this kind without pressure, most inopportune, and without the public likely to be affected by it having had an opportunity of expressing an opinion about it. I will not say more now, other gentlemen having to speak to the resolutions which have been circulated amongst you. I think it is quite likely I may have touched upon some points which other gentlemen may speak upon, and, if such is the case, I hope that they will enlarge upon and enforce, rather

than pass over, any point that I may have alluded to. With these remarks, gentlemen, I call upon Mr. Mowat to speak to the first resolution."

MR. NANABHOY BYRAMJEE JEKJEEBHOY: "Mr. Chairman, before Mr. Mowat proposes the resolution, I should like to know whether you have received any letter from any one."

The CHAIRMAN: "We have received a letter from some of the members of this Chamber, and we have sent an answer to it. Have you got the answer?"

MR. NANABHOY: "It was the special desire of the members that it should be read before the meeting."

The CHAIRMAN: "I am asking whether you have got the answer?"

MR. NANABHOY: "That letter was for the information of the members."

The CHAIRMAN: "I don't consider that there was any necessity for its being read."

MR. NANABHOY: "Then you rule that that letter shall not be read. I bow to your decision."

The CHAIRMAN: "I have not given any decision as yet." (Laughter.)

MR. NANABHOY: "You say that the letter shall not be read."

The CHAIRMAN: "The letter to which you refer was received about half-past two. It objected to this Chamber taking up this question, and the answer which was sent to you by my directions was that we considered it quite competent for the Chamber to discuss this question; and if you had any reasons to give against its doing so, you ought to come here and state them."

MR. NANABHOY: "We are going to speak, and we have come here to speak."

The CHAIRMAN: "Very well."

MR. NANABHOY: "Then you rule that that letter shall not be read."

The CHAIRMAN: "There is no necessity that it should be read, seeing that you are here to speak and vote for yourself like any other member of the Chamber."

MR. MOWAT said—"In proposing the first resolution, which runs thus—'That in the opinion of this meeting, the Bill for the amendment of the Criminal Procedure Code is, under existing circumstances, uncalled for and ought not to have been introduced without first eliciting the opinions of the non-official classes whom the proposed change in the administration of the law will affect,'—I would draw your attention to the temperate manner in which it is worded; and in the remarks which I am about to make I mean to be considerate towards the various races interested in the Bill lately brought forward by the Government of India. Throughout the length and breadth of this vast empire it has been the leading subject of discussion for nearly a fortnight, and it has been taken up with more than ordinary warmth in Bengal; and the voice of England has not been silent. I most earnestly trust the tension which now exists will find a solution long before November comes round. Although we have been later in approaching the subject than our friends in Calcutta and Madras, we are not behind them in the interest we take in any matter affecting the criminal law by which our British-born fellow-countrymen are tried abroad. In order to grasp the leading facts, let me point out what was done in 1872. This subject was then thoroughly discussed, and the debates which took place in the Supreme Legislative Council possess more than ordinary interest. Although five eminent names, including an ex-Governor of Madras and the late Governor of Bombay, appear on one side, seven gentlemen who have also left their impress on India took the opposite view, and one of those was the distinguished lawyer, Sir James Stephen, who had charge of the then Criminal Procedure Bill. By this Act, which was the result of a compromise, Native Magistrates in the Presidency-towns were allowed jurisdiction over Europeans, but their power extended no further, and the reasons for so doing appear to me to be very strong. Gentlemen, with public opinion and a powerful Press such as we find in the great cities, we can understand why a difference was made between them and the Mufassal. But, even in the great Presidency-towns, cases arise which are surrounded with more than ordinary difficulty, and which tax the keenest intellects of the Bench and the Bar. At a great social banquet which took place in Bombay a little over three years ago, and at which I had the honour to preside, a Judge of the High Court, whose manly straight-forwardness and upright character have gained for him a wide circle of friends among all classes, expressed himself thus:—'The administration of justice in India, and no less in Bombay, is carried on with extreme difficulty, owing to the vast preponderance of unworthy testimony by the Native witnesses we have before us. A Judge in this country can only act on the facts in the case before him, and it would be impossible for us to form our judgments satisfactorily were it not for the admirable manner in which the cases are prepared by able and experienced solicitors and clerks, and for the arguments and the ability which are bestowed upon those facts by accomplished barristers.' (Cheers). If this is the case in one of the leading cities in the Empire, what safeguards must we insist on for the poor European in the districts? There are not able and experienced solicitors there; further, there are no accomplished barristers. But, gentlemen, I can tell you what will not be wanting. As a juryman I have had to listen to suborned witnesses; they and the other surroundings will find a place. An oath or affirmation to the uneducated Native classes is of little or no value; and are we to expose our countrymen to criminal charges made on such evidence? Far be it from me to speak otherwise than respectfully of Native Magistrates whom this country chooses to honour with the dignity. As educated men we expect a great deal from them. But I hold that, in a criminal charge against a European, things may arise on which an Englishman or British-born subject only can form a correct judgment. If, therefore, the Magistrate, witnesses and other surround-

ings are entirely Native, can we suppose that there will never be a miscarriage of justice? From the public Press, which has lately been flooded with literature on this subject, we find that the Native community are far from agreed, for in common fairness we may put Mr. Khory's letter of this morning against that of the Honourable Mr. Tyabjee. A leading Magistrate who had a great many years' experience in the Mufassal, when speaking to me quite recently, was not slow to point out the dangers which would beset the proposed alteration in the law. Perhaps a time will come when a revision of the existing Code may be considered with advantage; but it is clearly not now. The lower classes amongst the Native community must first be advanced. The non-official classes very justly complain that they have not been consulted in this matter, especially seeing that they will be affected by Mr. Ilbert's proposed change. The legal and official classes, however, were consulted, and we learn that they have not been unanimous. English capital is now pouring into the country for reproductive works, necessitating a large number of European employés. They consist of railway-servants, press and mill managers, cotton-agents and the like. In this Presidency, they are fewer in number than in the other two, but they are not the less deserving of our care and attention. (Applause.) Their probable future is a question for the sociologist, and I cannot say that I look upon it with anything like satisfaction. With the progress of works in the Mufassal their numbers will increase, but from the Natives who are making such rapid strides in education, they will have to suffer the keenest competition—a competition not likely to diminish. A large portion of those now labouring in the districts will never again behold the Island which gave them birth, while their families will have to make the best of life under all the disadvantages of a tropical sun. These are the classes most likely to be seriously affected by the new Bill; and, as they can least protect themselves, it is our duty to see that their rights and privileges are kept inviolate. They supply that cheap European labour which at the present time is indispensable in the formation of public works. As a rule, many of them are poor, and the fee necessary to secure the services of an English barrister or a first class vakil for defence in a criminal charge is more than they are able to command. Let us therefore be careful and not deprive our poorer countrymen of privileges which they have hitherto enjoyed, and to which they attach the highest value. According to the best authorities, they now do this without in any way interfering with the rights of the Natives of the country. Sir James Stephen's remarks are valuable. He says:—"In countries situated as most European countries are, it is no doubt desirable that there should be no personal laws; but in India it is otherwise. Personal, as opposed to territorial, laws, prevail here on all sorts of subjects, and their maintenance is claimed with the utmost pertinacity by those who are subject to them. The Muhammadan has his personal law; the Hindu has his personal law. Women who, according to the custom of the country, ought not to appear in court, are excused from appearing in court. Natives of rank and influence enjoy, in many cases, privileges which stand on precisely the same principle; and are English people to be told that, whilst it is their duty to respect all these laws scrupulously, they are to claim nothing for themselves? That whilst English Courts are to respect, and even to enforce, a variety of laws which are thoroughly repugnant to all the strongest convictions of Englishmen, Englishmen who settle in this country are to surrender privileges to which, rightly or otherwise, they attach the highest possible importance? I can see no ground or reason for such a contention." (Applause.) We have now to consider in a careful spirit what ought to be done? It is not too late for Government to withdraw the Bill, and this might be gracefully done in the interests of all concerned. No one wishes to see a race feeling exist, and our native fellow-subjects are no doubt as anxious on this point as we are. The Government is full of other schemes for their advancement, and it is a good old maxim not to have 'too many irons in the fire.' A thing may be done with dignity and prudence to-day, which the force of events, if not checked, may materially alter in a week's time. In conclusion, I appeal to the Imperial Government to withdraw a measure which under existing circumstances is unnecessary; I appeal to those in power to stem the current of class feeling which appears to have arisen on the other side of India, and which, if continued, may be fatal to the best interests of the country." (Loud applause.)

The Hon. W. M. MACAULAY: "Mr. Chairman and Gentlemen,—When I consented to second the resolution which Mr. Mowat has just read, I did so in the firm conviction that it is not desirable for us to follow the footsteps of our brethren in Calcutta in the manner of our opposition to the Bill. I think it is very much to be regretted that some of the speakers there permitted themselves so far to forget what they were saying and their duty to their fellow-subjects as to use language, which one, at least, has since apologised for. Such language cannot assist in achieving the object we have in view but would rather damage it. In speaking to the resolution I shall, with your permission, first refer to the second portion of it; and I confess to a feeling of very deep regret that the Government of India have introduced a measure of such vital importance to a large and most important section of the community without consulting one individual of the community affected by the measure. It is true, as Mr. Ilbert informed the Council, that the various Local Governments were consulted, and that none of them objected to it. We are also told that the opinions expressed by the officials who had been consulted showed an overwhelming consensus of opinion in favour of the proposed change. But it was only a short time ago that a Bill which was passed through the local Legislative Council of Bombay, and supported by what was termed an overwhelming consensus of official opinion, was vetoed by the same Government that now attaches so

much importance to the same official opinion. I think, therefore, this leaves a door open to them by which they can gracefully retire. They can with very good ground assign as their reason for retiring from the position they have assumed, that they have acted on incorrect information. We have been told that the Judges of the High Court of Bombay have, with one exception, expressed themselves in favour of the measure. This may be so: but I think it not improbable—in fact, I have some grounds for saying so—that the opinion which was so given was more an opinion from a theoretical point of view, as the Chairman has observed, than from a practical point. If the Judges of the High Court here, whom we all respect, as was justly observed, had been asked to express their opinion as to the practical application of these changes to the whole of the Mufassal districts of India, to the outlying provinces of Assam, the Punjab and other partially civilised localities, I do not hesitate to say that there would have been amongst these Judges more than one dissident. (Hear, hear.) It is a source of great regret to every right-thinking person that the Government of India did not take the public into their confidence at they had promised to do. It was perfectly easy for them to have ascertained to a nicety what the English public would think of the measure by consulting public bodies like this Chamber. There are also Planters' Associations, Trades Associations and such other bodies in various parts of India, who, on a reference being made to them, could have told that the measure would raise a storm such as we are now experiencing. Happily for us, the circumstances of Bombay, and even the Mufassal of Bombay, render the measure less objectionable, if confined to Bombay, than it would be if applied to the whole of India. In this city, of which I have had a very lengthened experience, I know that the feeling of amity that exists between the two races of Europeans and Natives is very different from what exists on the other side of India. Here there is more mutual confidence and friendship than elsewhere. I have heard many intelligent Native gentlemen, several of whom rank amongst my friends, express their opinion that, for their part, they would prefer to have their affairs dealt with by European Judges rather than by their own countrymen. We cannot on such a subject as this expect to have unanimity; but I think that there is a very strong section of the Native community who think that the Bill is not at all called for. In our daily mercantile experience we come in contact with numerous Natives; and in hundreds of cases they enter into contracts with Europeans, readily agreeing to refer their disputes to the arbitration of Europeans. This, I think, speaks volumes for the confidence they repose in the integrity of Europeans. That the measure is uncalled for at present there cannot be the slightest doubt. Until the introduction of the measure the other day before the Supreme Council, so far as I know, the question had slumbered since the discussion which took place in the Council in 1872. Our Native fellow-subjects have lately been more than satisfied and gratified by the radical changes which have been introduced, or which, to speak more correctly, are about to be introduced; and these changes will give them a good deal of power in the management of their own affairs. It is a great pity, as the Chairman has pointed out, that for the benefit of a few Native Magistrates the right of the many should be sacrificed. However, I think the number of Magistrates who will be affected by the Bill is not so very small as the Chairman believes. I think in this Presidency alone, some half-a-dozen magistrates would be affected by it. But, even if the number were ten times half-a-dozen, it is no justification for introducing a measure which is calculated to stir up strife and re-open wounds which we hoped had healed. When the local self-government scheme was not yet put into force, it is most inopportune that the Government should have introduced further legislation, especially of such a character as this. I am afraid that, if the Bill be proceeded with, it will prejudice to a great extent the proper development of this scheme in the future. Great progress has been made within the last twenty years. Had it not been so, the modified change which permitted magistrates of Native birth to have jurisdiction over Europeans in the Presidency-towns, would not have been brought about. But I repeat that it is premature at this early stage to introduce such a radical change from laws which have always been in force since the country has been occupied by our countrymen." (Applause.)

MR. N. BYRAMJEE JEEJEEBHAY said: "Gentlemen,—I rise to propose an amendment to the proposition which is before the meeting. I am strongly of opinion that this Chamber will be exceeding its functions by committing itself to a proposition of this nature. Ever since the Chamber was first established, on 22nd September 1836, mainly owing to the exertions of Mr. Harry George Gordon, of Messrs. Ritchie, Stewart & Co., it has never ceased to interest itself in the commercial welfare of the city and port of Bombay, and has on numerous occasions rendered most valuable assistance and collected important information, not only to the advantage of the local commercial community, but to the Government of India, who has frequently consulted the Chamber on special important subjects. The Chamber has hitherto steered clear of all race-distinctions, and has shown itself most creditably above all race-prejudices. This characteristic of the Bombay Chamber of Commerce has been acknowledged and emphasized by the admission of Natives. The Chamber has always been considered an influential and representative body, but since the accession of Native members, its representative power and character has increased considerably; and, instead of representing only one class of the vast mercantile community of this city, it now lays claim, and very justly too, to be the advocate and mouthpiece of the whole commercial community of this Presidency, and is no longer the European Chamber of Commerce, but truly and literally the Bombay Chamber of Commerce. What does the Chamber represent as a body? It represents Bombay commerce, and should be very careful not to curtail its representative character by lending its influence to politico-sectarian sentimentality and race-questions. The Bengal Chamber and the Madras Chamber may be



excused for their action in the matter of the Jurisdiction Bill, composed as they are entirely of European merchants. It is not very long, gentlemen, since this Chamber extended its scope of usefulness and influence, but during the short time that has elapsed since the joining of the Native members, things have gone on very smoothly and harmoniously, and it would be a thousand pities were that harmony and unanimity to be unnecessarily disturbed. I do not wish to enter now into the controversy about this Bill which the Government of India, all the local Governments, Her Majesty's Secretary of State, and all the more distinguished officers of Government throughout India, considered necessary for the due administration of justice in this country; and all I wish to say is that such a proposition as that moved by Mr. Mowat should not, and could not, come appropriately from a mixed Chamber of Europeans and Natives. If the European merchants of Bombay are desirous of giving expression to their views about the Bill, by all means let them do so at a public meeting of the European citizens. I am aware that I shall be in a very small minority, and the proposition will most probably be passed in spite of my humble opinion; yet, gentlemen, I conscientiously believe it to be my duty to make that opinion known, and my feeble voice raised against what I respectfully submit and maintain is an unnecessary and untimely proceeding likely to disturb the harmony of the Chamber and to mar the good will which now happily characterises its proceedings. If this much-to-be-regretted action on the part of this Chamber will, as I apprehend it is sure to do, give rise to a strong counter-movement on the part of the Native community of Bombay, the Chamber will be responsible for creating any bad blood and angry feeling which may unhappily arise; and I am sure no one will be more sorry than I shall be if the commendable good feeling and harmony which exists in this Presidency amongst the different sections of our mixed community are needlessly disturbed or destroyed. Gentlemen, my first connection with the Chamber dates so far back as 1865, and from that time up to now I have never known a single instance in which the Chamber lent its influence or countenance to any question of race or class distinctions or differences, and it ought not to do so now. (Applause.) With these remarks I beg to propose as an amendment—"That, in the opinion of this Meeting, the action now proposed to be taken with regard to the Criminal Procedure Amendment Bill is one foreign to the object and purposes of the Chamber, and that it is highly desirable, for many obvious and weighty reasons, that the Chamber decline to take up any politico-sectarian question."

MR. SORABJEE FRAMJEE PATEL said: "Gentlemen,—I rise with reluctance to second the amendment my friend Mr. Nanabhoy Byramjee Jeejeebhoy has proposed, for I consider it unfortunate for me at this juncture to be compelled to go against the wishes of gentlemen for many of whom I entertain the highest esteem. With not a few of them I have at times been associated in discussing important questions in a most friendly spirit, when serving as a member of the Committees of the Chamber. In fact, gentlemen, my connection, including that of my father, with the Chamber, dates as far back as the last 35 years or more; and I must admit that in this long interval both he and myself have received every kind consideration at its hands, as I am sure my Native friends who have since joined have also experienced. I therefore feel it the more incumbent to appeal to your good sense and judgment to avoid, as far as it may be in your power, taking any step that may tend to disturb the harmony which has for many years so happily prevailed. What I beg of you, gentlemen, is to weigh calmly my request; for I am no less grieved at the disunion which your resolution will create in the Chamber than the ill-feeling and passions it is calculated to arouse throughout the great and varied commercial community of Bombay. The sequel of your step in this matter might unfortunately be either the holding of public meetings by those who are in favour of the Bill, or unpleasant, injudicious and imprudent writings in the Press. In both cases, no one, as you are aware, can answer for the lengths to which party feelings and passions may be carried by those who cannot command themselves. But the effect of all this will be certainly most disastrous to all concerned, and will excite bitter feelings and leave indelible reminiscences which it will take perhaps a full quarter of a century to efface. I have no wish, gentlemen, to enter into a lengthy discussion with such intelligent and liberal-minded members as those who are in favour of the resolution; but I cannot help drawing your attention to the fact that you cannot with propriety take up questions which are purely political, and do not affect the general commercial interests of the community, nor could you take up class-questions, much less grievances, of a particular race. In support of this assertion permit me to quote the very first of our Chamber's rules and regulations. It states that 'the object and duties of the Chamber shall be to encourage a friendly feeling and unanimity among commercial men on all subjects involving their common good, to promote and protect the general mercantile interests of this Presidency.' I ask, with your permission, does the action which the Chamber is asked to take tend to 'promote and protect the general mercantile interests of this Presidency?' Will it 'encourage a friendly feeling among the commercial classes on all subjects involving their common good?' Does it come within the category of 'the removal of all acknowledged grievances affecting merchants (European and Native) as a body, or affecting mercantile interests in general?' Certainly not. I am sure, gentlemen, if you will only dispassionately weigh my reasons and arguments, supported by the fact that they are based on the fundamental rules and regulations framed by this Chamber, you will, I doubt not, adopt the amendment proposed by Mr. Nanabhoy and seconded by myself. In coming to a conclusion on this important question, I beseech you not to let your party feelings be roused by what indiscreet persons may have said and written elsewhere." (Applause.)

MR. J. K. BYTHELL: "Mr. Chairman and Gentleman,—I came here this afternoon determined not to speak, but after the remarks made by my friends Mr. Nanabhoy and Mr. Sorabjee I should like to say a few words. Their argument, as I understand it, is that the Chamber has exceeded its functions, and that its functions ought to be limited to what they term measures affecting our commercial welfare. They are also of opinion that we are proposing to take steps now which are likely to raise class-prejudices and to create race-feeling. It appears to me that the Chamber is not exceeding its functions at all. A great many of us have representatives in the interior; and if we deal with a measure which is introduced into the Legislative Council affecting our welfare and detrimental to our interests, it seems to me that it is quite within our functions to bring the matter before the Chamber of Commerce, which is the only body in Bombay representing our interests. (Applause.) I think the two gentlemen who have just spoken are mistaken when they are inclined to think that the resolutions before the meeting will, if passed, foster class-prejudices. Native gentlemen know that we not only welcome them when they propose to join us, but that we have invited them and asked them to do so. I can say that during the time I was officially connected with the Chamber I did all I could to get my Native friends to join the Chamber. I have always wished to get as large a proportion of Native merchants and Native gentlemen connected with trade in the Chamber as possible, in order that it might be strictly representative of Bombay commerce and not merely representative of a class; and I think that these gentlemen will say, on reflection, that it is quite possible for us to be very strongly averse to having any of our European *employés* in the interior tried by Native Magistrates where we cannot get a European barrister, and yet have no feeling of antagonism towards our Native friends. Even in the case of Natives, cases have been known in which men have been tried and convicted in the interior with respect to matters which, if tried in Bombay, would have resulted immediately in an acquittal. Take for instance, the old Cotton Frauds Act. You know that in Dharwar and in many other parts of India, where there was no public opinion and no Press, Natives were prosecuted, convicted and fined for mixing cotton from adjoining fields; and, as I have told, gentlemen, Government servants, the same thing was being done here by European merchants, myself included, and that they should come and prosecute us in a place where we could get a barrister to defend ourselves. There is an example and a very forcible example, between the justice in a place where you cannot have counsel to represent you and have no public opinion, and the dispensing of justice in Bombay, where you have a strong Press and can employ counsel to defend you. (Applause.) It is quite possible for us to hold a strong opinion upon this subject and yet not be actuated by class-prejudices. (Hear, hear.) We don't object to Native gentlemen acting as Magistrates in Bombay, where there is a healthy public opinion, and where we can have our fellow-countrymen as counsel; and it appears to me that, if race-questions are raised, it is not the Chamber who is to blame, but the Government of India who stirred this matter up. (Applause.) The old state of things did no harm to anybody. Mr. Macaulay thinks that the Chairman was mistaken in stating that only one gentleman would be affected by having these powers given to him if the Bill is passed; but I have been informed that this is correct, and that there is only one gentleman in the Presidency on whom these larger powers would now be conferred under the amendment if the Bill were passed; and, therefore, why stir up all this class-prejudice and set us all by our ears in the manner that the Bill before the Government of India has done? (Hear, hear.) With reference to the question of giving more extended power to the Natives, I may say that I differ most materially from the Chairman that this proposed extension of municipal power is a mistake. When the Municipal Act under which our Corporation now sits was introduced, we had sixteen days' consecutive debate in Poona about it, and I protested most strongly against the inhabitants, who are allowed to elect one-half of the members of the Corporation, having no power virtually to do anything beyond voting the budget. In the same way, when the Mufassal Municipality Bill, which was passed in 1873, came on for consideration, I protested most strongly against the principle of the Bill, and contended that so long as you had the Collector in the chair a great many official members on the board and all the non-officials elected by the Chairman, it was a farce to call it a municipality at all. I would go in for giving the Natives much more power in these things; but while advocating their claims in that way, I must say I do object very strongly indeed to Europeans connected with our own firms in the interior being brought up before a Native Magistrate where we cannot have the assistance of our own countrymen to defend them. It has been spoken of as an anomaly that these things should exist: I know that this is delicate ground to touch on; but as a newspaper said the other day, 'If you are going to take up that argument, our whole position in India is an anomaly.' So long as we are in India, anomalies must exist, and it appears to me that the best course for the Government of India to take is to leave such matters alone, unless it can clearly be shown that great injustice is being inflicted upon somebody. In the case of this Bill, it is impossible to shew that injustice is being done. You cannot say that it is great injustice that half-a-dozen gentlemen invested with magisterial powers should not be permitted to try Europeans. We contend that this Bill, if passed into law, instead of allaying class-prejudices, will foster them to a great extent, and I hope that the Government of India will be induced to withdraw the Bill. I hope that the Native gentlemen connected with this Chamber will realise and see that it is quite possible for us to oppose this Bill and yet entertain very kindly feelings towards them, and that we are always very glad to see them amongst us." (Applause.)

MR. VIZBHOOKANDAS ATMARAM said: "As a party signing the protest\* which has just been read over to the meeting, I feel constrained to say a few words so as to explain fully the reasons which have induced us to adopt this course in reference to the action it is intended to be taken in the name of the Bombay Chamber of Commerce regarding the all-engrossing and really burning question of the day. At the time when we made up our minds to enter this protest, we were fully alive to the fact that our motives in this matter were most likely to be misconstrued and misinterpreted, inasmuch as this question has unfortunately assumed an aspect which is gallingly painful to every true lover of India. It is certainly to be regretted that the tone and spirit of the opposition adopted in this matter in Bengal and Madras has called into existence race-antipathies, which certainly prevents a just, proper and considerate treatment of this question; but, so far as this meeting is concerned, it is unnecessary for us to go into the merits and demerits of this question, because I can assure you, gentlemen, that, in arriving at this decision, we have not at all been influenced by any arguments which have been or can be advanced for or against the Bill now before the Viceregal Council. We feel that this is not the place for discussing political questions involving sectarian interests. The only reason which has induced us to oppose the passing of the resolutions proposed at to-day's meeting is that the action of the Chamber in this matter is not one which it could legitimately, on a plain and rational construction of the objects of its constitution, adopt. The objects and duties of this Chamber, as its very name tacitly implies, and as its rules and regulations expressly declare, are to concern itself in matters purely commercial. The rules further provide that the only occasions on which it can, by its constitution, communicate with public authorities, are when subjects of *general mercantile interest* render them necessary. I fully admit that the objects and duties of the Chamber are expressed in general words; but I venture to state that it is not possible to include even within these general words the subject of the so-called criminal jurisdiction, except by putting a very strained and far-fetched construction upon the words used in defining such objects and duties. The question really involved in the Criminal Jurisdiction Bill is purely political, appertaining to one section of the community. It is certainly one in which the parties who may feel affected by it have a right to plead their case; but we feel that it ought not to be in the name of a body which is formed for commercial purposes, and not for advocating political or sectarian interests. We are fully aware that it has been alleged that this Bill will indirectly and remotely affect the commerce of the country, but I feel sure that this is simply a sort of wild and vague fear savouring of an irrational panic, which could hardly be reasonably entertained by any sensible person. We fully admit that the Jurisdiction Bill may be said to affect the European community, and that may be a good reason for them as a body to make such representation as they may deem necessary, but we certainly think that, by itself, it is not sufficient justification for any action to be taken in the name of this Chamber. It is not improbable that legislative measures may hereafter be deemed necessary which may affect one or other of the numerous other communities existing in India, and which may also be, in some remote and indirect way, alleged to affect the commerce of the country. Now I ask you, gentlemen, could this Chamber of Commerce, consisting as it does of the most sensible and practical class of the people, establish by their action this day a precedent which may be quoted as an authority whenever it may be called upon to take up the cudgels for one community or other. I submit, gentlemen, for your careful consideration to-day, whether this Chamber, in the action it proposes to take, is not acting *ultra vires* and is not pledging itself to take action in matters which are purely and directly only political and involving sectarian interests. We feel satisfied that the resolutions proposed are not within the legitimate province of this Chamber, and we therefore feel it our duty to vote against the same, and to support the amendment just put before you by my friend Mr. Nanabhoy B. Jeejeebhoy."

The CHAIRMAN said that, before putting the resolution to the vote, he would say that, as their Native friends had argued for the most part that it was not competent for the Chamber to take up a question of this kind and discuss it, he would refer the meeting to the rule quoted by Mr. Sorabjee, in which it was stated that the object of the Chamber was "to obtain the removal, as far as such a society can, of all acknowledged grievances affecting merchants as a body, or mercantile interests in general." Section ten of the rules bore more particularly upon the question at issue. It was to the effect that one of the objects of the Chamber was "to discuss any measures of public interest which might arise." He (the Chairman) thought that the present question was a measure of very public interest, and that they were quite competent to discuss it. He thought that the Native gentlemen present that day must be satisfied from what they had heard that there was no wish on the part of any of the speakers to arouse class-prejudices. Every speaker had been very careful to keep the race-question in the background whilst urging in general terms the impropriety of introducing this measure or of pressing it any further.

The amendment was then put to the meeting and lost by a large majority, only the three Native gentlemen who had spoken voting for it. The resolution was then put to the meeting and carried.

MR. SORABJEE asked that the Chairman would record the protest against the discussion of the subject by the Chamber.



The CHAIRMAN said that the amendment would go on the records of the Chamber.

MR. SORABJEE said that the protest had not been read.

The CHAIRMAN said that, if the practice was adopted of reading letters at the meetings, the Chairman would have only empty chairs to address. (Hear, hear.)

MR. SORABJEE said that it was usually the custom to send a circular round asking whether such and such a subject should be taken up or not; but this had not been done on the present occasion.

The CHAIRMAN said that a certain amount of discretion must be left in the hands of the Committee.

MR. BYTHELL suggested that the protest should be recorded.

The CHAIRMAN said that the protest had been recorded, and would go on the record of the Chamber.

MR. NANABHOY said the first intimation that he had received that the meeting was to be held was at 2 o'clock on Monday, and he was not in office at the time.

The CHAIRMAN said that Mr. Nanabhoy came to the meeting quite prepared to discuss the matter, and he did not see what he had to complain of. He was informed that the circular calling the meeting was sent to Mr. Nanabhoy's office twice.

MR. NANABHOY: "My house is not far away. I am living at Mazagon. The circular ought to have been sent there." (Cries of "nonsense," "absurd," &c.)

MR. CLEMENT POOLE said: "I beg to propose 'that the following members of the Chamber, namely, the Chairman of the Chamber, Mr. M. Mowat, the Hon'ble W. M. Macaulay, Messrs. Bythell, Russel, L. R. W. Forrest and Blascheck, be appointed a sub-committee, with power to add to their number, to prepare a memorial to the Viceroy praying that His Excellency may be pleased to abandon the proposed alteration in the law.' At this late hour I would not recapitulate the remarks made by the previous speaker, but I will say this, that the names of the committee read out to you are a sufficient guarantee that the memorial which will be presented to Government will be drawn up with moderation and good sense, and will be free from expressions which have reached us from other places." (Applause).

MR. BLASCHECK said: "I second the resolution. I abstain from making any further remarks at this late hour."

The proposition was then put to the meeting and carried.

A vote of thanks to the Chairman concluded the proceedings.

#### *Memorial of employés of the Oudh and Rohilkhand Railway Company.*

[This memorial is almost identical with that from the employés of the East Indian Railway, and is signed by S. Hartwell, Esq., Officiating Agent, and 183 other employés of the Oudh and Rohilkhand Railway.]

#### *Memorial from European residents of Agra, Allahabad, Aligarh, Azamgarh, and Mirat.*

[These memorials are, *mutatis mutandis*, identical with that from Mirzapur.]

Dated 18th April, 1883.

#### *To His Excellency the Viceroy and Governor General of India.*

The humble memorial of the undersigned European, and Anglo-Indian British subjects residing in the District of North Bhagalpur—

RESPECTFULLY SHEWETH,—That Your Excellency's memorialists view with great apprehension Mr. Ilbert's proposed Criminal Code Amendment Bill.

II.—That they consider that this Amendment Bill is quite uncalled for, inasmuch as the Natives of this country enjoy numerous privileges which are denied to Europeans; and that the passing of the proposed measure will subject British-born men and women to the caprices and whims of Native officials, who are utterly ignorant of the habits, customs and feelings of Europeans; and your memorialists are of opinion that Mr. Ilbert's Bill is calculated to militate against their interests and rights as Britons—rights which they proudly maintain throughout the civilised world.

III.—That your memorialists believe that, while the proposed Amendment Bill confers no new advantages on the Natives of this country, it completely deprives Britons of that privilege which they have always been accustomed to look upon as a hereditary right, namely, that of trial by men of their own creed and colour; and that, should Mr. Ilbert's Bill be passed, Natives will be encouraged to institute vexatious and malicious cases in the Criminal Courts, on the most frivolous pretexts, simply with a view to harass and annoy European men and women, which, under the existing Criminal Procedure, they are unable to do.

IV.—That their long and intimate experience of the inhabitants of the Mufassul has shown them that most Natives themselves prefer to submit their lives and property to the impartial justice of European officials, rather than to the somewhat capricious judgment of their own

countrymen. Is it to be wondered at, then, that Europeans, too, should concur with them in this respect?

V.—That many cases in which European British subjects are involved require an acute and critical knowledge of their manners and customs; and Your Excellency's memorialists are of opinion that a few years of legal study, even in Europe, are not sufficient to qualify Natives to administer that justice to Europeans which a better knowledge of their habits and sentiments would assure to them.

VI.—That the numerical disproportion between Europeans and Natives tends unmistakably to show that something besides physical force has helped in the subjugation and consolidation of this empire; and that any deprivation of the rights of the former would undermine that great and subtle force of which British prestige forms a not unimportant part.

VII.—That the experiences of the mutiny years shewed that, had it not been for the Europeans of the Mufassal, Government would have found itself powerless against the exigencies of the moment; and that your memorialists are of opinion that those who poured out their blood in defence of that Government are now being but ill-repaid by the deprivation of one of their most cherished rights.

VIII.—In conclusion your memorialists, trusting in the great sagacity and wisdom hitherto displayed by Your Excellency, venture to express their earnest hope that their respectful protest may meet with Your Excellency's serious and favourable consideration.

And Your Excellency's memorialists, as in duty bound, will ever pray.

Dated 19th April, 1883.

*To His Excellency the Viceroy and Governor General of India.*

The humble memorial of the Bengal Chamber of Commerce—

SHREWETH,—That your memorialists have considered the provisions of the Bill to amend the Code of Criminal Procedure, 1882, and they beg respectfully to submit to Your Excellency in Council their deliberate and well-considered views respecting this measure.

Your memorialists venture to think that their views may be worthy of attention, because they, and those with whom they are connected, are brought into direct and intimate relations with the Natives of this country. Those views are based upon long and wide experience. Your memorialists hope, moreover, that the fact that they do not apprehend any personal application of the proposed measure in their own case, and that many of them may probably retire from the country before the fruits of the proposed change mature, will strengthen rather than weaken the force of their opinion. That opinion may not coincide with the sentimental and theoretical views of persons devoid of experience as to the actual circumstances of the country, or of those who ignore differences of race, creed, education and habits; but your memorialists trust that their sentiments deserve to be treated as something far removed from blind panic, unreasoning clamour or factious opposition. It commonly happens, indeed, that Englishmen come to this country imbued with benevolent or sentimental theories, most of which are based on the assumption that political equality between the European and Native races is possible and desirable; but such equality your memorialists consider an illusion, an illusion which has, indeed, a semblance of generosity, but which very slight experience suffices to strip of its specious attractions and altogether to dispel. Those who have not penetrated beneath the plausible surface which the Oriental usually presents to European eyes may continue to cherish such an illusion; but it is impossible for those to do so who, like your memorialists, are brought into daily contact with the various classes of the people in the ordinary transactions of life.

Your memorialists, as a body of mercantile men, are deeply interested in all that may affect the development of the resources of this country. They recognise that their interests as representing European capital in this country are bound up with the security and prosperity of the country, and are, therefore, identical with the true interests of their Native fellow-subjects. Your memorialists feel sure that it is not necessary to press upon the attention of Your Excellency in Council the disastrous effects of insecurity, or even a feeling of insecurity, upon trade and commerce. It is superfluous to insist upon so obvious a fact of experience as the sensitiveness of capital. A sense of insecurity, especially a sense of personal insecurity arising from want of confidence in the administration of criminal justice, cannot fail to paralyze capital and to arrest its flow into the country, while it will unjustly impose serious sacrifices on those who have already invested their capital in reliance upon the existing state of security.

Your memorialists regret that their experience compels them to condemn emphatically the present Bill, and to view with distrust the policy which appears to underlie it.

Your memorialists trust that it is not too late to express such an opinion. They submit that the admission of Natives into the Civil Service does not in the slightest degree preclude objection to the policy of the present measure. The public could scarcely be expected to foresee the present development of that policy, since the Government itself did not contemplate such a result, even down to the framing of the present Criminal Procedure Code. Nor did the large mass of opinions and reports submitted when that Code was in preparation indicate such a result as desirable, much less as inevitable; for, although nearly two hundred opinions were then laid before Your Excellency in Council, only one faintly foreshadowed any such measure. The Government admitted Natives into the Civil Service subject to the

restrictions at present existing. Had the Government then contemplated perfect equality of powers, it would doubtless have considered itself bound in fairness to make known its views at that time. Had any such development been foreseen, it would undoubtedly have called forth the same objection as is now urged against the present measure; which measure, it is now said, is a necessary consequence of the step then taken.

Your memorialists further venture to submit that neither the present measure, nor the policy upon which it appears to be based, are necessary or legitimate developments of the spirit of Her Majesty's Proclamation of 1858. If that Proclamation involved such changes as the present Bill contemplates, further advance in the same direction would be inevitable; so that the finality claimed for this measure could not exist. Her Majesty's Proclamation, however, does not profess to prescribe or define the course of future legislation, which is by law placed under the control of Your Excellency in Council.

Nor does Her Majesty's Proclamation declare, or even contemplate, that any larger share in the government or administration of the country than was then enjoyed by the Native races should be conceded to them, or that those races should attain greater power or influence. It declares that, "so far as may be," all Her Majesty's subjects, "of whatever race or creed," shall be freely and impartially admitted "to offices the duties of which they may be qualified by their education, ability and integrity duly to discharge." This declaration is not confined to any class of Her Majesty's subjects, and leaves their employment to be determined, subject to the existing law, by their fitness and other circumstances of the case.

The Proclamation initiated no new policy.

The view above submitted is that adopted by successive Governments, including the Government which framed and issued the proclamation. Their action shews that they did not consider themselves bound to accord to the Native races any greater share of the administration than the circumstances of the time rendered fitting. To attribute to them a different view would be to charge them with deliberate disregard of the settled policy of the country, since Natives were not, until recently, even eligible for the Civil Service.

Moreover, your memorialists venture to submit that it would not have been competent to Her Most Gracious Majesty, by proclamation, to prescribe the course of future legislation—a consideration which appears conclusive as to the true scope of the Proclamation in question.

Your memorialists, therefore, deem themselves at liberty to consider this proposed measure on its merits, both as regards its policy and its detailed provisions.

The policy of the Bill is set forth in the "Objects and Reasons," and has received further elucidation and development by Your Excellency in Council.

All parties agree in considering that policy to be the policy of forthwith conceding a larger share in the administration to the Native races. The conclusion that this is the policy of the Bill is forced upon your memorialists. The same conclusion is eagerly adopted by the Natives.

Your Excellency's speech in Council appears to confirm this view, since Your Excellency based the defence of the Bill, as your memorialists understand, upon the Queen's Proclamation, which Your Excellency appeared to consider a declaration of the principle of complete equality between the Englishman and the Native. The Statement of Objects and Reasons of the Bill is to the same effect; for it states that "it was thought anomalous that, while Natives of India were admitted to the Covenanted Civil Service and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects outside the Presidency-towns;" it speaks of "removing the present bar upon the investment of Native Magistrates in the interior with powers over European British subjects," and then proceeds to say—"The Government of India has accordingly decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race-distinctions."

Your memorialists can discover no anomaly in the existing system beyond the natural anomaly that races differ, with the result that the subject race is unfit to govern the dominant race.

The Bill ignores this difference, and, assuming equality for the purposes contemplated, proceeds to bestow, upon certain classes of Natives, a further share in the administration of justice, irrespective of race and as a matter of right. The policy might have been more plainly stated; but it is impossible to escape the conclusion at which all parties have arrived as to its character.

This policy rests upon the assumption that a Native who has attained a certain position in the administration is, in all respects, as well qualified as an Englishman to perform all duties which an Englishman of similar position may be set to perform. To proceed to apply this theory—a theory requiring a bold disregard of fact and experience—to so delicate a matter as the administration of criminal justice between the two races, is surely not warranted, much less required by the Queen's Proclamation. That proclamation expressly provides for actual fitness in the person employed, of whatever race he may be, and significantly points to education and integrity as elements in the qualification. Your memorialists submit that no reasonable person can possibly ignore the difference of character arising from difference of race, or venture to assume that, even with like education and similar surroundings, such difference could be eradicated.

But here the original difference of character is heightened by difference of education, influences, habits, creed and aims. It appears to your memorialists that the policy in question

rests upon a confusion of ideas with regard to the Proclamation, namely, that the absence of disability implies fitness.

This policy your memorialists view with the utmost anxiety, and they regard the necessity of discussing it as a public misfortune. They cannot admit the assumption upon which it rests, or allow that a few years in England can possibly qualify Natives of this country to take the same share in the administration of the country as Englishmen. But the Bill does not contemplate that class alone or chiefly, but includes within its purview those educated in this country, surrounded by every influence which tends to widen the gulf of race-distinction.

Your memorialists are fully sensible of the wisdom of laying the foundations of government deep in the welfare of the governed, and they are always ready, when consulted, to approve any well-considered measures tending to the real benefit of the Natives. But your memorialists are convinced that it is cruel to them, and mischievous to the State, to affect to countenance such illusions as the policy of the present Bill seems calculated to encourage. Such illusions, if persisted in, are, in their opinion, calculated to cause grave and serious disaster throughout India, and that, too, at no very remote period of time.

This Bill, when originally brought forward, was rested solely on the ground that it would remove an anomaly. There was no suggestion of administrative difficulty, nor has any such difficulty been suggested as might not be surmounted without public detriment. It has, indeed, been stated that, inasmuch as one-sixth of the Civil Service may consist of Natives, there must ultimately be administrative difficulty; but it is obviously impossible at present to foresee whether it may not be quite easy to overcome that difficulty should it ever occur. It is, at any rate, sufficiently clear that no serious difficulty has at present arisen, or can at present arise. The suggested difficulty is, therefore, purely speculative.

On the other hand, the immediate mischief actually resulting from even the introduction of this Bill is, unfortunately, no longer a matter of speculation. Bitter race-feelings have been evoked by what is felt—and your memorialists think rightly felt—to be an unnecessary, ill-judged and ill-considered attack on justly cherished right. A wise statesmanship would, they venture to think, shrink from evoking such feelings, and would certainly not encounter such mischiefs in pursuit of any merely speculative good. But the harm does not stop there: the proposed tribunals will necessarily invite distrust instead of commanding that public confidence which is essential to the due administration of justice. Here surely is an administrative difficulty of sufficient magnitude to disturb all who value the efficient administration of justice. The mischief, moreover, does not stop even here; for out of the evils indicated mischievous results will arise, at present incalculable—distrust engendered, paralysis of enterprise and discouragement of the naturally loyal: these are but some of the baneful results which may be reasonably apprehended. Such fears, it is said, have been often entertained and as often falsified. It is true that English feeling as to matters affecting the relations between the two races is highly sensitive. This, however, seems to your memorialists the reverse of a reason for disregarding it; seeing that such sensitiveness arises from a perception of the danger involved in any disturbance of the relations at present existing. Your memorialists regret that they cannot admit that such fears have been unfounded in time past, for they feel that the position of Englishmen in India has been lowered, and consequently the foundations of British security perceptibly affected by every similar measure in the past.

Your memorialists, judging from past experience, cannot help fearing that like effects will accrue from the present measure, and that it must tend to deprive Englishmen settled in this country, comparatively few and often widely scattered, of that position which is universally felt to be essential not only to their welfare and to the safety of themselves and their families but also to the very existence of British rule. It is to such settlers that the real acquisition of India as an integral portion of the Empire may be traced and justly credited. It is the beneficent flow of peaceful commerce which has turned the desolation of conquest into fruitful prosperity.

And to what end is society to be thus moved to its depths?

Your memorialists respectfully submit that the susceptibilities of the entire British community deserve to be in the eyes of a British Government as worthy of consideration as the susceptibilities of a new Native officials. There can be no pretence of any injustice to be remedied; for these gentlemen entered the service upon the footing of the existing law, and, indeed, could not have obtained admission on the footing now claimed for them without exciting the same feelings as have now been aroused. The proposed measure seems to your memorialists to be in every way unjust and impolitic, uncalled for by administrative necessity, calculated to evoke feelings of race-antagonism which prudent statesmanship would allow to slumber, tending to create distrust of the policy of Government and to destroy confidence in the administration of the criminal law.

Your memorialists do not desire to dwell unnecessarily upon the details of the proposed measure. They venture, however, to call attention to a singular inconsistency in the utterances in Council respecting one provision of the Bill. The supposition that a Native would never be appointed a Cantonment Magistrate was welcomed as obviating what could not be denied to be a danger—the danger, namely, of allowing British soldiers to be tried by Native Magistrates. But surely it is part of the anomaly sought to be removed that a Native should not be so appointed; and it is strange to set about removing one anomaly in reliance upon the existence of



another. The satisfaction, however, created by the existence of that anomaly is rudely shaken when it is remembered that a Cantonment Magistrate may become subordinate to a Native Collector, who, as his superior magisterial officer, is in the exercise of his discretion entitled to assume jurisdiction in criminal cases ordinarily triable by a Cantonment Magistrate.

The Bill also, while empowering Natives to try Europeans, excludes Europeans from such functions; unless, indeed, such Europeans are members of the Covenanted Civil Service, Assistant Commissioners in Non-Regulation Provinces, or Cantonment Magistrates. The Bill, therefore, in pursuit, as is professed, of race-equality, creates race-inequality, and disqualifies, as was pointed out in Your Excellency's Council, a considerable and useful class of Magistrates, who would otherwise have exercised the function of trying Europeans with benefit to the community, as numerous members of this class have hitherto done.

In conclusion, your memorialists feel confident that Your Excellency in Council, solicitous for the welfare and prosperity of all classes of Her Majesty's subjects, will accept the results of practical experience, and will give such weight as may be due to the views herein submitted. If, as your memorialists trust, those views recommend themselves as just,—if the opinion of your memorialists is, as they venture to hope, entitled to weight, as representing the feeling of the European mercantile community,—if Your Excellency in Council is satisfied that in passing this measure you will be disregarding the feeling of the mercantile and European community, even should that feeling fail to meet with sympathy from Your Excellency in Council,—then your memorialists cannot doubt that Your Excellency in Council will not shrink, in the interests of good government, from withdrawing the present Bill without further delay—a result for which your memorialists humbly pray.

Dated 19th April, 1883.

*To His Excellency the Viceroy and Governor General of India.*

The humble memorial of the Committee of the  
Orissa People's Association, Cuttack.

RESPECTFULLY SHEWETH,—That your memorialists find themselves in duty bound to convey to Your Excellency their sincere and heartfelt gratitude for the introduction into Your Excellency's Council of the Bill for the amendment of the Criminal Procedure Code, with a view to remove certain invidious distinctions as to the trial of Native and European criminals—distinctions the existence of which is a stigma to a Christian Government, to a Government that professes to rule according to principles of justice and piety.

That, in doing so, they heartily agree with the British Indian and other Indian Associations and Societies in not convening a public meeting for contradicting the statement that the Natives are not interested in the measure for the reasons stated by them, namely, for avoiding unpleasantness by setting class against class and embittering feelings. For similar reasons, Your Excellency's memorialists content themselves with presenting this humble memorial at the same time feeling assured that, when Your Excellency's Government, in the discharge of its just and righteous duties, has taken up the matter, after noticing the growing discontent among the Indian nations expressed in several of their public papers, the Amendment Bill will be passed, and that all the attempts of its enemies to prevent it will prove fruitless.

That Your Excellency's memorialists further beg to state that, in some of the public papers of England, it is stated that the Natives are not at all interested in the said Amendment Bill of the Criminal Procedure Code, and that for that reason they do not agitate the point in question. But Your Excellency's memorialists humbly beg to state that the current of such agitations has from a distant past been running down to the present day, and that the editors of those papers make such a statement out of ignorance, or wilfully represent the fact to influence the minds of the hon'ble members of the British Parliament.

That Your Excellency's memorialists entertain ardent hopes that, by removing all distinctions of race, country and religion, Your Excellency will firmly establish the glory of Her Majesty's Government in India.

And your memorialists, as in duty bound, will ever pray.

No. 373J.D., dated 30th April, 1883.

From—W. D. BLYTH, Esq., Under Secretary to the Government of Bengal.

To—The Secretary to the Government of India, Legislative Department.

I am directed to submit to the Government of India the accompanying copy of a letter dated 19th instant, from the Honorary Secretaries, European and Anglo-Indian Defence Association, and its enclosures in original, being a memorial and connected papers from the Eurasian and Anglo-Indian residents of Mouhyr on the subject of the Criminal Procedure Code Amendment Bill.

Dated 19th April, 1883.

From—J. W. FURRELL, Esq., and S. E. J. CLARKE, Esq., Honorary Secretaries, European and Anglo-Indian Defence Association,  
To—The Officiating Secretary to the Government of Bengal.

We are directed by the Council of the European and Anglo-Indian Defence Association to forward herewith,\* in original, a memorial from the Eurasian and Anglo-Indian European British subjects, residents of Monghyr, on the subject of the Criminal Procedure Code Amendment Bill, and to request that you will forward it through the proper channel to His Excellency the Viceroy and Governor General of India in Council.

\* A memorial in original from the Eurasian and Anglo-Indian European British subjects, residents of Monghyr.  
One annexure, extracts from the memorial of the inhabitants of Cawnpore, paragraphs 5, 6, 7 and 8.

*To His Excellency the Viceroy and Governor General of India in Council.*

The memorial of the Eurasian and Anglo-Indian European British subjects, residents of Monghyr in Bengal.

RESPECTFULLY SHEWETH,—That your memorialists have learnt with deep concern the proposed amendment in the Criminal Procedure Code whereby Native Magistrates in the Mufassal have been vested with criminal jurisdiction over European British-born subjects.

That your memorialists have seen and considered the memorial of the Eurasian and Anglo-Indian Association to Your Excellency on the subject.

That your memorialists fully appreciate and concur in the views and reasons therein expressed and given against the introduction of the proposed change in the existing law, and your memorialists pray that the same may be taken and read as part of this their memorial.

That your memorialists have also seen and considered the memorial of the inhabitants of Cawnpore to Your Excellency on the same subject.

That your memorialists entirely endorse the views expressed in paragraphs 5, 6, 7 and 8 (copies of which are hereto annexed) of the said memorial, and pray that the same may also be taken and read as part of this their memorial.

Your memorialists therefore humbly pray that the Criminal Procedure Amendment Bill may not be passed.

And your memorialists, as in duty bound, shall ever pray.

*Extracts from Memorial of Inhabitants of Cawnpore.*

*Paragraph 5.*—Your memorialists are also strongly convinced that no change in the law is necessary or expedient, and they most earnestly deprecate any further attempts on the part of those Europeans in India whose power is great, but whose presence is temporary and not permanent, to encourage the Natives of India to agitate for positions in the administration and government of India on the principle of equality, while the following indisputable facts exist, namely :—

- (a) The Natives of India are admittedly subject races, bearing the greatest enmity and animosity towards each other, dependent on European soldiers to keep the peace, and, except an insignificant number of individuals in the Presidency-towns (who owe everything to compulsory education and contact with Europeans), are wholly unfit for independence.
- (b) They have unquestionably more of liberty, peace and protection than any other people in the world who are subject to foreign dominion.
- (c) They already stand equal before the law, subject to the same Penal and Civil Codes as the dominant race.
- (d) They have the benefit of personal laws to a greater extent than Europeans, Natives of rank and women being exempted from attendance in Courts of Justice.
- (e) The number of Europeans in India are comparatively so small that to admit and enforce the principle of equality without reservation and without considerations of race or feeling in every department would reduce British power in India to a cypher and make the British occupation of India unmaintainable, and eventually produce the same state of anarchy and disorder that prevailed before its conquest by the British.

The principle of equality has no application among the Natives themselves, as their domestic and social institutions prove.

*Paragraph 6.*—Your memorialists further submit that, with so many indications present in the minds of the people of India, namely :—

- (a) for their acknowledged unfitness for independence or self-government ;
- (b) of their, with few exceptions, acknowledged unfitness to exercise jurisdiction over the liberty and lives of even their own fellow-countrymen ;
- (c) of the necessity for excluding them from exercising any power except under proper safeguards ;

(d) of the necessity for excluding them from appointments in the army, and taking part in the defence of their country against disturbers of the *pax Britannica*;

to propose to grant them the principle of equality to the extent of permitting them to sit in judgment upon members of the dominant race seems to your memorialists residing in the Mufassal an unnecessary and dangerous innovation, which for many generations to come (your memorialists speaking on behalf of their wives and children) will never calmly acquiesce in or submit to.

*Paragraph 7.*—Your memorialists unhesitatingly aver that, should this Bill pass (which has already been spoken of by the Native papers as “an instalment” of what is to follow), there will be no adequate security or safety for your memorialists and European residents in the Mufassal, and the present peaceful state of India will, on the punishment of a European by a Native, be liable to disturbances of such a character as, if once set on foot, will produce greater anarchy and disorder than has been known in India for centuries.

*Paragraph 8.*—Your memorialists would further observe that they perceive in this Bill, in which the principle of equality is affirmed, the prelude to others of a similar character calculated to destroy British interests in, and exclude Europeans from, Mufassal India. That, if such is the ultimate aim and policy of the Government of India, your memorialists submit that the same should be boldly announced and notified to your memorialists and the thousands of Europeans entering into and settling in the country.

No. 2345, dated 2nd May, 1883.

From—R. D. MORRISON, Esq., for Agent, Eastern Bengal Railway Company,

To—The Private Secretary to His Excellency the Viceroy and Governor General of India.

In accordance with a resolution come to at a meeting of the European employés of this Company held at Sealdah on the 5th March, 1883, I have the honour to transmit herewith a memorial duly signed by all the European British-born employés of the Company, and to solicit that it may be laid before His Excellency the Viceroy.

*To His Excellency the Most Honourable the Marquis of Ripon, K.G., P.C., G.M.S.I., G.M.I.E.,  
Viceroy and Governor General of India in Council.*

The memorial of the European British-born  
employés of the Eastern Bengal Railway  
Company

MOST HUMBLY AND RESPECTFULLY SHEWETH,—1. That your memorialists have read with much concern the provisions of the Criminal Procedure Code Amendment Bill which was introduced into your Excellency's Council by the Honourable Mr. Ilbert on the 2nd February, 1883, by which it is sought to invest Native Civil Servants with jurisdiction over European British subjects in criminal cases.

2. That your memorialists humbly submit that they have a constitutional right to be tried only by their peers and their countrymen, and that in India they have always enjoyed the right of being tried by men of their own nationality, and have done nothing whatever to forfeit that right.

3. That it was with this knowledge that your memorialists have such a right, and with no apprehension that they should not continue to enjoy it, that many of your memorialists took service in this country, and encouraged by their employers, brought out their families and domiciled them here.

4. That although the Natives of India have by force of conquest become subjects of the British Crown, they are still aliens both in nationality and religion; and a European British subject appearing before a Court presided over by a Native Magistrate or Judge would be essentially before a foreign tribunal, without the advantage of that Consular protection which he would be entitled to in a foreign country.

5. That, in the humble opinion of your memorialists, the proposed amendment of the existing law is not only inopportune but is calculated to engender class-feeling and race-antagonism, which your memorialists, who are collaborators with a very large number of Native Railway employés, cannot too strongly deprecate as being injurious in the extreme to European and Native alike and to the public service generally.

6. That your memorialists would draw your attention to the fact that no dissatisfaction has been expressed by the Native community generally on the subject of the immunity from Native jurisdiction now enjoyed by European British subjects, and that none of their privileges have been affected by the existing order of things. In proof that the present law, as a piece of class-legislation, has been a success, and that cases coming under it should be enquired into and tried by trained European Magistrates, your memorialists beg to quote the opinion expressed by the Honourable the Legal Member of Council at the meeting of your Excellency's Council on the 2nd ultimo, in which he said—“And as to facts with which we have to deal, no one who has studied the statistics and reports of the cases involving charges against European British subjects can fail to be struck with two things: first,



that, as compared with the great mass of ordinary criminal business, *they are exceptionally rare*; and, secondly, that they are *exceptionally troublesome and difficult*."

7. That your memorialists as Railway employés are more likely to be injuriously affected by the proposed change in the law in respect of jurisdiction over European British subjects than other classes of the European community: first, on account of, in many cases, their isolation at stations far removed from European centres and Courts of revisional jurisdiction; and secondly, owing to the great amount of technical and scientific evidence that is usually introduced into Railway criminal cases, and which would be almost, if not quite, unintelligible to a Native Magistrate; whilst a protracted trial, with all the expense attendant thereon, followed probably by an erroneous and perhaps ruinous judgment, might not unreasonably be expected from the Judge's want of technical knowledge and experience in subjects with which European Judges are all more or less acquainted.

8. That your memorialists, whilst fully and cordially recognizing the right of Natives to a share in the administration of the laws of this country, beg to point out that the proposed amendment, if it becomes law, will place European British subjects at a disadvantage when compared with the mass of the population of India, as they will then be subject to the jurisdiction of Magistrates and Judges whose ideas of western civilization, manners and thought will have been gained only in India or during two or three years' study in England at some English tutor's or cramming establishment, preparing for the Civil Service; whereas now European British subjects are triable only by highly trained and educated Englishmen, who have an intimate knowledge of their inner life, habits and manners which it is impossible for their Native coadjutors to obtain.

9. That your memorialists would draw attention to the fact that a Native Magistrate of any class exercises, under section 445 of the Criminal Procedure Code, nearly if not all the powers which a Justice of the Peace can exercise in England, inasmuch as he can issue process of arrest, making it returnable to himself or to any other Magistrate having jurisdiction.

10. That your memorialists would deprecate any argument founded on the basis that, because Natives exercise jurisdiction over European British subjects in Presidency-towns, they should therefore exercise that jurisdiction outside Presidency-towns as obviously misleading, seeing that the respective positions are widely different. In a Presidency-town, any high-handed proceeding of a Native Magistrate would not of necessity imperil the liberty of the subject, as an immediate application could be made to the High Court, and a suspensory writ obtained within an hour; but in the Mufassal the European British subject would be entirely at the mercy of the local Native authority, and would be liable to be degraded by a week's imprisonment, perhaps with hard labour, before a distant High Court could be moved by the most energetic advocate to suspend the sentence.

11. That your memorialists, in conclusion, would respectfully submit that the protection which has been hitherto afforded them by the existing law is no more than they are entitled to under the British Constitution: and, as Muhammadans, Hindus, Parsis and many other races and sects in India are protected in the exercise of their own peculiar laws and customs by class-legislation, your memorialists pray that the rights and liberty so dear to them, and which are menaced by the proposed amendment, may not be withdrawn.

And your memorialists will ever pray.

*To His Excellency the Most Honourable the Marquis of Ripon, Viceroy and Governor General in Council.*

Memorial of Ladies residing in Bihar.

MY LORD,—You have expressed yourself as willing to listen to any remonstrances against the proposed change in the Criminal Procedure Code which are based on arguments consistent with the declared policy of the Crown and Parliament. We, who are Englishwomen living in Bihar, ask you to listen to our remonstrances; for the mainspring of that policy is justice to all classes of Her Majesty's subjects, and we submit that, should the provisions of Mr. Ilbert's Bill become law, they will do us grievous wrong.

Our grounds for remonstrating as Englishwomen against the proposed change in the Criminal Procedure Code are as follows:—

I.—We have no reason to expect that Native Judges will do us justice. We do not raise the question of their integrity, nor do we impute to them any want of will to be just. Our argument is that they can have no such knowledge of the characters and motives of civilised and educated women as shall fit them to judge them.

We see that in the social systems of India women are ignorant and enslaved. We see that up to this time the vast efforts of philanthropists have effected comparatively nothing to redeem them. We see the men of their races insensible to their degradation, if not contented with it. Therefore, we assert that men born or bred on such a system are unfitted to become the judges of women of a totally different type of society.

II.—Believing, as we do, that we cannot expect justice at the hands of Native Judges, in consequence of their ignorance of us, we beg to point out that one of the greatest of social evils would follow from the carrying into law of the provisions of Mr. Ilbert's Bill, namely, a considerable class of those amenable to them would be exposed to the uncertainty and anxiety which wait upon distrust of the efficiency of the administration of the law.

III.—We have no desire to add to the torrent of angry words which the proposed change in the Criminal Procedure Code has excited, but in conclusion we entreat you, for the sake of peace and concord, to withdraw this Bill. The harm which has already been done can never be undone, but possibly may be mitigated by removing the cause. It appears to us that the good it purposes to effect is truly insignificant compared with the evil it has caused and would continue to cause. We cannot expect you, in your high position, to appreciate the difficulties we feel in the way of cementing friendliness between ourselves and our Native neighbours; but these difficulties exist, and we earnestly and deliberately say that your proposal has added to them. We entreat you again, in justice to us, to listen to our prayer that you will withdraw this Bill. We, too, have been confided to your care by our Queen, and we, too, claim your consideration and justice.

Dated 26th April, 1883.

From—C. H. BROWNE, Esq., Honorary Secretary, Mysore Planters' Association,  
To His Excellency the Governor General of India in Council.

I have the honour to inclose your Lordship a copy of resolutions passed at meeting of the Mysore Planters' Association held in Chukmuglew on 19th ultimo, and pray that your Lordship may give the same due consideration, as being the expressed opinion of a body of European gentlemen, many of whom have spent a great portion of their lives amongst the Natives of India.

*Resolutions passed at an Extraordinary General Meeting of Mysore Planters' Association held in Chukmuglew on 19th March, 1883.*

I.—That gentlemen not members of this Association be admitted to this meeting.

II.—That, in the opinion of this Association, the alteration in the law proposed by Government, in the Bill entitled a Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, demands the concerted opposition of the European community throughout India, as being an unnecessary sacrifice of a highly prized and necessary right to ideal legislation, as certain to depreciate the value of European capital invested in the Mufassal, and as certain to lead to the harassing of the European in the Criminal Courts.

III.—That the President and Honorary Secretary of this Association be appointed to take such steps in opposing this Bill as may be deemed most expedient, and to receive subscriptions towards the fund opened by the Chamber of Commerce, Madras, for the purpose of defraying expenses incurred in the opposition.

IV.—That a copy of these resolutions be forwarded to the Resident of Mysore for his information, and with a request that he will forward the same to the Governor General in Council; also one to the Chamber of Commerce, Madras, with a hearty vote of thanks for the action taken by that body in defence of a privilege so necessary to the European in the Mufassal.

V.—That, in addition to the subscriptions guaranteed by the sub-associations to the fund inaugurated by the Chamber of Commerce, a subscription list be circulated amongst the Europeans in this district, whether members of this Association or not.

No. 3232, dated 14th May, 1883.

From—The Honourable C. GONNE, Chief Secretary to the Government of Bombay,  
To—The Secretary to the Government of India, Legislative Department.

I am now directed to reply to your letter No. 24C. of 17th March last, which conveys the request of the Government of India to be furnished with the opinion of the Bombay Government and of the Judges of the High Court and of such persons as this Government may think fit to consult on the provisions of the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

The Honourable the Acting Chief Justice of the High Court.  
The Honourable Mr. Justice West.  
The Honourable Mr. Justice Scott.  
The Commissioner in Sind.  
The Commissioner, N. D.  
The Commissioner, C. D.  
The Commissioner S. D.  
The Honourable the Advocate General.  
The Remembrancer of Legal Affairs.  
The Honourable Sir Jamsotji Jiji-bhoj, Bart.  
The Honourable Badrudin Tyabji.

John Fleming, Esq., C.S.I.  
Rághunáth Náráyan Khoté, Esq., C.I.E.  
Ráo Bahádur Mahádev Wásudev Barvé, C.I.E.  
Khan Bahádur Pestonji Jehángir, C.I.E.  
Kashináth Trimbak Telang, Esq., Barrister-at-law.  
The Chamber of Commerce.  
The Chairman of the Bombay Law Society.  
The Chairman, Bombay Trades Association.

2. The opinions noted in the margin have been received and considered, and are forwarded for the information of the Government of India. Other opinions will be forwarded when received, but the Governor in Council has felt that the matter has now been so thoroughly discussed that he need no longer delay the submission of his own opinion.

3. The effect of the Bill is that, whereas at present no persons other than European British subjects can be vested with jurisdiction over such subjects unless they be Judges of the High Courts or Magistrates of the Presidency towns, it is proposed that such jurisdiction shall be made exercisable—

- (1) by all Native Sessions Judges and District Magistrates ;
- (2) by such (a) Native members of the service known as the Covenanted Civil Service, whether appointed by competition or nomination, (b) Assistant Commissioners in Non-Regulation Provinces, and (c) Cantonment Magistrates, as may be found fit.

4. The objects of the change are understood to be—

- (1) to remove the anomaly that Natives who are admitted to the Covenanted Civil Service and held competent to discharge the highest judicial functions should be held incompetent to exercise jurisdiction over Europeans outside the Presidency towns, and
- (2) to remove all distinctions of race in the determination of the Magistrates, other than District Magistrates, who can be vested with this jurisdiction.

5. As regards so much of the Bill as would give effect to the first object which the Governor in Council understands to apply solely to the case of Native Sessions Judges and District Magistrates, His Excellency is of opinion that it would be proper that the jurisdiction in question should be given to all Native Civilians who attain those responsible positions. An opinion of the Bombay Government to this effect was communicated in my letter No. 4622 of 28th July last, and to this opinion the present Government adheres for the following reasons :—

(a) Native District Magistrates when appointed, which will probably not be for several years, will be persons highly trusted and found fit to have European Assistants, and it would be anomalous and affronting to their self-respect that they should have less jurisdiction than their Assistants. The sorts and degrees of jurisdiction to be assigned to other magisterial officers of the mofussil are left to the discretion of Government according to its sense of what is best for the general public interests. But it is the obvious intention of the law that a District Magistrate should exercise *ex-officio* the full magisterial function in all its branches. He is charged with responsibility for the peace of his district ; his position is exceptional and conspicuous ; and if a Native, his duty in relation to Europeans will be discharged under moral guarantees for care and rectitude not inferior to those which operate in the case of Magistrates in the Presidency towns.

(b) Native Sessions Judges should have the jurisdiction because if fit for the ordinary duties of such high judicial office they will, in the opinion of this Government, be competent to preside over the trial of Europeans, associated as they must be with assessors or jury, of whom not less than half will be Europeans if so desired by the person tried ; and because it might often be very inconvenient to Government and a hardship to Europeans and all persons concerned that there should be no authority in a district with power to sentence a European British subject to more than three months' imprisonment.

6. Considering, however, that this estimate of the competency of Native Sessions Judges, however supported by the opinions of experienced European officials, is not yet shared by the general European public, the Governor in Council would add the recommendation that in the event of the jurisdiction being given to Native Sessions Judges, any European accused, whether brought before a European or Native Sessions Judge, should have the right to be tried by jury even though the jury system may not have been extended by Government to the district in which the trial is held. In the mofussil a jury must be composed of an uneven number not more than 9 nor less than 3 ; a European accused may claim that at least half, which must be more than half, shall be Europeans ; the verdict proceeds from the majority, and the Sessions Judge if differing can only refer the case to the High Court. Should the Sessions Judge concur with the majority and pass sentence, the alleged severity of such sentence can still be appealed against to the High Court as if it were a point of law.

The law provides for many distinctions in the procedure applicable to Europeans and Natives ; but there is no matter in which Europeans by virtue of their national customs could claim a distinction more reasonably than that of trial by jury. The distinction would also be in harmony with the existing law which enables the Government to introduce the jury system in such districts and for the trial of such particular class of cases as it thinks proper. Under the late Code of Criminal Procedure (Act X of 1872) Europeans not being British subjects actually possessed the right which, it is now suggested, should be conferred on all Europeans, whether British subjects or not.

With the safeguards which the jury system affords no reasonable objection could be taken by Europeans to trial by Native Sessions Judges.

As regards so much of the Bill as would give effect to the second object, the Governor in Council is of opinion that the time has not arrived when all race distinction should be eliminated from magisterial qualification.

As a preliminary observation, His Excellency would submit that the total removal of race distinction appears to be impossible unless the Government either submits to a great restriction of their present practice in the matter of appointing Europeans to be Justices of

the Peace in the mofussil, or extends the qualification for receiving such office to Native Magistrates occupying many positions besides those mentioned in the Bill.

Political Agents who have to try Europeans committing offences in Native States can be made Justices of the Peace under the separate provisions of Section 6 of the Foreign Jurisdiction and Extradition Act of 1879, but as regards British territory outside the Presidency towns, the Bill as it stands would debar the Government from appointing any European to be a Justice of the Peace unless he happened to be a member of the Covenanted Civil Service, an Assistant Commissioner or a Cantonment Magistrate. But the necessities of our administration have hitherto from time to time required that the office should be conferred on Europeans filling many other positions, as for instance officers of the Staff Corps or Uncovenanted Service employed as Railway or City Magistrates and Medical Officers superintending sanatoria. Officers again are made Justices of the Peace for purposes other than the trial of Europeans, as for instance Military Officers for attesting enlistments, and Commissioners or Deputy Commissioners of Customs for adjudicating on goods liable to confiscation (Section 20 of Act XXIX of 1857).

Again, the Act as it stands would debar Government from utilising the services of non-official Europeans as Honorary Magistrates and Justices of the Peace for the control of their countrymen in particular localities. In this connection the total abolition of race distinction could not be maintained unless the qualification were extended to every Native of British India who might be made a 1st class Magistrate.

In the opinion of this Government no restriction whatever should be placed on the liberty of Government to utilise the services of European British subjects as Justices of the Peace at their discretion, and a distinction of race must at least continue to this extent that while all European British subjects are qualified for the office, only those Natives can be qualified who fill certain specified positions.

8. Attention being next confined to the question of the particular positions which should entitle Natives to the qualification, the Governor in Council proceeds to remark that the question put to him last year was whether all Native members of the Covenanted Civil Service or at least those who have attained the position of District Magistrates or Sessions Judges, should be entrusted with jurisdiction over Europeans. The Government were then of opinion that the jurisdiction should be given to those only who become District Magistrates or Sessions Judges. To this opinion (subject to the suggestion in paragraph 16, clause *b*) the Governor in Council adheres, and it follows that he would not extend the jurisdiction either to Native Assistant Commissioners in Non-Regulation Provinces, or to Cantonment Magistrates before whom, moreover, European soldiers and their wives are frequently brought. As no Native Officer of the Indian Army may sit on the Court-Martial of an English soldier, so should no Native be appointed a Cantonment Magistrate. In fact the instructions of the Secretary of State have hitherto been precise that only Military officers are to be so appointed.

9. After the public discussion of the question that has taken place, the Governor in Council feels bound to state why he holds that the jurisdiction should not be extended to Native Magistrates other than District Magistrates, although he is averse from relying on any of the numerous reasons that have been put forward, about which there is difference of opinion not only between Natives and Europeans, but also among the Europeans themselves.

He conceives it to be indisputable that Government must recognise the fact of the unwillingness of Europeans to be tried by Native Magistrates, and the bad consequences that are almost certain to ensue if this unwillingness be ignored—consequences involving disorder in our Courts of Justice and constant revivals of ill-feeling between the two races.

10. So far as this unwillingness is based on the idea of race superiority, it has not the sympathy of the Governor in Council, for no superiority is likely to be apparent when the European race is represented by a prisoner at the bar and the Native race by a highly educated and carefully chosen Magistrate. But the unwillingness is based also on the difference between the language, feelings and social customs of the two races, and however much its reasonableness even on this ground may be disputed, the Governor in Council is certain that it is honestly believed to be reasonable by the majority of Europeans.

In answer to this consideration the public exponents of Native views have urged that, so far as the appreciating faculty is concerned, Native Magistrates are as competent to try Europeans as European Magistrates are to try Natives. The Governor in Council concurs in this remark. Such disadvantage as arises from the difference of race is common to both cases. Indeed the Natives who learn English from their early youth, and increasingly adopt it for their own purposes, speak and understand English far better than most Englishmen speak and understand the vernaculars—and the inner life of Europeans is not more a sealed book to outside observers than that of Natives. But the distinction taken is this: The Natives are content to be tried by Europeans in spite of the difference of race which becomes, in fact, a positive advantage in proportion as it is desirable that an adjudicator should be cut off from all the social connection through which influences might reach his mind. The Europeans on the other hand, unaffected by any compensatory considerations, dislike, as they have always and everywhere disliked, the idea of being tried by persons not of their own race.

11. Their feeling partakes of intelligible anxiety in the case of those, seldom to be found in this Presidency, who are isolated from the community of their fellow-countrymen. It is impossible to ignore the propensity of the common people in India to resort to the Criminal Courts for the attainment of their various objects, the facility with which false witnesses for

any purpose can be hired in every town and village, and the encouragement that would probably be given to false charges as against Europeans, regarded as intruders on the land, by the fact that they could be brought before Native Magistrates. The Magistrate's impartiality would be an imperfect safeguard against the risk, and no safeguard against the annoyance to which the objects of such false charges would be exposed.

12. Their feeling again would naturally take an extreme form in relation to the trial of women. There is no point of contrast between Europeans and Natives so striking as the positions of consideration and disparagement assigned to women in their respective social systems. The apprehension that a European woman tried by a Native Magistrate might be treated with what would be regarded as inconsiderateness in European estimation, cannot be put aside as wholly unreasonable. Nor could it be easily obviated by attention to the Magistrate's qualifications, because the highest educational attainments may co-exist with hereditary prepossessions.

Our laws of procedure, civil and criminal, deviate\* from the strict principles of English law

\* Section 640 of Code of Civil Procedure. in consideration of oriental sensitiveness on the subject of the appearance of women in Courts of Justice.

13. The Governor in Council will next advert to the circumstance that Natives are now admitted to the ranks of the Covenanted Civil Service in the proportion of one in six; and to meet the argument that if it can be foreseen that the time must come when it will be absolutely necessary to vest them with jurisdiction over Europeans, the change should be effected as gradually as possible and a beginning should now be made, he would reply that administrative inconvenience may be undoubtedly incurred if the Native Sessions Judges are denied the jurisdiction, but the proportion of European Magistrates in the districts will always be so large that no necessity need be anticipated of the employment of any Native Civilian Magistrate in the trial of Europeans. In the 5th paragraph it has been shown that the position of a District Magistrate requires that he should be vested with the full magisterial function *ex-officio*.

14. Due note has been taken of the fact that the proposal in the Bill is not that all Native Civilian Magistrates should have jurisdiction over Europeans, but that the Governments should have the power to vest them with such jurisdiction when specially qualified to exercise it, but the Governor in Council would submit in answer that the exercise by the Governments of their proposed discretion, whether in giving or withholding the jurisdiction, would be a difficult and invidious task, liable constantly to cause either dissatisfaction to Europeans or disappointment to Natives. It is probable that the discretion would be variously exercised by the Administrations of different Provinces, and by successive Administrations in the same Province. If on the whole it is very sparingly exercised, there will be a notable disparity between the effect of the new law and the pre-announcement of its principles. And in any case the whole change of law and practice effected would constitute so small a step towards the desired end of perfect equality of Natives and Europeans before the law, that it is not worth while for the sake of it to offend the European community by depriving them of a statutory protection to which they attach the highest value.

15. The satisfaction that the change would afford to the Natives would, in the opinion of the Governor in Council, be insignificant in comparison with the pain it would cause to the Europeans. The real feelings of the Natives are not to be judged by the theoretical claims put forward in a heated controversy. Judging from the previous tone of the Native Press in articles dealing with every topic of constitutional opposition, the Governor in Council believes that their sense of propriety has not been offended by the fact that the Europeans, who fill so strange a place in their community, are brought under special rules of criminal procedure and a special jurisdiction. They have seen, moreover, how little jurisdiction over Europeans is allowed even to European Magistrates outside the Presidency towns, and the Governor in Council can hardly doubt that the Native Magistrates themselves have been glad to be excused the jurisdiction altogether.

16. The mere disability therefore of Natives in this matter is not one that the Governor in Council can regard in the light of a serious political grievance. But it remains to consider whether an exceptional arrangement by which justice to Europeans is secured in the interests of public order involves practical injustice to their Native fellow-subjects. His Excellency has given careful consideration to the allegations that have been advanced on this head by Native leaders in the present controversy. They appear to be only two in number:—

- (a) The first is that owing to the paucity of European Magistrates in the districts, Natives who suffer slight wrongs at the hands of Europeans experience such trouble in finding a Magistrate qualified to entertain their complaints, that they perforce forego redress, and the commission of similar wrongs is thereby encouraged. Those, however, who prefer this complaint are perhaps ignorant of Section 445 of the Code, which would enable the nearest Native Magistrate to take the same cognizance of an offence committed by a European as he could if committed by a Native, and also to issue process to compel his appearance, provided it be made returnable before a Magistrate having jurisdiction to try the case. The trouble of afterwards appearing with witnesses before the trying Magistrate would be common to both parties, and probably far more irksome to the European defendant than to the Native complainant; and the fact that he could be exposed to it through the instrumentality of a Native Magistrate appears as complete a precaution as the law could devise for



checking the impression that Europeans can commit petty wrongs on Natives with impunity.

- (b) The second alleged ground of complaint is that European Magistrates are disposed to be unduly lenient to European offenders. Every case must be judged on its own merits and the Governor in Council will give no general opinion on the justice of this complaint, but he considers that the feelings of the Natives on the subject are natural and entitled to sympathetic consideration. He considers also that it is desirable to place the true motives of our legislation beyond suspicion. In his opinion, however, the amendment which the law requires for the reasonable satisfaction of the Natives on this head is not to allow the trial of Europeans by unaided Natives, but to give District Magistrates and other controlling authority power to order that any case appearing to call for such procedure should be tried by a Native Magistrate and a European Magistrate associated on one Bench, with provision for reference to the High Court in the event of their differing as to the verdict or sentence.

The change of law suggested could be effected by a short and natural addition to paras. 15 and 16 of the present Code of Criminal Procedure which provide for the appointment of Benches of Magistrates.

17. The Native Magistrate to whom this limited jurisdiction might be given should be of a specified magisterial class, for instance the 1st class, but not necessarily members of the Civil Service. In fact, in these recommendations no account is taken of the privileges of the Civil Service. If privileges are to be considered, there is no reason why the privileges of a few Native Civilians should outweigh those of the whole European community. Nor is there any gain in removing an invidious distinction between the powers of European and Native Civilian Magistrates by creating an equally, if not more, invidious distinction between Native Civilian Magistrates, of whom the great majority will owe their position to nomination, and the experienced men who are now filling the office of 1st Class Magistrate in the higher ranks of the Native Uncovenanted Service.

18. The recommendations of this Government then are (1) that District Magistrates and Sessions Judges should have the jurisdiction *ex-officio*; (2) that Europeans brought for trial before any Sessions Judge should have the right to claim a jury; (3) that provision should be made for the trial of cases likely to excite race antagonism by a European and Native Magistrate associated on the same Bench. Before deciding to make these recommendations, the Governor in Council submitted them as suggestions for the consideration of the Judges of the High Court and of the Advocate General and Legal Remembrancer. From the appended answers it will be seen that they have not received much support, but neither have any objections of weight been made against them, nor has any alternative proposal been suggested which the Governor in Council can prefer.

19. In the opinion of this Government, if the modifications of the Bill now proposed be regarded as no more than a compromise, it is one by which the Europeans will practically lose nothing and the Natives will gain. And if those authorities are correct who anticipate that it will not satisfy either party, the Governor in Council is confident that the dissatisfaction will be of the nature that subsides, whereas it is not likely that the adoption of an extreme course in either direction would be the final settlement of the dispute.

The following passage is extracted from the excellent speech lately made by the Sheriff of Bombay, Mr. Raghunáth Náráyan Khoté, C.I.E., at a meeting of Natives in the Town Hall: "It has been in the anxious contemplation of some people whether a medium course (and this is a fit case for a compromise) is not possible—such as might meet the convenience of the administration of criminal justice by the State—a course which, whilst it answered on the one hand the objections raised by the European population, would remove the disability of which the Natives could justly complain. Such a happy compromise would prevent the heart-burning between the two races, which is calculated to be daily increased if the present measure passed into law; for whenever any case involving race prejudices arose, the sore would open and keep festering."

Attention is also requested to the appended opinions of Mr. R. N. Khoté, C.I.E., the Honourable Mr. Badrudin Tyabji, and Sir Jamsetji Jijibhoy, who are distinguished representatives of the Hindu, Musalman and Pársi sections of the Bombay community.

20. The only technical argument that has been brought forward against the proposal to allow the Europeans a jury, is that the cases tried, being such only as would properly carry sentences not exceeding one year's imprisonment, will be of a petty character not usually submitted to juries. But a jury in a mofussil Court is a very different thing from a jury in England, and may consist only of three persons.

21. The only proposals for the modification of the Bill that have been suggested by persons whom this Government has consulted, and which call for remark, are three:—

- (a) The first would simply extend the jurisdiction as *ex-officio* to District Magistrates and Sessions Judges, and go no farther. The opinion first given by this Government in July last was limited to this effect. But the great public interest that has since been taken in the question has led the Governor in Council now to regard the proposal as an incomplete satisfaction of the demands, whether of Natives or Europeans. There is reason to fear that it would be treated as a mere instalment in the settlement of the question. Moreover, the additional provisions which the

Governor in Council has ventured to suggest should, in his opinion, be passed as being just in themselves, irrespective of the exigencies of the present controversy.

- (b) The second proposal is that Native Magistrates of the 1st class should be declared competent to try European British subjects if they make no objection. This appears to be already possible at the discretion of the Magistrate under Section 154 of the present Code. A provision by which a European accused could actually elect between a Native and a European Judge would certainly have the advantage of testing the reality of the objection of Europeans to be tried by Natives. But regarded as a compromise in a dispute which is mainly of sentimental importance, it can hardly be supposed that it would be satisfactory to the Natives to find that the exercise of jurisdiction by Native Magistrates had been transferred from the discretion of the Government to the discretion of European offenders. Also the proposal is open to the objection that it would enable an accused person to flatter his Judge.
- (c) The third proposal is a variation on the mixed-Bench proposal adopted by this Government, and is to the effect that Native Magistrates of the 1st class should have the jurisdiction subject to the right of the accused European to claim to be tried by a mixed Bench. It is open to the same objections as the proposal last mentioned.

22. Finally, the Governor in Council trusts it may be borne in mind that so far as his opinions can have value from acquaintance with the feelings and interests of the people concerned, they must be taken as applicable solely to the Bombay Presidency. There is a great difference between the Natives of different parts of India, and this Government is in no position to judge how far and in what aspects the solution of the present question is of greater moment to Europeans circumstanced as they are in Bengal than to the Europeans of this Presidency. At the same time His Excellency desires to express the hope that Europeans in all parts of India would acknowledge the sufficiency of the modifications of the Bill above proposed to secure entire justice to themselves, and would approve the extension of equal guarantees for justice to their Native fellow-subjects.

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*Extracts from the Code of Criminal Procedure, Act X of 1882, and other laws referred to in letter to the Government of India, No. 3232 of the 11th May, 1883.*

Section 274 of Act X of 1882 (paragraph 6).

274. In trials before the High Court the jury shall consist of nine persons.

In trials by jury before the Court of Session, the jury shall consist of such uneven number not being less than three, or more than nine, as the local Government, by order applicable to any particular district or to any particular class of offences in that district, may direct.

Section 307 of Act X of 1882 (paragraph 6).

307. If in any such case the Sessions Judge disagrees with the verdict of the jurors, or of a majority of the jurors, on all or any of the charges on which the accused has been tried, so completely that he considers it necessary for the ends of justice to submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

Whenever the Judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which the accused has been tried, but he may either remand the accused to custody or admit him to bail.

In dealing with the case so submitted the High Court may exercise any of the powers which it may exercise on an appeal; but it may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.

Section 418 of Act X of 1882 (paragraph 6).

418. An appeal may lie on a matter of fact as well as a matter of law, except where the trial was by jury, in which case the appeal shall lie on a matter of law only.

*Explanation.*—The alleged severity of a sentence shall for the purposes of this section be deemed to be a matter of law.

Section 269 of Act X of 1882 (paragraph 6).

269. The local Government may, by order in the official Gazette, direct that the trial of all offences, or of any particular class of offences, before any Court of Session, shall be by jury in any district, and may revoke or alter such order.

When the accused is charged at the same trial with several offences, of which some are and some are not triable by jury, he shall be tried by jury for all such offences.

Section 234 of Act X of 1872 repealed (paragraph 6).

234. Criminal trials before the Court of Session, in which a European (not being a European British subject) or an American is the accused person, or one of the accused persons, shall be by jury.



9. In the recent debate in the Legislative Council on the 9th March 1883 (I quote from the Supplement to the *Gazette of India* of April 21st, 1883, pp. 820-821) the present Lieutenant-Governor of Bengal said, "Ample and exhaustive as was the speech of my honourable and learned friend Mr. Evans, with a great deal of which I sympathized, there are great many facts which I could bring forward to support his contention that there is no administrative difficulty in connection with the matter, and I should have been inclined to challenge more strongly than he did the competency of the Native to try European British subjects. But this is not the occasion on which I shall press those views."

If it be the opinion of the Government of India that this is a case of temporary excitement which will soon die out, I am sure they are mistaken; for I feel that in the whole of my experience in India, this is unmistakeably the strongest and most united and unanimous expression of opinion, and of public discontent that I have ever known, and that the last state will be worse than the first. I could wish for myself that the Bill could be withdrawn, and I do so, not only for myself, but as expressing the opinion of a great many who have spoken to me on the subject, even though they support the principle of the Bill.

10. No one that I am aware of has ever disputed that false and malicious charges are frequently made in the Criminal Courts in India. In Civil cases, the Lords of the Judicial Committee of the Privy Council have in their judgments repeatedly complained of the great want of truth which characterizes much of the evidence which comes before them in the appeals from India. In the course of a judgment delivered in the High Court at Calcutta on the 30th August 1879, Sir Richard Garth, C.J., said: "No evidence here, whether oral or documentary, is, as a rule, so reliable as it is in England." (*Sikhhu Chund v. Dulputty Sing*, Indian Law Rep. 5. Cal. 387.) And it is only a few years ago that a decision of a District Judge in this Presidency was appealed against to the High Court of Bombay on the ground that the Judge had refused to hear evidence of a custom alleged to exist in a part of Gujarat that women went with child for a period of 2 years and upwards, the question turning upon the illegitimacy of a child born considerably more than 9 months after the father's death. No doubt any amount of evidence would have been forthcoming in proof of the alleged custom.

When in Lucknow a few years ago I was told on very high authority that witnesses could be procured there for a few pice each to prove anything required, from a murder down to the most trumpery assault.

11. Then the presence of a Native Magistrate on the Mofussil Bench will in my opinion act as an encouragement to persons either on their own personal grounds, or instigated and bribed by others to lay false informations against European gentlemen and ladies residing in the district, whilst if the Magistrate were a European, they might, to some extent, hesitate to bring what they knew to be a false and malicious charge against an innocent person.

12. I have myself no practical knowledge of the Mofussil, never having resided in it for any length of time—but I can call in aid the assistance of those who know life in the Districts well, and on this point I cannot, I think, do better than quote a few words used by Sir Stuart Bayley (who is in favour of the Bill) in the debate last month in the Legislative Council at Calcutta: "But there is another aspect of the case of the opposition which I think deserves most attentive consideration, and this is the real danger in which the isolated European, living in the Mofussil, runs from having false cases trumped up against him. It is right that I should state publicly that this danger is a very real and very serious one, for probably no member of this Council has had the same experience as I have of the lives led by planters in the Mofussil. My own experience has given me a strong feeling on this matter, and any one who knows the extreme bitterness with which disputes about land are fought out in the Mofussil and the unscrupulous methods to which recourse is had in conducting these disputes before the Court, methods to which a planter cannot have recourse, will understand how precarious his position may become, and how essential to him it is that the law should be well and wisely administered."

13. I cannot in the least admit that, what some seem to think sufficient, *viz.*, the supervision of the High Court, will be an adequate safeguard to the European planters, managers and ladies scattered throughout the enormously wide districts of British India. Its action, when invoked, will be too late. The real injury will have been caused by the laying of the false information supported by false evidence, and by the hearing in the Magistrate's Court, long before the proceedings are ripe enough for an application to be made to the High Court.

14. In my Minute dated the 5th July 1882, I pointed out what appeared to me to be the fallacy of arguing that because in the Presidency towns Native Magistrates could try and sentence European British subjects, therefore it was practically safe to let them do so in the Mofussil. It has since been concisely said and in better language than my own—"How can Europeans object to Native Magistrates in the Mofussil and yet suffer them in the Presidency towns? The power and influence of the European community, the blaze of publicity, the Bar, the presence and powers of the High Court, are sufficient answers. Besides, the Presidency Magistrate's functions are strictly judicial, and the practice of deliberately attempting to ruin rivals or enemies by cunningly concocted false charges which is still as common as ever in the Mofussil is practically unknown in Calcutta."

15. In conclusion, I may be permitted to remark that in my Minute already referred to, I stated my belief that the limited proposal then placed before my colleagues and myself would "cause a great outcry and discontent among Europeans in India."

That the present Bill has raised a perfect storm of discontent is apparent to all of us. I have already quoted the recent weighty words of the very experienced civilian, the present Lieutenant-Governor of Bengal on that point. And I must say that, although of course regretting, but scarcely wondering at the strong language used by some of the opponents to the present Bill, I am glad to see that this project of legislation which is so unfair and prejudicial to the interests of the European community has met with the almost universal disapproval of my fellow countrymen in India, who, far more than members of the purely official and executive class can better realize the extreme danger to their liberties which this Bill will cause if it becomes law. It has roused race antagonism, which, it should be remembered, must always exist in a more or less degree in this country, as long as England holds it, which of course she always will. The Bill in my opinion can do little, if any, practical good. It has exasperated Europeans throughout the length and breadth of India in the highest degree, is destroying the cordial relations and good feeling which have hitherto existed between Europeans and Natives, and ought in my opinion to be at once withdrawn before any further mischief is done.

16. The modified scheme put forward in the letter from the Chief Secretary to the Government of Bombay, dated the 17th April 1883, I strongly object to, as I entertain the decided opinion that no Native should be allowed to have jurisdiction to try European British subjects in the Mofussil.

*Minute by the Honourable Mr. JUSTICE WEST on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British Subjects, dated 8th May 1883.*

The proposal on which the opinion of the High Court was taken last year was one for placing all members of the Covenanted Civil Service, whether Native or European, on the same footing with respect to their jurisdiction as Magistrates and Judges over Europeans accused of offences. We all supported that proposal with the exception of Mr. Justice Bayley. That learned Judge (now Acting Chief Justice), as his present minute informs us, was from the first strongly opposed to the policy on this subject of the Government of India which, within the proposed limits, his colleagues thought just and wise and logically necessary.

In this division of opinions I cannot forbear from giving expression to my great regret that the Chief Justice who last year gave the policy of the Government of India his unqualified support should not have put on record his views as to the measures now submitted for consideration. It is one of capital importance and one on which his colleagues would have greatly desired to have the guidance of his ability and public spirit. The delay that has occurred has prevented Mr. Justice Kimball, I understand, from recording his opinion, which, from his experience and moderation of character, would have been of great value.

The Bill as it has been framed goes to lengths, I think, for which none of us were prepared, and it has been brought forward in a way which but few of us would think discreet. The "turbulent pride" of my own countrymen and the "sensitive vanity" of Natives, offended by that turbulence on which I dwelt in my few remarks of last June, have both been manifested in a way which shows what important factors these characteristics are in the problem of Indian Government. After what has passed retreat is almost as hazardous as an advance on the part of the Indian Legislature. Angry passions and race antipathies have been stirred up in a way that I have not witnessed since the dreadful days of the Mutiny, and local legislation, however just and beneficent in its purposes and principles, will be carried on with the same risks as electrical experiments in the midst of a thunder cloud.

At the same time I think it impossible that there should now be any yielding of principle. The Government of India cannot afford to be hectorred by any noisy section of its subjects; the lesson would be too soon and too fatally learned by every class in every district that it rules. The matter would, I believe, be best dealt with by withdrawing it altogether from the heated and unwholesome air of Indian politics and making it the subject of an imperial statute. This might readily be cast in a form which, while completely effective, would call forth but little or no opposition. In India it is impossible now, I fear, to frame any Act that will not excite vehement complaints and those venomous recriminations which rankle for a whole generation and make moral union impracticable.

If the matter is to be finally disposed of in India, I must state my conviction that the only safe principles to build on are the reverse of those set forth so vigorously by the Acting Chief Justice. If conspiracies and false accusations are so common as he thinks, if rancorous spite and perjury are so universal and so successful that is a terrible blot on the native character, but a terrible blot also on the British administration of India. Our criminal courts must be the most cruel instruments of injustice that the world has ever seen. We must have failed in our attempts to train native magistrates to conscientiousness and intelligent pride in doing their duty. We ought to acknowledge our failure and close every court not presided over by a European. The native magistrates must be either the tools or the accomplices of the worst of all criminals, and in either capacity can do nothing but mischief.

Now it would be a foolish thing to suppose, as some natives do ignorantly suppose, that the ordinary Englishman has not gained a great advantage over the ordinary Asiatic by the constitutional training which is for him the inheritance of so many centuries. Justice is

more in reality a matter of temperament of tradition and training than of mere cleverness. To this extent I think there is a reasonable basis for the desire of Europeans to be tried by their own countrymen rather than by natives of any other country. But they must know well that it is not every Englishman who is fit to be a magistrate or judge nor every Native who is unfit. They are bound to recognise that other people besides themselves have their pride and their prejudices, that universal jealousy would make their own position in this country untenable and that the organization of the tribunals must be regulated by considerations of the general good, not of what would best suit a small section of the community. If they do not recognize all this, their judgment is of little or no value, though, as the object of Government is to make subjects happy, their susceptibilities should still be wounded as little as may be compatible with the general welfare.

It is impossible that India should be permanently attached to England, except by the growth of some community of feeling between the people of the two countries. It is impossible that there should be such a community of feeling without some community of interests and employments. This has been the principle on which native gentlemen have been admitted to the Civil Service. They should be admitted sparingly enough to become imbued with its spirit and traditions. Thus admitted and carefully selected for the higher positions, there is no reason why they should not discharge their duties with credit to themselves and advantage to the public. The honour of our race is concerned in the experiment, and individual Englishmen must make some sacrifices for the sake of proving that they can train a nation.

If there is to be no movement, no participation of power with natives, what must be the result? The English will a generation hence be still more a caste than they are now. With their special advantages it is to be feared they may become an arrogant and unkind caste. Natives even of the highest character must meanwhile sink lower in their own esteem and grow more unfitted for the functions and position that we deny them. It is only by training and trial by selection and association that we can surround ourselves with worthy assistants and colleagues in the work of Government. Are we to put off the work indefinitely because it is attended with some difficulty? Will the difficulty grow less with time? Is not the difficulty very much in ourselves? And has not almost every Englishman who has worked with natives of the higher order found them on the whole sensible and right-minded? Grant that there is some prejudice at present against Europeans, is not this accounted for by a consciousness of not getting altogether fair play from Europeans? It appears to me, I confess, that to enrol natives in the Civil Service and then humiliate them as members of the service would be the surest of all means of spreading discontent amongst the most influential classes and of making moral and political progress impossible.

It is said that the task of trying European offenders exceeds the capacity of a native because of his ignorance "of our manners, customs and habits of thought." But if false and malicious accusations by natives are—as it seems they are—the chief evil to be guarded against, it is surely of more importance that the Magistrate should know the habits of thought of natives than of Europeans, and in this respect a Native Magistrate has a positive advantage. The advantage is not indeed so great as some people suppose. The sharp divisions of caste prevent the higher classes of Hindus from gaining an intimate knowledge of the ways of the lower classes, but still they know on the whole rather more than the European, and they are thus so far better fitted to sift the evidence of unprincipled witnesses. There is a great deal of exaggeration in what is said on this subject, and daily experience shows us that European Judges not knowing even a word of a native language still arrive on native testimony at convictions so strong that they act on them unhesitatingly in condemning native prisoners to death. The real difficulty in practice will arise from the habitual relations of domination and submission between Europeans and Natives. The associations thus created cannot on either side be shaken off at a moment's notice, and any want of strength or balance of character in a Native Magistrate trying an English rough is likely to lead the latter into some insolence or violence of a graver character than the petty offence of which he was first accused. The Native Magistrates who are to try Europeans ought to be as far as possible from peculiarities that would excite contempt or ridicule in the accused, and they should be placed if possible amid more decent and dignified surroundings than are common in the Mofussil.

As to the particular provisions of the Bill I am of opinion that it ought in the first instance to be limited, as the original project was to the object of placing native members of the Covenanted Civil Service on the same footing as their European comrades. When the experiment pushed thus far has proved successful and people have grown familiar with the exercise of the jurisdiction, it can be pushed a step further. It can also be withdrawn if necessary, or the Government may pause until a new stage in general development has been reached.

The European brought before a Native Magistrate should for the present have a right to claim trial by an English Magistrate. The necessity of giving security and of going to jail until they could be taken before a European would make most accused forego their privilege. The statistics could be gathered after a few years and the ground would thus be laid for a safe step in advance.

A European committed to the Sessions Court should in all cases be tried by jury. He thinks much of this mode of trial; Natives do not, but if a general feeling in favour of it should arise, I think there are probably but few districts in which it might not be introduced.

The Sessions Judge should himself preside at all trials of Europeans. They should not

be handed over to the Assistant Judges. Section 4 of the Bill should be modified accordingly.

A Native Magistrate enquiring into a charge against a European should have authority to transfer the case at any stage to a European Magistrate. This would get rid of many practical difficulties in the least invidious way.

I think it undesirable that the District Magistrate should be empowered to constitute a special bench for the trial of a European. The exercise of the power would excite jealousy and distrust, and every case of acquittal of a European against the opinion of the Native Magistrate would be paraded as an instance of injustice through race prejudice. The District Magistrate should have power to withdraw or transfer any criminal enquiry whatever (as in fact he has under section 528, Civil Procedure Code) for good cause, and beyond this it is not, I think, desirable to go. The fewer occasions there are for expressed differences of opinion between Magistrates the better.

Articles (b), (c), (d) should, I think, be struck out of section 1 of the Bill. The time will have come for enacting them when article (a) has been proved successful by a few years' working.

*Minute by the Honourable MR. JUSTICE SCOTT on the Criminal Procedure Code Amendment Bill dated 13th May 1883.*

Had I been asked to express an opinion on this measure six months ago, I should have minuted in its favour without hesitation. But the unofficial class in India is a most important body, and its opinion, when expressed with force and unanimity, as it has been on this matter, deserves careful consideration. I do not, however, find anything in the objections raised sufficient to make me change my mind, although they incline me to invest the proposed change with further guarantees.

It must be remembered that in 1836 the extension to Native Magistrates of jurisdiction over Europeans in civil disputes, and, in a less degree, the abolition of Grand Juries in 1865, raised a similar outcry. Yet even those who denounced them are now ready to admit the beneficial operation of both Acts.

It seems to me that the principle of this Bill is not only a sound one, but has been under discussion for many years, and has been already virtually admitted by the Government of India. It was thus stated by Mr. Ilbert when he introduced the Bill to the Council of India: "In the matter of a limited criminal jurisdiction over European British subjects to substitute for the disqualification arising from race a qualification depending on tried personal fitness."

In 1849 the principle was proposed, but it was thought the time had not come for its adoption. In 1856 and 1870 the Indian Law Commission strongly recommended that all classes should be made equally amenable to the same judiciary. In 1872 the principle again was brought forward and its adoption once more postponed, but only by a majority of one in the Council of India.

Meanwhile the circumstances of the case had changed. The Royal Proclamation of 1858 had announced Her Majesty's gracious will that, "as far as may be, the subjects of whatever race or creed should be impartially admitted to offices in the service of the Crown, the duties of which they might be qualified by their education, ability and integrity duly to discharge."

This was followed by the opening of the doors of the Covenanted Civil Service to such of the Natives of India who passed the requisite examinations.

In 1879 another important step was taken in the same direction. It was decided that a certain number of nominations of young Natives should be made, so as to bring up the number of Indians to the proportion of one-sixth of the whole number.

Thus the Civil Service was thrown open to the Natives of India. It was intended they should go to the Judicial side, and as a matter of fact I believe those that have entered have done so. To this fact must be added that Natives do not go much on leave and do not retire as European officials do. It is obvious that eventually the proportion of Native Judges will be nearer one-third or even one-half than one-sixth of the side of the service they have mainly chosen.

As their numbers increase and Natives have risen to the rank of Sessions Judge and first class Magistrate, it will be obviously impossible to deprive them of the powers attached to these offices. In the first place it would amount to a denial of the advantages of the service they have been invited to enter, and that invitation, instead of allaying discontent, would be a cause of Native irritation.

Then, again, as the number of Native Judges increase, the European judiciary will diminish. European tribunals will become rarer. Thus, unless this change is made, there will be an increasing denial of justice to all native suitors who may have been wronged by European British subjects, and cannot afford the expense and delay of attendance at a distant European tribunal. The increase of the number of European Judges is not possible. Already the cost of the Government of India is as great as its people can bear. The true remedy is to be found in the cautious utilization of the people of the country when they have been trained to the requisite fitness. There is no doubt of their power to reach the requisite fitness. It is sufficient to cite the testimony of the Lord Chancellor given in the debate of the 10th April last, who, in his experience as a member of the Judicial Committee of the Privy Council,

found "the judgment of the Native Judges of India bore most favourable comparison as a general rule with the judgments of the English Judges (of India)."

I now come to the objections that have been raised to the Bill. The first and most common is that race prejudice will influence Native Magistrates unfairly against the accused. The obvious reply is that race prejudice might all along have injured Mahomedans, Parsis, Native Christians and non-British Europeans, and yet no complaint has been heard. But there is another argument to which, I think, not enough weight has been given. Ever since 1836 Native Judges have had no race limit placed on their civil jurisdiction. European British subjects have come within their reach just as any other inhabitant of India. Now, it seems to me that if race antagonism is strong enough to destroy judicial impartiality at all, it would have worked on the Civil as much as on the Criminal side. The temptation is as great to injure a man in his pocket as in his person. Yet I have heard of no case of importance where injustice has been worked in the Civil Courts from this cause.

The next objection is that cases will be trumped up against Europeans and successfully carried through with the collusion of the Native Magistrate. There is no doubt a habit of perjury amongst the classes who appear in the Law Courts of this country. But I have rarely if ever heard of a Civil Native Magistrate being charged with such roguery, and if it has scarcely ever occurred on the Civil side, I do not see why it should happen more frequently on the Criminal side. The instant dismissal which would ensue on detection is, I think, a sufficient safeguard.

Another objection to the Bill lies in the absence of publicity in the Mofussil. This is a sound objection, which, however, must be annually decreasing in force. Since 1872, when the principle of this Bill was only rejected by one vote, railways have doubled in extent, telegrams and letters have doubled in number, and post offices and letter boxes have multiplied from 5,000 to 11,000. The inability of parties to obtain the assistance of Counsel is also urged, but to this objection I do not attach so much weight. The accused who can afford to pay for Counsel can afford to appeal against the decision.

The jurisdiction even of the Sessions Judge is so carefully limited, the power of intervention of the High Court so wide, and appeal so easy, that I do not attach very much weight even to the want of publicity. I think the European British subject will make his voice heard if he ever suffers a serious injustice. Nor have I any expectation that the introduction of this Bill as law will be followed by a host of unfounded charges. I am more afraid that the Native Magistrate may not have the moral strength to treat offending Europeans with due severity if they happen to be persons of local importance.

For this last reason, and in deference to the opinions of the non-official class who are the persons most affected by the proposed Bill, I adopt with a slight modification the proposal of the Government of Bombay to associate for the present a European Judge with the Native Magistrate in cases above a certain importance. But I would make the co-operation of the European Judge a matter of course. I would suggest that for this purpose High Court or Sessions Judges should go on circuit. Such a periodical visit would lend more publicity to Mofussil proceedings. The difficulty of a difference of opinion would arise, but might be solved by summary reference to the High Court.

The special privilege of jury-trial, if accorded to Europeans alone, would, I fear, excite a feeling of inequality, and I prefer the previous plan. Moreover, it would be difficult to find jurymen.

A third plan has been suggested in some quarters, to give the accused the option of being tried by the nearest European Judge or by the resident Native Judge. I think very likely the option would seldom be exercised. But it might be used as a means of expense, would certainly cause delay, and would oust the Native Magistrate from the jurisdiction which, as a Covenanted Civil Servant, he is in principle entitled to possess.

Finally, I think the test of fitness should be rigorously imposed. The Native Magistrate to whom this new jurisdiction is entrusted should as far as possible receive the training of a European Covenanted Civil Servant. Thus would be secured not only the ordinary intellectual qualifications, but the Native of India would also have experienced the civilizing influence of a residence in England. This rule would, no doubt, exclude the new Native Civil Service. But it would be within the principle of personal fitness, which is the avowed basis of the Bill.

No. 766, dated 8th May, 1883.

From—H. N. B. ERSKINE, Esq., Commissioner in Sind,

To—His Excellency the Right Honourable Sir JAMES FERGUSSON, BART., K.C.M.G., and C.I.E., Governor and President in Council, Bombay.

I have the honour to reply to Resolution No. 2258 in the Judicial Department, dated 2nd ultimo, calling for my opinion on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. The Statement of Objects and Reasons shows that the Bill has been prepared because "it was thought anomalous that while Natives of India were admitted to the Covenanted Civil Service and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects outside the Presidency towns." Whether the long established custom that the British



in India should be tried only by Judges or Magistrates who are themselves European British Subjects is rightly described as an anomaly is of little consequence, but if it be admitted that it is so, then the long continued existence of such an anomaly surely indicates that its existence has not been permitted without good reason.

3. When writing in June last, regarding the changes proposed, I expressed an opinion that these were not needed, and the discussions that have since that time taken place have only strengthened and confirmed this opinion. Whatever may have been thought when the Bill was first introduced, there can be no question now that the changes it is sought to introduce would be highly unpopular to the European community. The feeling of dislike to being tried by a Native Magistrate may, in a certain sense, be unwarranted, but it is to me at all events a perfectly intelligible one, and I cannot therefore blame those who hold it.

4. The European British subject has hitherto enjoyed certain rights and those he is unwilling to lose. Any member of the Covenanted Civil Service who had become a Judge or a District Magistrate must, it may be presumed, be qualified to try a European British subject so far as mere legal knowledge and requirements go, but this would not in my opinion be reason sufficient for depriving the European British subject of his long enjoyed and highly valued right and privilege. I altogether fail to see that there are any grounds for fearing that the present state of the law is in any way likely to be productive of harm, and therefore whether the present law is anomalous or not I would wish to see it continued.

5. I have never been in a district in which there were not several European Magistrates, and so far as I am aware there are none such. For this reason I do not consider that so far as magisterial cases are concerned, any practical inconvenience is likely to be experienced by the law being maintained in its present form. Some slight inconvenience might be caused were the District Sessions Judge a Native gentleman who could not try a European prisoner, but this slight degree of inconvenience would not, in my opinion, justify the change proposed.

6. I do not consider it necessary to explain in detail why I object to the changes proposed. So much has recently been said and written on the subject that I could state nothing new. I fail altogether to see that the continuance of the present law is continuing an "invidious distinction," for, so far as my experience goes, the distinction occasioned no ill-will, and was thoroughly understood and appreciated by the Native community. It is true that since the Bill has been publicly discussed the cry that the distinction is one that is unjust to the Native community has been raised, but this clearly is merely a result of the agitation caused by the proposed Bill and would never, it may confidently be asserted, have been heard had the Bill not been discussed, and I may add at times attacked with so much virulence by some of the European community. The agitation in favour of the Bill was in no sense spontaneous.

7. There is one other point to which I may refer as an argument against the Bill, namely, that it would not put an end to all distinctions between trials of European British subjects and Natives, and that anomalies would still remain which could only be removed by the repeal of the whole of Chapter 33 of the Criminal Procedure Code,—a course that I do not believe even the supporters of the present Bill would venture to recommend. This being so, matters had much better be left as they are.

No. 921, dated 10th May, 1883.

From—W. H. PROPERT, Esq., Acting Commissioner, Northern Division, Bombay,

To—C. G. W. MACPHERSON, Esq., C.I.E., Under-Secretary to Government, Judicial Department, Bombay.

I have the honour, as directed in Government Resolution No. 2258 of 2nd April 1883, Judicial Department, to submit the reports of the District Magistrates in this Division upon the Bill to amend the Code of Criminal Procedure, 1882. The District Magistrates of Kaira and Kolaba have forwarded, in original, separate reports by their Assistants and Deputies, and these also will be found amongst the papers herewith sent.

2. As regards my own opinion I have but little to add to the views I expressed as Collector and Magistrate of Khandesh when the question was mooted last year.

3. I then stated that a few years hence some or all of the changes now proposed by Mr. Ilbert will probably have to be made, but that in my opinion their introduction should be delayed as long as possible. I further stated that, *as a rule*, Native Magistrates in the Mofussil would rather not have the power to try Europeans, and this opinion I still hold.

4. I should now be glad to see Mr. Ilbert's Bill placed on one side and its further consideration deferred for an unlimited period, as I certainly think that the objections raised to its proposed provisions on the part of the European population of this country are based on solid grounds and are, therefore, worthy of consideration and respect.

5. It would, of course, be unbecoming for me or any other officer to hazard an opinion as to whether the Government of India can, just at this moment, shelve the Bill without loss of dignity. If, however, it be decided to proceed with the amendment of the Criminal Procedure Code, I would earnestly recommend that the appointment of Justice of the Peace in the Mofussil be conferred *only* upon members of the Covenanted Civil Service, *i.e.*, those who gained their position by competition in England.

6. It would be easy for every one of us to argue at great length in support of our own

particular view of the question, but, as the matter has already been publicly and officially considered from every possible point of view, it is undesirable for individual officers to say more than is absolutely necessary. It may be taken as proved, however, that the general opinion of Europeans of every class, and of a few Natives also,\* is opposed to a change in the law.

\* e.g., *Vide* the opinion of the Magistrate, F. C., Mr. Bahmanji Modi of Kaira, herewith sent.

No. P.-775, dated 14th April, 1883.

From—E. P. ROBERTSON, Esq., Commissioner, Central Division, Bombay,  
To—C. GONNE, Esq., Chief Secretary to Government of Bombay.

With reference to the Government Resolution No. 2258, dated 2nd instant, I have the honour to state that in my letter No. P.-1345, dated 29th June 1882, I deprecated any change in the existing law as being unnecessary and uncalled for.

2. Viewing the subject by the light of the very grave demonstrations of feeling that have been shown by the European community, it is clear that the opinion already recorded by me was correct. I would now go even further and urge that as there is no necessity for the measure it would be most impolitic to force the change which all experience has proved to be most uncalled for.

3. It cannot be urged that it is called for because the present law is a species of class legislation. Were that an argument to be admitted then all the special privileges that so many members of the Native community enjoy, such as immunity of certain classes from attendance at Civil Courts and the immunity granted to Pardah Nashin women, &c., &c., must in common sense and justice be swept away. Were this done the Natives who enjoy the privileges of so much special class legislation would be the greatest losers.

4. Europeans prize greatly their privilege of being tried by Europeans and by a jury of their countrymen before the High Court. While nothing practical is to be gained by a change in the law much will be lost. The question is not one which affects the Bombay Presidency so much as other places, as in almost every place in this Presidency ready access to European aid and counsel could be obtained. Anyhow the matter must not be dealt with in a sentimental manner. It is all very well to say that the Natives are fit for this and that duty, but they are not fit for all duties, and certainly they are not fit by training and experience to try Europeans. No Government has the right merely for the sake of uniformity and as a mere matter of sentiment to deprive anybody of its subjects of one of their most highly prized privileges; and if no better reason than mere sentiment and a desire to make the law uniform can be brought forward, the sooner all idea of any change in the law is abandoned the better. The proposal to change the law has already done much to undo the good feeling between the Europeans and Natives, and has overturned the labour of love and good feeling which has for the past 50 years actuated our best men. If the measure is pressed forward it will widen the breach between the races and the very first case in which a Native Magistrate deals unwisely and harshly with a European will cause a storm. It is only necessary to imagine a case in which a Native Magistrate should sentence a European to whipping or a case in which a European female should be unjustly sent to a jail or lock-up. The storm which would break over Government would be such as Government could ill bear, while the race antipathy would be so intensified as to defy all future attempts to allay it.

5. As the measure is unnecessary and uncalled for, and as no good can be derived from the change, why not leave good alone and let the law stand as it is.

No. 234 S.P., dated 6th May, 1883.

From—ARTHUR CRAWFORD, Esq., Commissioner, Southern Division, Bombay,  
To—The Chief Secretary to Government, Judicial Department, Bombay.

I have the honour to state, with reference to the Bill to amend the Code of Criminal Procedure of 1882, that I adhere to the opinion expressed by me on 22nd May last, No. P.-731—4, Confidential.

Government Resolution No. 2258,  
dated 2nd April 1883.

No. 731P., dated 22nd May, 1882.

From—ARTHUR CRAWFORD, Esq., Commissioner, Southern Division, Bombay,  
To—The Chief Secretary to Government, Judicial Department, Bombay.

In reply to your letter No. 2985, Conf. of 13th instant, I beg to state that in my opinion it is very desirable to place all the members of the Covenanted Service, whether European or Native, selected by *competition*, on the same footing with regard to criminal proceedings against European British subjects. As regards those appointed by nomination (Native Civil Service) it will not be invidious, at least for some time to come, to lay down that they shall not try European British subjects, unless they have exercised magisterial powers for three years. A similar restriction has been placed on all Assistant Sessions Judges (*vide* section 444 of the new Criminal Procedure Code).



*Opinion of the Honourable the Advocate General, Bombay, No. 31, dated 28th April 1883.*

I do not consider the proposed modifications of the Ilbert Bill mentioned in your letter of the 22nd instant advisable.

I think they will not satisfy either party and will tend to keep alive the present agitation.

They will dissatisfy the Europeans because they abrogate the principle which exempts them from the jurisdiction of Natives in criminal matters and open the door to further concessions, and the Natives will not be satisfied with less than they expected, and will know that by continuous agitation the jurisdiction now given will be extended little by little until at last they are placed (as they consider they ought to be) upon an equal footing with Europeans.

In my opinion it is wisest to settle the matter once for all. Either drop the Bill or go through with it.

No. 560, dated 28th April 1883.

From—J. R. NAYLOR, Esq., Remembrancer of Legal Affairs, Bombay,  
To—The Chief Secretary to Government of Bombay, Judicial Department.

I have the honour, as desired in Government Resolution No. 2258 of 2nd April 1883, to submit my opinion upon the Bill to amend the Criminal Procedure Code so far as it relates to the exercise of jurisdiction over European British subjects.

2. On the structure of the Bill I have no remarks to offer. It is designed to "remove from the Code at once and completely every judicial disqualification which is based merely on race distinctions," and this object it will no doubt effectually attain, if it becomes law.

3. But in the case of a Bill of this nature it is, I presume, the policy of, and necessity for, the proposed change in the law, rather than the manner of effecting that change, which the Government of India are desirous of obtaining opinions upon. This is a matter upon which I might write at much length, but as a great deal has already been written and said on both sides of the question, and I should only, in giving my own opinion in detail, repeat many of the arguments which have already been very ably stated by other persons, I will confine myself to a few observations which appear to me to strike at the root of the matter.

4. I take it that it has been demonstrated to conviction that the Bill is not required "for the more effectual and impartial administration of justice." The only other grounds upon which its necessity is urged are—

- (1) The removal of the slur upon the character of Native members of the Covenanted Civil Service, who, when they become District Magistrates and Sessions Judges, are not permitted by the present law to exercise jurisdiction over European British subjects; and
- (2) The administrative inconvenience which this disqualification is already beginning to cause and will hereafter cause increasingly, until the full proportion of Native Civilians have been appointed to the service and have risen to the grades of District Magistrate and Sessions Judge.

5. The law, as it at present stands, recognizes the fact that European British subjects object to their being liable to be tried by Native officers, both because they do not give those officers credit for being able to rightly understand and appreciate their motives or the evidence on which they might rely, and also because, as a rule (to which I am glad to be able to admit there are several honourable exceptions), they do not sufficiently trust those officers to believe that they would act impartially towards them. This is a feeling which is not confined to the non-official classes, but is almost universal amongst Europeans. Its existence has been so long recognized by the law that exemption from the jurisdiction of Native officers has come to be regarded by European British subjects as a highly prized privilege, their one safeguard against the intrigue, the deceit and the wily cunning with which they find themselves daily surrounded. The agitation caused by the publication of the Bill under consideration shows how great is the strength of this feeling still, and how averse the classes who will be affected by the change in the law are to part with their privilege.

6. The slur which is impliedly cast by the existing law upon the character of Native Judicial officers is due simply and solely to this intense regard which European British subjects resident in this country have for their own safety against false charges, false evidence and indiscriminating and perhaps partial judges. No Native who knows his own country can say that this feeling is unreasonable, no one with a spark of patriotism in his breast can say that it is unnatural. The question then arises, is it expedient for the sake merely of removing the implied slur upon the character of a few Native Judicial officers to deprive European British subjects of their cherished privilege? I think not. On the contrary, I think that the proposal to do so is unjust,—unjust to the English official classes to whom immunity from false prosecutions is as the breath of their nostrils; unjust to the non-official classes, engaged in trade or other industries, who can only venture to carry on their affairs in the remote parts to which they repair, if they are secure against dishonest and false inventions of Native rivals and cliques; still more unjust to the poorer classes of European British subjects settled or sojourning in different parts of India, themselves the mainstay of our power, or the descendants of the men to whose prowess and self-sacrifice we

Englishmen owe the possession of the country to-day and Natives owe the peace, the security and the prosperity which they enjoy under our rule.

7. But it is not merely the wish for the removal of an implied slur which appears to me to be actuating the large number of Natives who are interesting themselves in the passing of this Bill. Every Native fully understands the reason of the law as it now is and marvels, *not* that European British subjects should cling so closely to this one privilege which they enjoy, but that they should be content with so small an exceptional right. But it is obvious to them that the abolition of this last shred of distinction between themselves and European British subjects will finally bring both races to one common level. The desire to accomplish this end is, I believe, the motive which is really influencing those members of the Native community who are so busy at calling together meetings and memorializing Government in favour of the Bill; for, as has been frequently remarked in the course of the discussions on the measure, the Native community at large has no real interest or concern in the proposed change in the law, the only Natives whom it can affect are the few Native Officers in the Civil Service. If then the Bill be passed, will the political effect of the accomplished degradation of European British subjects be for good or for evil to the Empire? To me it seems that it will be fraught with evil.

8. The administrative inconvenience which it is alleged that the present law causes and will cause increasingly hereafter is, I submit, very much exaggerated. To take our own Presidency—there are at present but two Native Covenanted Civilians, one a Sessions Judge and the other an Assistant Sessions Judge. Mr. Tagore has been a Sessions Judge for some years now. So far as I am aware, not a single case has yet arisen in which his disqualification to try European British subjects has given rise to inconvenience. The railway works to which the Honorable Mr. Gibbs alluded in his speech in the Legislative Council as about to be commenced at Karwar are, I understand, still in the future, and, should they be commenced shortly, there are many other stations in the Presidency to which Mr. Tagore might be appointed—with satisfaction, probably, to himself where there is little or no European population amongst whom criminal cases are likely to rise. Mr. Tagore will *not*, in the ordinary course, be a Sessions Judge for some years to come. The Native Civilians appointed in this country are as yet only at the bottom of the list. It is clear, therefore, that in this Presidency the present law is not likely to lead to any administrative inconvenience for some years yet.

9. Nor will the administrative inconvenience which it may cause ever be considerable or unavoidable. One-sixth of the Civil Service only will be Natives, even when the rules under the 33 Victoria, Chapter 3, are in full force. At the most, therefore, one-sixth of the Sessions Judges and of the District Magistrates at any given time may be Natives. Surely the Executive Government would have no difficulty in locating this number so as to prevent any such inconvenience as the framers of this Bill wish to obviate. But if this should be found impossible, the difficulty might readily be met by enacting that if the District Magistrate is a Native, the jurisdiction over European British subjects ordinarily exercisable by District Magistrates shall vest in the Sessions Judge and *vice versa*. It is scarcely probable that the District Magistrate and the Sessions Judge of a district will ever both be Native Civilians, and at any rate such a contingency could always be avoided by the Executive Government.

10. Assuming, however, that the state of the law should occasionally necessitate the transfer of a Magisterial or Sessions case against a European British subject to another district, that would not, after all, be a very great hardship. The very works, which furnished the Honorable Mr. Gibbs with his most forcible illustration of the hardship likely to arise, would in a short time result in establishing railway communication between Kárwár and Dhárwár, and the journey from one place to the other would be no more than the journeys which hundreds of suitors have now to make from the Khaira District to Ahmedabad, from the Broach District to Surat, from the Kolába District to Thana, and from the Sholapur District to Poona. The fact has been quite overlooked that railways and other means of rapid communication are being spread over the length and breadth of the country, simultaneously with the appointment of an increasing number of Native Civilians, and that by the time any serious difficulty is ever likely to occur, the transfer of a case to the adjoining district or the deputation of a special officer to try the case on the spot will be a matter of but very slight inconvenience. But were the probable inconvenience as great as the supporters of the Bill conceive it to be, I would still be of opinion that even that amount of inconvenience is worth submitting to for the sake of maintaining inviolate the right of a European British subject to be tried by none but a European British subject. If it be admitted—as it is on both sides—that for an offence requiring to be punished with more than a year's imprisonment, a European British subject ought to be sent to the High Court for trial, it is surely not extending his privilege unreasonably to say that in order that he may be tried by a fellow-countryman, even for a minor offence, his case shall, when necessary, be transferred to the nearest convenient district.

11. I am, for these and other reasons, of opinion that the proposed change in the Code of Criminal Procedure is quite unnecessary, that it unjustly and needlessly deprives European British subjects of a highly valued privilege which they now enjoy without any injury or injustice to the Natives, and that it will be productive, politically, of evil rather than good effects.

12. But it is possible that in view of the controversy caused by the introduction of the Bill, it may be deemed desirable to pass a measure which without depriving European British subjects altogether of their privilege may yet not disappoint the hopes to which the proposals of the Supreme Government have given occasion in the Native community. Such a measure might be framed in more ways than one.

13. The simplest and, to my mind, the most satisfactory solution would be to extend the jurisdiction of Native Magistrates and Sessions Judges, as already proposed, but to give every European British subject the right of "appealing unto Cæsar," the right, that is, of claiming to be tried by a European British subject. No doubt, many trivial cases would occur in which an accused person would rather submit to be tried by the Native Magistrate on the spot and at once than incur the delay and trouble involved in a transfer of his case elsewhere. Many instances also would certainly occur, and as years roll on there is reason to hope that their number would increase, in which the character of the Native official would be so well established and so highly respected that his jurisdiction would be voluntarily accepted. But if the right of the accused, being a European British subject, to claim to be tried by a European British subject were reserved, the prospect of being *constrained* to submit to the jurisdiction of Native officials, which is all that is really objected to by European British subjects, would be removed.

14. It would not be absolutely necessary that in every case in which a European British subject thus claimed his right to be tried by a European British subject the case should be transferred to another district. If it came before a District Magistrate who was a Native, it might be transferred to the Sessions Judge of the same district; if he were a European British subject and *vice versa*, the law empowering the High Court to give the necessary directions and providing that the powers ordinarily exercisable by the one officer shall be exercised by the other, for the special purposes of any such case.

15. So far as concerns cases which come before a Sessions Judge, it has been suggested to me that there would perhaps be no objection to remove the disqualification of Native Officers, if section 460 of the present Criminal Procedure Code, which provides that—

"in every case triable by jury or with the aid of assessors, in which a European (not being a European British subject) or an American is the accused person, or one of the accused persons, not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans"

were repealed and in its place the provisions of section 234 of Act X of 1872, which directed that every trial of any such person before a Court of Session "shall be by jury" were restored and extended so as to include European British subjects. I have never been able to understand why the law should place Europeans (not being European British subjects) and Americans in a less favourable position than European British subjects. Such a distinction appears to me to be utterly unreasonable and selfish. But whilst I agree that Europeans, whether British subjects or not, and Americans should be placed on the same footing, I do not think that it would be expedient to make trial by jury compulsory in all cases against European British subjects which come before a Sessions Court. The limit of punishment which can be awarded in such cases by a Sessions Court is one year's imprisonment, which shows that the offences to be tried by it are not of so serious a nature as would usually be submitted to a jury. Moreover, the majority of Sessions Judges having no experience in the trial of cases by jury would find the change of procedure difficult to adopt satisfactorily in an occasional and rare case. But the chief argument against the suggestion is, I think, that it would not be acceptable to the opposers of the Bill whose great objection is that the trial should be presided over by a Native officer, for the popular mind attributes great power to the presiding Judge, even in trials by jury.

16. Another and, in my opinion, a better expedient would be to require that whenever a European British subject is arraigned before a Native Officer, he shall be entitled to claim that a Magistrate or Judicial Officer of standing who is a European British subject shall be associated with him on the Bench, and that in the event of a difference of opinion, whether as to law or as to fact, provision should be made for a reference of the point to the High Court for decision. This plan would probably answer well as regards cases coming before Native District Magistrates and would also meet the difficulty in cases triable in Sessions Courts with the aid of assessors, but it would be unsuitable in the few cases triable by jury. This last objection to it might be surmounted by directing that all trials of European British subjects in Sessions Courts shall be with the aid of assessors, and that for them trial by jury shall be confined to the High Court. This would also remove the practical difficulty which is likely to occur in some places of obtaining a sufficient number of Europeans or Americans to form "not less than half the number of jurors," if the accused person claims to be tried by such a mixed jury under section 451 of the Code.

17. I have restricted my remarks and proposals in this report to Native District Magistrates and Native Sessions Judges, because in the debate on the Bill in Council it appears to have been the general opinion that legislation is only necessary for Native Civilians of that standing. In that opinion I entirely concur and would earnestly deprecate the grant of jurisdiction over European British subjects, even in any modified degree or form, to Native officials of lesser standing.

Dated 7th May, 1883.

From—SIR JAMSETJEE JEJEEBHAY, Bart., Bombay,  
To—The Chief Secretary to Government, Bombay.

I have the honour to acknowledge receipt of your letter No. 2595, dated 18th ultimo.

2. I have ventured to delay my answer, not because I had not made up my mind, but in order to observe and watch the proceedings of the meeting of Saturday last in the Town Hall.

3. I have long felt that the present was a fair case for a just compromise being arrived at whereby the irritation felt by the European community on account of the proposed change in the existing law would be soothed down.

4. That the unjust and impolitic restriction placed by the existing law ought to be removed does not in my humble opinion admit of much doubt. Even among the non-official European community will, I am sure, be found many who will be ready to acknowledge that the disability complained of by the Native community is to them a sore grievance and humiliation, and not a mere fanciful or sentimental hardship.

5. As to section 1 of the Bill I think that all persons holding the office and powers of a Magistrate of the first class should be invested with the powers of a Justice of the Peace. I am humbly of opinion that no invidious distinctions ought to be made between civilian or non-civilian officers.

6. By the removal of the disability against all Magistrates of the first class who are Natives, one grand aim will have been achieved at one stroke. It does not seem expedient that such a vexed question should be again and again mooted. If the disability as regards civilian Magistrates of the first class alone be removed, as the Bill at present purposes to do, the question will sooner or later arise upon what principle the continuance of the disability against officers belonging to the uncovenanted branch of the service is to be justified. When such a question is once more started for public discussion, angry passions will again run high.

7. In my humble opinion much of the irritation will subside if the European British subject, whenever brought up before a Native Magistrate of the first class, were given the privilege of claiming at his option the benefit of another Magistrate of the first class, who should be a European British subject, being associated with such a Native Magistrate on the Bench.

8. As to sections 2, 3 and 4 of the Bill I have no observations to offer.

9. I venture to think that Magistrates of the District and Sessions Judges, whether Native or European, ought to be given the jurisdiction *ex-officio* over European British subjects, the former by reason of their high and responsible position, and the latter not only because of a similar reason, but also because at Sessions trials they are not sole and independent Judges.

10. In the case of all trials of European British subjects at a mufassal Sessions, I think the accused should at his option be given a trial by jury, of whom at least half should be Europeans. If they prefer a trial by the Sessions Judge with the aid of assessors, I do not see why they should not have their choice, but the privilege of trial by jury ought to be given to them out of respect for their national usages, and this would go far to quiet the minds of the European community, who are so loud in their complaints against a Native Sessions Judge.

Dated 19th April, 1883.

From—The HONOURABLE B. TYABJEE,  
To—The Chief Secretary to the Government of Bombay.

I have the honour to acknowledge the receipt of your favour No. 2595 of 1883 (Judicial Department), dated the 18th April 1883, requesting my opinion on the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, and to reply thereto as follows.

I have very carefully watched the proceedings in the Supreme Legislative Council in reference to this Bill; I have also read and considered what has been said and written both for and against the Bill at various public meetings and in the newspapers and elsewhere, and I must say that I have formed a very strong opinion both as to the justice and the necessity of the Bill in question.

The principle on which the Bill is founded seems to me perfectly unassailable; the object of legal machinery being simply to secure impartial justice, it ought to have no reference to the race of the Judge, but only to his qualifications. The question ought never to be whether a Judge is a European or a Native, but simply whether he is fit for the exercise of the powers entrusted to him.

The present state of the law is not only anomalous but unsatisfactory. A Magistrate of a lower grade, and therefore presumably less qualified, exercises jurisdiction, because he is a European British subject; while his superior, who is presumably better qualified, is declared incompetent to exercise, because he is a native of this country. It seems to me that this state of the law ought not to be permitted to continue, unless there are overwhelmingly strong reasons for it. The reasons put forward are as follows: (1) That Native Magistrates and Judges are likely to be swayed by their race prejudices in the decision of cases against Europeans; (2) That a great deal of perjury prevails in India and that false charges are often brought against innocent parties; (3) The difficulty of procuring Counsel and the absence of



public criticism in the Mofussil; (4) That the Native Magistrates and Judges are not acquainted with the habits and customs of the European community; (5) That a sound State policy requires that the prestige of the ruling race should be kept up and that the subjection of Englishman to the jurisdiction of the Natives of India will diminish this prestige; (6) That no administrative difficulty has arisen and therefore the Bill is premature.

As to the race prejudices, I am in a position to know that no such prejudices exist in the minds of the Native community against Europeans. The Native Magistrates and Judges may possibly be slightly prejudiced in favour of the European accused, they are not likely to be prejudiced against them. We have the experience of the Presidency towns to guide us on this matter on the specific point, and of the whole of India in regard to the administration of justice in general. Native Judges exercise plenary civil jurisdiction in the Mofussil over all classes, including Europeans. They exercise plenary criminal jurisdiction over all the native races of India, but I have never heard it alleged that Hindu, Mussalman or Parsi Judges have been guilty of partiality towards members of their own race or actuated by race prejudices against members of the other native communities. I consider this to be a conclusive answer to the insinuation that they would deal unjustly in the case of Europeans.

As to perjury, false charges, absence of Counsel and public criticism. In the first place these difficulties have been greatly exaggerated, and in the next place they have no special application to Native Magistrates and Judges. These difficulties are more or less incidental to the administration of justice all over India. They apply with precisely the same force to European Judges. They also apply to all other cases, both civil and criminal, in which the natives of India are concerned. The substitution of a European for a Native Magistrate will not affect the question in the least. The European Judge cannot, merely by reason of his race, detect a true charge from a false one. In order to do so he must have natural ability, knowledge of the law and judicial experience. But these are precisely the qualifications which are to be found in Native Judges to whom this Bill applies. Besides, if the Native Judges possess these qualifications sufficiently to try cases of murder and pass sentences of death against the Natives of India, it seems unreasonable to suppose that they are unfit to exercise the small amount of jurisdiction which the Bill confers upon them in regard to European British subjects. The chances are that they would use more care and caution in disposing of a case against an Englishman than ever against their own countryman.

As to want of acquaintance with the habits and customs of the European community. This is not true with regard to Covenanted Civil Servants who have spent years in England, nor with regard to those who have been educated in England or mixed freely with the Europeans in India. Besides this is not a difficulty which deserves very serious consideration. The English Judges, even Judges of the High Court, know next to nothing about the masses of the native community. Many of them do not even understand their language, and yet no one has ever argued that they are unfit to try natives of India by reason of their imperfect knowledge of the native community. Although a special knowledge of the ways of the accused may not, of course, be without its use, it seems to me that what is really essential in the administration of criminal justice is a knowledge of the law and of the world at large, combined with ability to appreciate evidence, in other words the very qualifications which the Bill secures to the European community in a remarkably high degree.

As to prestige of the Ruling Race, I cannot see that it will be in the least impaired by this Bill. The Europeans will still possess the privilege of being tried by specially qualified Judges and Magistrates. All the safeguards as to appeal, &c., are still preserved to them. Further, I think that the real prestige of the ruling race depends much more upon just and generous laws than upon the exception of the Europeans from the ordinary tribunals of justice.

As to administrative inconvenience, I think it is already grave and will become more and more intolerable every year. Further, it is unjust to compel a native of this country to incur the expense of going to a distant tribunal for redress because the Magistrate within reach is incapacitated merely by a race distinction.

On a careful consideration of these circumstances I have come to the unhesitating conclusion that no sound argument has been urged either against the principle or the details of this Bill, but I am convinced that there are strong affirmative reasons in its favour.

I think in the first place that it is highly impolitic to introduce questions of race in the administration of justice. I also think that the present state of the law draws an invidious distinction between European and Native members of the Covenanted Civil Service, which ought not to be tolerated. I am also of opinion that trial of European British subjects exclusively by Judges of their own race is calculated to bring discredit on the administration of justice and to produce the impression that the anomaly is maintained, not so much for securing impartial justice, as for screening European offenders.

I do not think the Bill is at all premature. It is impossible to postpone these necessary amendments without serious inconvenience in the administration of justice. The Bill must—if not now—at least in 2, 3, 5, or 10 years hence, pass into law. In the mean time the friction between the races will go on increasing. The Native Covenanted Civil Servants who have attained high judicial posts must feel naturally annoyed at their subordinates enjoying more extensive jurisdiction than themselves. The moral effect of passing the Bill now, when it will be accepted as a measure of justice, cannot fail to be beneficial upon the native populations, whereas passing it 10 years hence will be regarded as nothing more than a concession to irresistible popular agitation.

I am convinced that the stability of the British Empire depends far more upon just and equal laws and upon a generous treatment of the people than upon anything else ; and I am respectfully of opinion that this Bill is nothing more than the necessary outcome of the enlightened policy pursued by the British Government for the last 50 years, and that it will materially assist in promoting feelings of loyalty and attaching the people to the Throne.

But if the introduction of the Bill was in the first instance wise and politic, as I think it undoubtedly was, the passing of it now has become a matter of absolute political necessity. The moral effect upon the native populations of shelving or withdrawing the Bill, under the present circumstances, cannot fail to be pernicious. Such an act will be looked upon by them as a surrender of right and reason to passion and prejudice, as a triumph of turbulent agitation—however wrong—over calm and respectful representations, however just and well founded. It is impossible not to see the danger of such an idea taking hold of the minds of the 250 millions of the natives of this country.

I would therefore humbly, but strongly, advise the Government to pass this Bill into law, not only on account of its own intrinsic merits, but also on account of the exigencies of the situation.

Dated 4th May, 1883.

From—The HON'BLE BADRUDIN TYABJI, High Court, Bombay,

To—The Chief Secretary to the Government of Bombay.

I regret that I have not been able to reply to your letters of the 23rd and 25th April fully before to-day. I have, however, been so busy during the last few days that I have scarcely had time to look about me.

I may say at once that I fully appreciate the difficulty in which the Government is placed, and I heartily sympathise with the object which the Bombay Government seems to have in view, *viz.*, to bring about a settlement of this vexed question in a manner not only equitable in itself, but with due regard to the feelings of the important communities concerned on each side.

In attempting a compromise two points must be carefully borne in mind: 1st, the necessity of removing all invidious distinctions between European and Native Magistrates and Judges of *the same position* as far as practicable, and 2ndly, the removal of all exceptional provisions calculated to produce the impression—rightly or wrongly—that Europeans are to have, to use Macaulay's words, "something more or something less than justice," or even justice of a kind different from that meted out to the Natives of India. Bearing these two points in mind I have satisfied myself that the proposals mentioned by you may be accepted as a reasonable compromise by both parties to the controversy.

So far as Sessions Judges and District Magistrates are concerned, your proposals are the same as those in Mr. Ilbert's Bill, and it would be impossible to interfere with them in the slightest degree without trenching upon the principle of the Bill. As I understand, however, the difference between Mr. Ilbert's Bill and your proposals is this—that whereas the former would merely authorise the Government to appoint first class Magistrates who are members of the Covenanted Civil Service or of the Native Civil Service or Assistant Commissioners or Cantonment Magistrates to be Justices of the Peace, you would make *all first class* Magistrates to be *ex-officio* Justices of the Peace just like the Sessions Judges and District Magistrates, with this proviso that under special circumstances the District Magistrate may associate a European Magistrate to sit with the Native Magistrate. After the best consideration I can give to the subject I think your proposal is an improvement on Mr. Ilbert's Bill, both from the European as well as the Native point of view. It ought to satisfy the Native community because it will not only remove the mark of inferiority from Native Magistrates, but also all grounds for even suspicion as to partiality, and it ought to satisfy the Europeans because they will be comforted by the presence of a member of their own community on the bench.

I do not think there is any danger of the Natives clamouring for the bench system *in addition* to the provisions in Mr. Ilbert's Bill.

As regards the jury, I see no objection to it if the option is given to all prisoners tried before the Sessions Court. The uniformity of a system of laws is highly desirable, and no exceptional provisions in favour of a particular race ought to be made, if it can possibly be avoided. Your suggestion on this point seems to me to be perfectly harmless, and if you think it would conciliate the European community, I for one would gladly accept it.

With reference to the general principle of the Bill I have already stated my views both to the Government—in the Press—and at the public meeting. You say that I have not dealt with the strongest of all objections, *viz.*, "the absolute unwillingness of Europeans to be tried by persons not of their own race as shown by them in whatever part of the globe they have settled,—Turkey, Egypt, China, Japan, &c." Now with all deference this unwillingness to be tried by Turkish, Egyptian, Chinese and Japanese Magistrates is founded not upon the difference of *race* but upon the proved incapacity or corruption of the judicial officers in those countries. Race has nothing to do with it. It is the quality of justice administered in those countries that has compelled Her Majesty's Government to secure special treaty rights not merely for British-born subjects, but *ALL* subjects of Her Majesty, whether natives of India or of England. Moreover there is nothing to prevent the Consular Courts from being presided over by Asiatic subjects of Her Majesty, provided they are fit for the post. If the

objection had been founded on mere difference of race, and not of qualifications, you would have expected similar arrangements in France, Germany, Austria, Italy, Russia, &c., all of which countries are peopled by races different from the English. Further, look at Ceylon—the Native Magistrates there exercise jurisdiction over Europeans, no less than over Natives. Again, I understand that in the French and Portuguese territories in India, no such distinction is recognized.

Although, therefore, I can understand and appreciate the feelings of the European community on this point, I cannot see any just or valid foundation for them.

Dated 23rd April, 1883.

From—JOHN FLEMING, Esq.,

To—The Chief Secretary to the Government of Bombay.

I have the honour to acknowledge receipt of your No. 2595 of the 18th instant, in which you inform me that the Governor in Council will be glad to have my opinion on the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

In reply I beg to state that I entirely approve of the decision of Government “to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based on merely race distinction.”

That there is no immediate necessity for the change is in a sense true, but I cannot agree with those who regard the present disability of Native Magistrates as a mere sentimental grievance unworthy of serious attention.

To withhold from the Native Members of the Civil Service powers granted to Europeans is to maintain an invidious and to the former a humiliating distinction, calculated to lower their self-respect, and to rouse the indignation and resentment of the educated classes throughout the country; and I am therefore of opinion that Government has acted wisely in bringing forward this measure voluntarily, and anticipating an agitation, which is certain to come, if it be withheld.

With regard to the opposition which is being offered to the Bill, it is no doubt matter of serious concern that almost the whole non-official European community has been arrayed against it; but I respectfully submit that unless better reasons be advanced than any yet offered to the public, the removal of judicial disqualification based on race distinction should not be delayed.

The ascendancy of Englishmen in India will not be maintained by their hedging themselves round with privileges; and when men talk of their rights as members of the conquering race, they forget that every forward step in the British advance in India has been made with the aid of Native allies, and that our position in the country is largely dependant upon the good-will of the people.

It is natural that a man should prefer to be tried by one of his own race and speech, but it is simply absurd that a European should regard it as an indignity to be placed under the jurisdiction of a Native Member of the Civil Service.

As regards the fears expressed by the opponents of the Bill, that Native Judges are likely to favour their countrymen, and that false charges will be encouraged, they seem to me exaggerated and to a large extent without any tangible foundation.

It may be admitted as probable that the common people will more readily bring charges against Europeans (be they true or false) before a Native than a European Judge; but what justification is there for presupposing that the one will deal less impartially with such cases than the other?

The conduct of the Native Magistrates in the Presidency cities has not been impugned, and the suggestion that they would act differently if placed in some remote place in the interior and not subjected to the constant light of public opinion is a mere assumption.

For my own part, a long and intimate friendly intercourse with educated men in this country leads me to believe that the natives will do no discredit to the Service to which they have been admitted.

They are proud of the position they have attained, and will strive to justify their title to it as acting up to the noble traditions of the Service.

Since the beginning of this year I have been twice in the North-West and the Punjab, once before and once after the promulgation of this Bill, and on both occasions I saw a good deal of non-official Europeans and Eurasians; and I am satisfied from what I heard that the hostility to the Bill has been excited, not so much by the Bill itself as by the previous action of Government with respect to appointments of men of European race to the Uncovenanted Service and to the Public Works Department.

Intense indignation is not unjustly felt, at the declared preference of so-called natives over men of European origin, born and reared in the country, and I respectfully urge that Government should at once cancel all orders basing disqualification for employment on race distinctions.

I submit that the Government should recognise *fitness* only in making its appointments, engaging the best men it can get, irrespective of race and creed. At the same time I can



see no reasonable objection to a preference being given, other things being equal, to a *Native* over a *European*, meaning by the former a man born and brought up in the country whether of pure European or mixed blood or not, and by the latter, a man who has come from beyond seas.

I omitted to say above that I consider a European has a right to expect that those who have jurisdiction over him should thoroughly understand his language.

In the case of Native Members of the Uncovenanted Civil Service, this is guaranteed by the severe examination they have successfully passed; but in the case of the Native Civil Service it is probable that men will be sometimes appointed whose knowledge of English is imperfect, and from such jurisdiction over Europeans should be withheld.

Dated 23rd April 1883.

From—RAGHUNATH NARAYEN KHOTE,

To—The Chief Secretary to Government of Bombay.

With reference to your letter No. 2595 of 18th instant, asking for my opinion on the proposed amendment of the Criminal Procedure Code, so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to submit the following for the information of His Excellency in Council, as my humble view of the subject which His Excellency in Council has been pleased to refer for my opinion.

2. This amendment is but the natural outcome of the wise and benign policy of the British Government as proclaimed from time to time to Her Majesty's subjects in India. Time was when education had scarcely made any progress among the people of this country; when peculiar criminal laws had to be locally administered in different parts of the country quite unsuited to the usages and traditions of European British subjects; and when perhaps for the consolidation of the power and the preservation of the prestige of the British rule in the peculiar circumstances of a newly-subjugated and half-civilized country, a partial exemption in favour of Europeans from the ordinary local tribunals, and especially those presided over by natives, and the provision of exclusive criminal tribunals and an exclusive criminal procedure were necessary. But the conditions have now completely changed,—education has spread, and is spreading far and wide; a century and more has rolled over the conquered country; the consolidation of the Empire has been accomplished and its stability placed upon a permanent basis; a uniform Penal Code and law of procedure (with some exceptions only as to the law of procedure in the three Presidency Towns) have been promulgated throughout the length and breadth of the country; the removal of all distinctions of caste, colour or creed has been repeatedly proclaimed in statutes issuing from the Imperial Parliaments, and in Royal Proclamations issuing from the Throne. And the time has long since come when all distinctions between the trial of Europeans and of Natives ought to be altogether abolished.

3. Any distinctions favouring one class of subjects over another, in the present progressive state of the country, deeply wound the growing intelligence of the people, who plainly perceive and keenly feel such distinctions as so many violations of the plighted faith of the British Nation. Such distinctions are obviously mischievous, for they alienate the affections of the people, and are in direct opposition to the noble principle and policy of the British Government, *i.e.*, to rule India not by mere force, but through the affections of the people.

4. I am aware, on the other hand, that distinctions in favour of European British subjects have long existed and must needs be cherished by them as their vested birthright. It would convulse those who have hitherto enjoyed these to withdraw them altogether and at one stroke. This must be effected gradually as time and opportunity may favour the enforcement of the declared principle and policy of the British rule.

5. But the proposed amendment is indeed only a comparatively small advance in this direction. It only contemplates the placing of certain trusted and experienced Native Officers of Government in the exercise of the judicial office upon an equal footing with Europeans, and no more—but not the subjection of the British-born European indiscriminately to all the ordinary tribunals of the country which administer Criminal Justice to the people at large, nor to assimilate the peculiar procedure devised in his behalf to the ordinary procedure adopted far and wide in respect of the entire people. The proposed amendment is thus in itself a step of no large import, but is important in so far as it recognizes and carries out, even though it be to a limited extent, the grand principle of Government which underlies all administration in this country.

6. The opposition made by non-official European classes is to a great extent the result of short-sightedness and class prejudice, and especially of false notions of pride of race and superiority over Natives of this country.

7. The Europeans, who are thus opposing the measure, if they merely divest themselves of the notions which now cloud their judgment, will at once admit that under Native Officials they are likely to receive, if possible, more consideration than even under European Officials; for the former will naturally be careful to bear in mind, when trying European offenders, that their actions will be vigilantly watched in every direction, and they would rather err in leaning towards, than in being arrayed against, the European offender. All the fears entertained by those who oppose the Bill are more imaginary than real.

8. It is a matter well worthy of note that while Europeans profess the extremest aversion to being tried by natives *in theory*, *in practice* they frequently seek trial at the hands of Natives rather than of European Judges. On the 18th of this month prisoner Dwyer, a European soldier, was charged with the murder of a native up-country, and was put on his trial at the Criminal Sessions at the High Court just closed. He was alleged to be insane, but the European Counsel who defended him used his best endeavours to secure a Native Jury. He not only did not avail himself of the privilege which his client possessed of claiming a Jury, the majority of whom should be Europeans, but actually challenged no less than eight European Jurors, and he might have succeeded in getting an entirely Native Jury, had the law permitted his challenging more than eight Jurors without assigning reasons. I might quote as well another recent instance in which all the European offenders in a certain case at Allahabad preferred being tried by a Native Judge to being tried by a European.

9. The only inference that can be drawn from these and other similar instances is, that frequently European offenders do not *in practice* object to their trial before a Native Magistrate, although *in theory*, under false notions of superiority and pride of race, they may insist upon their right to be tried by Judges of their own nationality.

10. The oppositionists, too, have not even shrunk from using the argument against this Bill, that although highly educated, the natives do not possess that rectitude of character which is necessary for the impartial administration of justice. This assertion it is hardly necessary to combat, but if the Bill be now abandoned in consequence of their clamour on this ground, it would be inflicting undeserved degradation on the natives and attaching to them a cruel stigma, for they would thereby practically be proclaimed to the world as wanting in uprightness and moral character.

11. In conclusion, therefore, I beg leave to state that in my opinion the righteous and impartial policy of Her Majesty's Government towards India cannot be perfected so long as the oft-given generous promises of equal administration without distinction of caste, creed or colour is not carried out in its integrity. The present proposal, therefore, to place trusted and experienced Native Officials on a par with their European brethren in the Service, so far as their powers relate to the exercise of jurisdiction over European British subjects, is a step tending in the right direction; and is not only in perfect unison with the generous and righteous policy England maintains in the government of India, but is imperatively demanded by that policy.

Dated 26th April, 1883.

From—MR. RAGHUNATH NARAIN KHOTE, Bombay,

To—The Chief Secretary to the Government of Bombay.

I received yesterday your demi-official of the 23rd instant. I have already submitted my views on Mr. Ilbert's Bill generally in answer to the official reference which His Excellency was pleased to make to me. I had then scarcely any conception of the modified proposals, which were under the consideration of Government, and which are set out in yours under reply.

I have given to these proposals my best consideration, and taken as a whole I believe they are eminently calculated to suit the present exigency. My firm belief is that the scheme you have defined will soothe the irritation of the European population, while it will remove the evil complained of by the Natives. I take leave to deal with each proposal in order:—

- (1).—District Magistrates, Native or European, doubtless must be given the jurisdiction *ex-officio*, but we all know that in practice they will have few or no opportunities of exercising it. They will enjoy the jurisdiction more as a compliment to their responsible position than from any actual need for the exercise of it, except in very rare cases. My impression is that in practice they now exercise original jurisdiction in exceptional cases only.
- (2) & (3).—All Sessions Judges, whether Native or European, ought, I think, to have the jurisdiction *ex-officio*, but it would be to my mind desirable to make it imperative that they should be aided in such cases by a jury, of whom at least half should be Europeans. The same rule should apply to Assistant Sessions Judges. A trial with the aid of assessors would not, I think, give complete satisfaction. A trial by jury so constituted would have an almost magical effect on the European mind. I am persuaded that the opportunity might be taken to enlarge somewhat the limit of sentence, which it is competent to Sessions Courts to pass upon European culprits. The present limit of one year appears to me to be ridiculously low.
- (4).—The Bench system as regards Magistrates of the first class would become a valuable amendment to Mr. Ilbert's Bill. It would satisfy all parties, and would have the additional advantage of removing the invidious distinction between civilian and non-civilian Magistrates of the first class. It would give greater confidence in the tribunal, when both concurred in the verdict or sentence, and the provision for a reference to the High Court in case of difference of opinion would remove all room for complaint. There would, I take it, be the remedy by appeal in case of conviction as at present.

Thus altogether the scheme appears to me an extremely satisfactory one, and I venture to hope that it will eventually find its way in the shape of amendment into Mr. Ilbert's Bill.

I am going to take advantage of the opportunity I have offered to me in conveying the meeting next Saturday to set forth the outline of the scheme for the consideration of the speakers, and I will avail myself of the liberty held out to me to say that I have reason to believe such a scheme is at present under the consideration of Government. I will take care to indicate that nothing is known as to what conclusions Government may eventually arrive at.

I will also take the liberty of using the considerations, which you have given me as your own personal views. I agree with them *in toto*; and in putting them forward I fear I shall be using your own language for the simple reason that in conveying the same thoughts I cannot find any better of my own.

I saw Mr. Badrudin this afternoon, but he had no time, so we shall meet tomorrow again to compare notes.

Dated 24th April 1883.

From—MAHADEV WASUDEV BARVE,

To—The Chief Secretary to the Government of Bombay, Judicial Department.

With reference to your letter No. 2595, dated 18th instant, I have the honour to append a brief statement of my views on the "Native Jurisdiction Bill," a copy of which was enclosed in the letter under reply.

I cannot help thanking His Excellency in Council for giving me an opportunity of expressing my sentiments on the important Bill which has attracted so much public attention.

*Notes on the Honourable Mr. Ilbert's "Native Jurisdiction Bill" by Mahadev Wasudev Barve, dated 24th April 1883.*

The Bill has originated in a desire to remove certain legal disabilities under which the Native members of the Civil Service are placed in the matter of trying European British-born subjects. Its object is to place all the classes of Her Majesty's subjects in this country on a footing of equality in the eyes of law. The old law of Europe seems to have recognised distinctions between the followers of different religions, and the restrictions in the Indian law, now proposed to be dispensed with, are evidently a reminiscence of that law. In the early days of the British rule in this country these protective restrictions were excusable and, indeed, desirable, owing to, among other causes, the ignorance of Natives to understand the spirit of the English law which is so remarkable for its tender regard for the liberty and honour of an individual. Circumstances, however, have now vastly changed. The spread of English education among the Natives has raised their status, and they are found qualified for admission to the ranks of the Civil Service. Several of them, when invested with powers like those now proposed to be conferred upon them, have exhibited on the Bench moral rectitude in no way inferior to that of their English compeers. Indeed, I am not aware of any instance in which a Native has abused these powers to the prejudice of any European subject. Surely, such a case, if any, would have been pointed out and commented upon. The whole animated controversy which the Bill has given rise to, is at least singularly silent as to any instances of abuse of this sort.

But the desire to make the necessary amendments in the present law appears to have been prompted, not only by the improved tone observable in the official ability and rectitude of Natives, but by certain administrative difficulties which threaten to make legal proceedings in cases (for which the present Bill is intended to make a satisfactory provision) clumsy and circuitous, not to say that it would be inconvenient to the public and unnecessarily humiliating to the "pick and cream" of the Native Civil Service. The exclusion of Natives from the exercise of powers which are conferred upon European members of the Civil Service, of their own and sometimes of inferior standing, must have been a source of incessant uneasiness to them. These powers, considered by themselves, are not among the cherished objects of the ambition of any thoughtful Native in this country; but, when viewed in connection with other privileges which are liberally bestowed upon them, they have naturally become covetable objects, not for their own sake, but because exclusion from them is looked upon as a badge of inferiority.

If the amendments of the present Bill had been proposed about a year ago, when the whole Criminal Procedure Code was revised, they would probably have not evoked anything like the present violent and ungraceful opposition. Those who have studied carefully the history of English legislation in this country, which has always been animated with a desire to make the law progressive and equitable, by curtailing provisions which savour of race prejudices and distinctions, have acquired such a confidence in the instinctive uprightness of British statesmanship that they do not feel any hesitation in saying that sooner or later the reform intended to be introduced by the present Bill will be carried out. But if on the present occasion the Bill were allowed to drop, simply for the interested opposition of a very small section of the community, it would show on the part of Government a painful disregard to the feelings of the people of this country, the more so especially as the opponents of the

Bill have not been able to show any reason for giving it up, except its being unnecessary and impolitic. But the necessity of the measure, as mentioned above, has been practically felt; and as to the complaint that the measure is impolitic, it may be more correctly said that the withholding of the said powers from Natives would be still more impolitic.

I am humbly of opinion that the time for extending the jurisdiction of Native Magistrates has arrived, and that as the powers under the amended law would be conferred only on such Native members of the Covenanted and Uncovenanted Civil Service as would show themselves deserving of them by several years' service of approved integrity and ability, the danger which it is alleged would result to the people of the class over whom the jurisdiction would be exercised, is simply imaginary and unfounded.

Dated 28th April 1883.

From—MR. PESTANJI JAHANGHIL,

To—The Chief Secretary to the Government, Political and Judicial Departments, Bombay.

I have the honour to acknowledge your letter No. 2595 of the 18th instant, in which you desire me, by the direction of His Excellency the Right Honourable the Governor, to submit my opinion on the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. As the law at present stands, the exercise of criminal jurisdiction over what are called "European British subjects," outside the Presidency towns, is limited to Judicial Officers who themselves are European British subjects. In other words, those servants of the Crown in India who do not fall within the definition of "European British subjects" and who are chiefly Natives of the country are, though they are appointed to high posts and are deemed competent to discharge high judicial and administrative functions, declared incompetent by law to exercise criminal jurisdiction even of a very limited character over European British subjects outside the Presidency towns.

3. This disability arising out of race distinction is not only considered as opposed to the fundamental principle underlying the administration of the British Government in India, but is also felt as the source from which increasing administrative inconvenience will spring.

4. The Bill now before the Legislature proposes to do away with this artificial disability created by law, and to place the exercise of criminal jurisdiction over European British subjects on a basis which will be differentiated not as heretofore by distinction of race, but by distinction between the two great branches of the Civil Service, *viz.*, the Covenanted and Uncovenanted, the former including what is known as the statutory Native Civil Service. Assistant Commissioners in non-regulation provinces and Cantonment Magistrates are also proposed to be included in the category.

5. Further, though the disqualification arising from race is sought to be removed, the conferring of the powers necessary for the exercise of criminal jurisdiction over European British subjects is proposed, except in the case of Session Judges and District Magistrates who are to be Justices of the Peace *ex-officio*, to be permissive. It is left to the discretion of the Executive Governments to appoint to the office of the Justice of the Peace only such of the persons belonging to the classes named, as they may think fit.

6. This Bill, so far as it relates to the proposal of giving powers to Native Magistrates and Judges, has met with fierce opposition, chiefly from the non-official European community of India.

7. The Bill is opposed on the ground that under its provisions the personal liberty of European British subjects incurs grave risk of being jeopardised, and that European enterprise and capital of which India stands in so much need will be scared away from the country by such a feeling of insecurity.

8. The reasons assigned for this apprehension generally are, (1) incapacity of Native Magistrates and Judges to understand European manners and customs and ways of thought, (2) liability of Native Magistrates and Judges to be swayed by race prejudices, (3) prevalence of perjury and existence of a custom to get up false charges against innocent persons in India, and (4) absence of publicity and public opinion and of proper legal assistances in the mofussal.

9. These arguments and others of a more or less similar nature have been urged on the one hand and answered on the other with force and ability both in and out of Council, and in India and England generally. In fact, all that can be said on both sides of the question has been said; and I do not think there is now any new light to be thrown on the discussion of the subject.

10. I shall not therefore weary His Excellency the Governor with a repetition of what has already been said and said so well, but content myself with respectfully expressing my opinion in a general way that there is little or no real force in any of the arguments advanced against the Bill as above stated; and that the apprehensions entertained as to the insecurity in which the lives and liberties of European British subjects will be placed by the proposed measure and as to all the evil consequences arising therefrom, are groundless.

11. The existing legal safeguards in favour of European British subjects, the education and the moral surroundings of the Native Officials on whom the choice of powers will fall; the trial of mental and moral qualifications they will have undergone before being invested with powers; their skill in detecting frauds and falsehoods acquired from a course of previous



judicial training and from their more intimate knowledge of Native habits and thoughts; a vigilant supervision on the part of Government; a jealous watchfulness on the part of the European community generally; the knowledge on the part of the Native Judges and Magistrates that they are watched and are on their trial; the network of railways and electric wires all over the country which have annihilated all difficulties of time and space; the growth of an intelligent public opinion even amongst the Natives of the mofussal,—all these militate against the supposition of anything likely to go wrong in the way apprehended.

12. Similar fears were expressed and evils predicted when the so-called Black Act was passed in 1836; but time has proved them to be all groundless.

13. It is said that in Her Majesty's possession of Ceylon the Natives of the place exercise criminal jurisdiction over Europeans. If so, we have not heard of any evils arising out of such exercise of jurisdiction; and there is not a small influx of European enterprise and capital in Ceylon.

14. Other non-Asiatic nationalities such as Americans, French, Germans, Italians, &c., though they are generally akin to European British subjects in religion, habit and thought, and are not distinguishable from them in the eyes of the Natives of India, are not exempted from the jurisdiction, civil or criminal, of Native Judges and Magistrates; and it is not shown that they have suffered any inconvenience or hardship from the operation of such jurisdiction over them. And it appears somewhat inconsistent that the opponents of the Bill, while they evince so much anxiety for the safety of European British subjects, should not extend a tithe of their solicitude for the protection of other classes of Europeans and Americans, who have so many ties of affinities with them and who will equally be the objects of persecution or victims of incapacity at the hands of Native Magistrates and Judges.

15. But it appears that the opposition to the measure proposed arises not so much from a rational conviction of any serious dangers apprehended from its operation as from a sentiment that it would be *infra dig* and loss of prestige for the people of the ruling race to submit themselves to the jurisdiction of Native Magistrates and Judges. It is also just possible that the classes from which European criminals are drawn have a lurking fear that if the present Bill were to become law, justice will overtake them more speedily than under the present system which is productive of delay and inconvenience to all parties concerned.

16. The feeling of race superiority is a natural feeling and cannot be altogether ignored; and it must also be admitted that the preservation of English prestige is desirable from many points of view. But the English are eminently a practical and just people; and I have no doubt that when passions are subsided and when they come to learn by experience that a certain class of Her Majesty's servants who have been invested with certain powers have proved themselves worthy of exercising those powers, and that no harm has come out of the exercise of those powers, they will not be slow to extend the right hand of fellowship to their Native brethren. They will not be slow to recognize the change time has wrought, and to declare that it is alike unfair and inconsistent with the just principles of their own Government that a class of Crown Servants, otherwise qualified in every respect, should simply from the accident of their nationality, be under a perpetual ban of ignominy which is subversive of self-respect and a high moral tone.

17. I remember the time when there was a strong prejudice against Natives being made solicitors and barristers; and I also remember the days when it was considered simply blasphemous for a European to place himself under Native medical treatment. But I have seen these prejudices wearing off in my own lifetime. Now Native solicitors and barristers stand shoulder to shoulder and work side by side with their European brethren in the dispensation of Her Majesty's justice. European solicitors send briefs to Native barristers and *vice versa*. European solicitors and barristers plead before Native Judges. Native Surgeons don Her Majesty's uniform, and not only European gentlemen but also their families avail themselves of Native medical aid.

18. In the same way I feel sure that the honest English instinct will assert its ascendancy, and the prejudice against Europeans appearing for their trial before Native Magistrates and Judges will wear out in course of time; and perhaps after some years it will be wondered why so much enthusiasm, which might have been reserved for a better cause, was exhausted upon this little Bill.

19. In these circumstances, I humbly think that Government, in order to show every due deference to the feelings and sentiments of the large and important European community of India—important both to Government and the people of the country—should, for the present, introduce the measure in such a tentative form as the gradual working of it will in time disarm it of its fears and suspicions, and convince it that Government, while remaining loyal to the fundamental principles of the British rule in India, and while bound to remove all administrative inconvenience, will take no step which is not called by a change in time and circumstances. With this view, I would respectfully propose that powers to try European British subjects outside the Presidency towns in the limited way authorized by law should, for the present, as far as Natives are concerned, be conferred only on those Native servants who have entered or may hereafter enter the Covenanted Civil Service by open competition in England. The high test of proficiency they pass, their residence in the midst of Englishmen in England for a number of years, and their observation of English manners and customs and ways of thought will and ought to be a guarantee that they will properly discharge the functions entrusted to them. When this arrangement is found to work satisfactorily, as I have no doubt it will be,

and when further administrative inconvenience is felt, the process of giving powers to Natives may be carried further without, it is hoped, much opposition on the part of the European community of India.

20. This brings me to the consideration of what is called the "thin-end-of-the-wedge" argument. It appears to me that the fears, or I would rather say the anticipations, of the European community on this point are not unfounded. The present Government can speak only for itself. It cannot bind its successors. And it is impossible in the nature of things that in the varying vicissitudes of human affairs a kind of compact can be made and maintained for ever against any change whatever in some particular respect. An enlightened and progressive administration, whose *motto* is equality of status before the law, cannot look with complacency or indifference upon such personal laws or class privileges as may be found to hamper the good government of the country. All that the Government can say will be that it will make no change lightly, make no change which will not be called by the necessities of the administration.

21. The conclusions then at which I have arrived and which I have ventured to submit above with all respect and deference are—

1. That the principle of the Bill is perfectly sound and is in consonance with that lofty standard which the British nation has in its enlightened wisdom adopted in the Government of India.
2. That there are no grounds for apprehending any evil consequences from this measure to the lives and liberties of European British subjects or to the material development of India.
3. That the opposition to the measure has arisen more from a sentiment that it will be derogatory to the prestige of European British subjects to submit themselves for trial to Native Magistrates and Judges than from any other cause.
4. That this feeling on the part of a large and important community is, in present circumstances, entitled to all reasonable respect.
5. That this feeling will be temporary and will disappear as similar feelings in connection with other questions have disappeared under a calmer and juster appreciation of things.
6. That when Englishmen in India come to know by actual experience that the powers conferred upon a certain class of Native servants have been wisely used and that no mischief has arisen from the exercise of those powers, their natural instinct of justice and fair play will not recoil from recognizing the fact and admitting that it is, for the sake of a sentiment, as unfair to Government that their administrative work should be obstructed as to a deserving class of Her Majesty's servants that they should be branded with an everlasting stigma of infamy.
7. That to bring Englishmen in this frame of mind, it is desirable and expedient to proceed tentatively.
8. That with this object in view the desired powers may for the present be conferred on those Native Officers who have entered or may hereafter enter the ranks of the Covenanted Civil Service by open competition in England.
9. That when this arrangement is found to work satisfactorily, as no doubt it will be, the fears and suspicions now entertained will, to a great extent, be removed, and the system may be extended further as only administrative necessities may dictate.

22. Before concluding, I would refer to one point more, and I refer to it not as an objection or suggestion from me but as a point which is not clear to me. Under the Bill in question 4 classes of officers are eligible for the office of the Justice of the Peace:—(1) members of the Covenanted Civil Service, (2) members of the statutory Native Civil Service, (3) Assistant Commissioners in non-regulation provinces, and (4) Cantonment Magistrates. Section 7 of the Bill provides that "nothing in this Act shall affect the validity of any appointment made before the passing of this Act." Thus the powers as Justices of the Peace of European Military and other officers who may now be in the positions of Commissioners, Political Agents, Session Judges, District Collectors, &c., will not be affected; but such officers appointed after the passing of the Act will not be eligible for the office of Justice of the Peace. Unless, therefore, it be intended that all such officers, whether in regulation or non-regulation provinces, will in future be filled by members of the Civil Service only, it would appear that the Legislature, while trying to curtail the area of administrative inconvenience on the one hand, is, on the other, extending it, by placing a large class of servants of rank and position beyond the pole of jurisdictional powers.

Dated 26th April 1883.

From—K. T. TELANG, Esq., High Court, Bombay,  
To—The Chief Secretary to Government, Bombay.

I have the honour to acknowledge receipt of your letter No. 2595 of 1883, Judicial Department, dated the 18th instant, requesting me to furnish Government with my opinion on the Bill for amending the Criminal Procedure Code, 1882, now before the Legislative Council

of His Excellency the Viceroy. And in reply to that letter, I beg to state my opinion as follows.

Dealing with the question raised by the Bill, first as one of principle only, I own that I cannot see any possible ground on which its main object can be assailed. That object is not only in complete consonance with the principles which have been laid down as the guiding principles of British administrative policy in this country during the past half century; it is also in consonance with the lessons which all the past history of the world teaches us. The more earnest and thorough-going the attempts made to weld into one corporate body with co-equal rights and privileges any two races standing in the position of governors and governed, the greater the stability of the Government, and the greater the permanent happiness of all classes of the population. This seems to me to be so manifest, and is, indeed, so far conceded by the opponents of the Bill in question, that it is quite unnecessary to labour that point any further. The point which is really raised for consideration by the opponents of the Bill, is not the propriety of passing the Bill in the abstract, but the propriety of passing it under the present circumstances of the country. I venture to think that there is nothing in those circumstances to take the Bill out of the operation of the general principle above adverted to.

For what are those circumstances? It is said that to invest even a small number of Native Magistrates, as this Bill proposes to do, with jurisdiction to try Europeans accused of criminal offences, is to interfere, to some extent, with the foundations on which British power rests in this country. With all due respect for the quarter from which this argument comes, I must say that I find it very difficult to consider it seriously. No one is more ready to admit than I am that in the present circumstances of the country the existence of British rule in India is absolutely necessary for her advancing in civilization. But I cannot see that the foundations of that rule are in any way injuriously affected by the provisions of the Bill under consideration. The fundamental principle laid down by successive Indian authorities for years past, from provincial Governors to the Houses of Parliament, is that Natives of this country should be associated, gradually, it may be, but still steadily, and more and more largely, in its administration. And the contention that the very short step now proposed to be taken in furtherance of that principle will in any way dislocate, so to speak, the foundations of British power here, is a contention which can only be accepted by one who is prepared to condemn as short-sighted politicians all the most eminent Englishmen who have studied Indian questions—from Elphinstone and Malcolm to Fawcett and John Bright. The British Empire in India does not rest on European placemen for its pillars. And if it did, it is not so weak and tottering that the addition of a few Native placemen or even their substitution for European placemen, need shake it in the slightest degree. But then it is said that the prestige of the British name will be gone if European accused persons are made triable by Native Magistrates, and British prestige is a most potent factor in the stability of British power in India. When the notion of prestige is made to do duty in this way, one may, I think, be pardoned for treating it very much as Carlyle did. But the truth is that the prestige of the British name, which ought to be sedulously guarded, is not the prestige of its might, but rather of its capacity and its readiness to do right. The former will be of but little avail if the latter is sacrificed. And how can the sacrifice of the latter be avoided if in the face of the great Proclamation of 1858, such distinctions as those which this Bill seeks to remove are kept up year after year and decade after decade, without even any slight and gradual interference? How can that sacrifice be avoided if the Government, which lays down an inflexible rule about the right of Mahar boys to go if they please for their education to the nearest public school, will nevertheless prevent Native complainants from going for redress against a European to the nearest of the established public tribunals of the land? But further if there is anything in the argument from prestige, it is conclusively answered by two observations from two different points of view. First, under the law as it stands, and as it has stood now for many years, in all civil cases wherever instituted, and in criminal cases in the Presidency towns, Europeans are already subject to the jurisdiction of Native judicial officers. And secondly, under the proposed Bill, Europeans and Natives are very far, even now, from being placed on a par in the Mofussil. In the face of these considerations it seems to me impossible to attach much weight to this argument from prestige.

A good deal has been said about the absence of public criticism in the Mofussil, and the difficulty of getting the help of competent counsel there; and something has also been said about the ignorance of Native Magistrates regarding the manners and customs of Europeans. I do not wish to deny that there is some force in these circumstances. But the first two of them apply as much to the cases of Native as of European accused persons. And as to the last, most of the persons on whom the jurisdiction is likely to be conferred will be men, who, by their education and their modes of living and thinking, will know a good deal more about the manners and customs of Europeans than European Magistrates ordinarily know about the manners and customs of Natives. Why then should not the Native Magistrate be trusted to administer justice as well to Her Majesty's European subjects as European Magistrates generally do to her Native subjects? And here, I think, it deserves to be remembered, though it seems not to have weighed at all with those who have publicly spoken on this subject, that if it is necessary for a judge to be familiar with the manners and customs of the class to which the person to be tried belongs, it is at least as necessary for him to be familiar with the manners and customs of the class to which the witnesses whose evidence has to be weighed belong. It



follows, therefore, that in some important respects the Native Magistrate would actually be better equipped than the European Magistrate to try even those fabricated cases against Europeans about which we have heard and read so much during the past few weeks, and to detect that perjury about which such exaggerated and sensational statements have been frequently made.

I have not in the above remarks considered the suggestion that Native Magistrates will consciously do injustice to a European accused person merely because he is a European. All I need say upon that suggestion, which has been made in some quarters, is, that it is entirely unfounded. From all I know of my countrymen in Western India, and from all I could learn of my countrymen in Bengal while I was among them in connection with the duties of the Education Commission, I can confidently assert that there is no foundation for that suggestion, or for supposing that any such hostility to Europeans exists among educated Natives as the suggestion seems to imply.

It is further objected to this Bill, however, that no inconvenience has yet arisen which renders the proposal embodied in it necessary. Although I am no friend of over-legislation, I cannot accept this view. If I find a provision of the law, not defensible in principle, occasioning injury and inconvenience to any portion of Her Majesty's subjects, I think that provision ought to be abrogated. And if innocent persons, concerned as prosecutors or witnesses in cases where Europeans are the accused persons, have to be hurried over long distances from their homes, I consider the injury and inconvenience thence resulting to be grievances which claim redress at the hands of Government. The Procedure Code of 1872 took one step towards granting such redress. The present Bill takes another. I quite accept the view that there would be a good deal to say in favour of leaving things alone if the question was one merely between a sentimental desire for jurisdiction on the part of Native Magistrates, and a sentimental objection to such jurisdiction on the part of the European community. But that, I hold, is not the question here. The invidiousness of the distinction sought to be removed is only one consideration in favour of the change proposed to be made in the law. The anomalous, and sometimes practically inconvenient, results of that distinction and its inconsistency with the Queen's Proclamation are other considerations bearing upon the point which must be weighed together with the substantial injury to prosecutors and witnesses above alluded to. For my own part, I concede, or rather I ought to say I maintain, that the authorities should proceed gradually in the operation of curtailing these or any other personal privileges valued and long enjoyed by any class of Her Majesty's subjects. That I consider to be a sound principle of legislation. But applying that principle to the case now before us, I cannot perceive that any satisfactory and workable change could be suggested, which without being illusory, could be much smaller than the change proposed by the Bill.

This brings me to the details of the Bill, and it appears to me that no reasonable objection can be taken to section 2 and following sections. The only part of the Bill which seems to me fairly open to consideration is section 1. I have myself no practical suggestion to make regarding that section. But regarding the reference to Cantonment Magistrates in it, I must confess that I do not quite understand it. As regards the other three classes of officers mentioned in that section, they seem to me to stand on pretty much the same footing. But I do not think that there is any reason for preferring those who would fall under clause (b) of that section to the Deputy Magistrates who belong to the Uncovenanted Service. I confess that I have personally a very strong objection to the whole legislation by which the so-called "Native Civil Service" was constituted, nominally to supplement, but in effect to supplant, the Native Civil Service which formed an integral part of the great Covenanted Civil Service of Her Majesty. And if any one suggested the removal of clause (b) from Section 1, I should not be inclined to oppose that removal if, for no other reason, in order to induce Government to reconsider the whole subject of the admission of my countrymen into the Covenanted Civil Service. But under the law as it stands it would seem to be difficult to place the members of the classes designated in clauses (a) and (b) of section 1 on any unequal footing. It might, perhaps, be better to strike out clauses (a), (b), (c) and (d) and simply give power to the local Governments to invest any Magistrate of the First Class with the powers of a Justice of the Peace. This, doubtless, confers on the executive Governments powers which, in strict principle, ought to be exercised by the Legislature directly. But strict principles cannot be logically applied where compromises have to be effected. And in this particular case the executive Governments are sure to be familiar with the probable results of the exercise of such powers on those who may be affected by them.

Upon the whole, then, I venture to give my voice, without hesitation, in favour of the principle of the Bill in question. If any changes in section 1 are likely to disarm the opposition to the Bill which has unfortunately arisen, I would humbly recommend their being accepted. The feeling which has given birth to that opposition is one which in some of its forms commands my sympathy, and I should be disposed to go a considerable way to avoid doing it any unnecessary violence. But a supporter of the Bill is not the best person to suggest any such changes as I have alluded to. At all events, having none such to suggest, I can only submit respectfully the general recommendation made above.

In conclusion I beg to apologise for the delay which has occurred in sending this reply by reason of pressure of other business.

Dated 12th April, 1883.

From—J. GORDON, Esq., Secretary, Bombay Chamber of Commerce,  
To—The Under-Secretary to Government, Judicial Department, Bombay.

I am directed to acknowledge the receipt of your letter No. 2260 of the 2nd instant, forwarding a letter from the Government of India, Legislative Department, No. 246, dated the 17th March last, and of a Bill to amend the Code of Criminal Procedure, with the Statement of Objects and Reasons which accompanied it, and requesting that Government may be favoured with the opinion of the Chamber on the provisions of the Bill.

The proposed amendments were discussed at a General Meeting of the Chamber held on the 6th of March last, and the proceedings of the Meeting and the Memorial of the Chamber thereon, dated 22nd idem, were duly forwarded to Government.

The Committee direct me to say that if any further expression of opinion is wanted now, or may be desired hereafter, the Chamber will be happy to furnish it.

Dated 10th May, 1883.

From—H. W. PAYNE, Esq., Chairman of the Bombay Law Society,  
To—The Under-Secretary to Government, Bombay.

I have the honour to acknowledge receipt of your letter No. 2262 of 1883, dated 2nd April 1883, with its enclosures.

1. I placed the letter before the Committee of the Law Society, and the Committee after discussion passed the following Resolution:—

That the Committee while thanking the Chairman for his courtesy in placing before them the letter in question, consider that its object is to elicit the individual opinion of the Chairman on the subject to which it refers, and are of opinion that the objects for which the Society is constituted will not be furthered by inviting a discussion among its members on the subject.

2. In explanation of the latter part of the Resolution of the Committee I beg to say that the Society is composed of the Solicitors of the High Court, European and Native, and the main objects of its constitution are to maintain the honourable character of their branch of the profession, to bring to the notice of the Court any malpractice of any of its members, and generally to promote the interests of its members as a body.

3. As the Committee considered that my individual opinion was called for, I respectfully beg to submit my views on the subject of your letter.

4. After very careful consideration I have come to the conclusion that the proposed amendment of the law will not be beneficial.

5. As an abstract question I quite admit the right of every inhabitant of India not to be subject to any judicial disqualification based merely on race distinction; but while admitting that right, I think it impossible to admit its application to the fullest extent where it conflicts with other rights or customs, or to the circumstances under which the Government of India have to legislate for the people of this country.

6. If it is asserted that, being a right, therefore it ought to be applied without regard to any other question, I do not see where one is to pause between the adoption of that principle and leaving the people of India to govern themselves.

7. The question seems to me to be—Will the proposed amendment of the law add to the contentment or happiness of the people of this country? Will it promote good order, and, involved in the above, is it in accordance with the state of things under which the Government of India has been established and rests?

8. First, to consider the grievance it is proposed to remedy, now, the principal objection of the educated native to his disqualification to exercise judicial powers over European British subjects in the Mofussil is that it is a stigma on his race and on his judicial integrity.

9. If it be such a stigma, it is shared by natives of almost all oriental countries. All the European States and the United States of America have insisted on the exclusive right in most of those countries of trying their own subjects in criminal cases by their own Consuls. Nations, such as Turkey and China, who are not wanting in pride, and who have at least as keen a sense of national feeling as the natives of India, have never made any great difficulty in conceding these claims of the European States. They appear to have acquiesced in them as fit and natural and carrying no stigma. The natives of India themselves have not been slow to recognise the advantage of such exclusive rights in the dominions of His Highness the Imam of Muscat. And it is certain if the British were to leave India to-morrow, all the European States and the United States of America would insist upon this right of excluding the natives from exercising judicial power in criminal cases over their subjects.

10. But I contend, rightly looked at, that there is no real stigma cast upon the natives by the exclusion at all, and it is only a feeling of false pride which has been unfortunately fostered and fanned into existence which has led the educated natives to take up this question so warmly.

11. In proof of the foregoing remark I would point to the circumstance that most civilised nations where jury trials exist have recognised, in the institution of mixed juries

for the trial of foreigners, the principle that the tribunal which pronounces on the guilt or innocence of a man charged with a criminal offence should not be such that the accused can beforehand disclaim confidence in its justice. The principle is also maintained in the Criminal Procedure Code in that a native can claim to be tried in Courts of Sessions by a jury, the majority of whom are not European British subjects (section 275); they have also the right of challenge on the ground of alienage, and European British subjects have similar rights.

12. I am not aware that the persons who are excluded in these cases from trying the accused consider themselves insulted because they are expressly excluded merely on the ground of race distinction, and I cannot see any difference between a Judge and juror; both have to pronounce on their consciences on the guilt or innocence of the accused, and in giving judgment on questions of facts both stand exactly on the same footing and are supposed to be of equal capacity.

13. The truth is that, the natives of India would not think the disqualification of a Native Magistrate to try a European British subject a grievance at all if it were also the law that the native could claim to be tried by a Native Magistrate, which claim, as a matter of right, stands on a higher footing than the claim of the Native Magistrate to try Europeans. It is, however, in the present state of things, impossible to allow of this right to the natives; but, that being so, is not a reason for taking it away from European British subjects who cherish it as a custom and for other reasons, in order that some few natives may not feel the distinction between the two races in this particular.

14. The real grievance therefore is that there is any distinction at all between Natives and European British subjects in the Government of this country, but that must remain.

15. To suppose that the mere doing away with this disqualification of the Native Magistrate will have any appreciable effect in abolishing the feeling of race distinction and so be likely to add to the contentment or happiness of the people, I think is taking an extreme view which is not justified by the facts.

16. It is after all a very small matter compared with what any thoughtful native must see who looks around him.

17. The British Government, however beneficent its intentions, is after all to the native a foreign Government, compelled by its position to maintain a foreign army and a civil administration mainly composed of foreigners, and keep under its own exclusive control the whole policy of the country, and to tax the people with their consent.

18. In fact, if he looks into the Criminal Procedure Code itself, he will still see that it contains important privileges in favour of European British subjects. I do not see how it can be reasonably expected that the doing away with this disqualification will promote the happiness of the people of this country. I think it will so far from allaying agitation only add to it, and the natives of India will not act like rational beings if they do not ask for a great deal more.

19. While therefore there is no real grievance, and the benefit to be derived from the proposed amendment appears very questionable, on the other hand it is a very serious matter to the European British subjects who are to be made subject to the jurisdiction of Native Magistrates, and as regards the efficiency of the Native Magistrates themselves. Rightly or wrongly the European British subjects are strongly opposed to it. It is said, of course, by those who support the Bill that this is the result of race prejudice. This may be unfortunate, but it is a fact which no amount of legislation will get rid of, and will only be brought forward more prominently whenever any question, such as this one, arises for discussion. The Statute Book will still contain anomalies of legislation which are only justified by it. It meets us at every step in our daily conduct as citizens or in social life. It is only the truth to say that the foundations of the British power in India rest upon it. It is useless to ignore it. The question to ask is, it being there, will the decisions of the Native Magistrates in the Mofussil, in cases where Europeans are concerned, command respect? The object of all criminal laws is to deter and not to punish, and if the tribunals are not trusted, more than half the effect of punishment is lost. The accused is no longer in the eyes of his countrymen a criminal but a victim to race prejudice, the evil influence of which is sure to be charged to the unfortunate Native Magistrate whose duty it may be to condemn. This will not add in my opinion, to the well-being of either Natives or Europeans, and will only be a fruitful source of ill-feeling between them.

20. Independently of this European British subjects have a profound feeling that in the Mofussil where they are scattered about, often in remote districts, they will be subjected to false charges before Native Magistrates which would never be brought before an European Magistrate.

21. The pain, anxiety and expense that an accused may suffer or be put to, though he may afterwards be declared innocent, may often be as great a punishment as any sentence the Magistrate may have power to inflict; and I do not consider the right of appeal as by any means a sufficient safeguard. Courts of appeal do not readily disturb findings on fact unless they can be shown to be manifestly wrong, and it is only in exceptional cases where there is not at least some sworn evidence to support a finding.

22. It may be said that the foregoing is sufficiently answered by the fact that Native Magistrates have been for many years acting in the Presidency towns, but I do not think these exceptions form any just answer, the circumstances being altogether different. All the safeguards of a vigilant press and the facilities of legal assistance are wanting: besides, the

European in the Mofussil is often alone without another European or even a respectable native near him. In the Presidency towns he is surrounded by others of his own class, and any transaction which may involve him in a dispute with a native is likely to be known to others who can bear witness for him.

23. Again, it is argued that the Native Judges of the High Courts have power to exercise full criminal jurisdiction over European British subjects; this is true, but I would beg to point out that the Native Judges do not sit alone in disposing of such cases; and the Native Judges of the High Court are chosen from native gentlemen who have had a long and very extensive practice in the High Courts as advocates and have obtained in their long residence in the Presidency towns an intimate acquaintance of affairs and special knowledge of Europeans and their manners and customs, which I do not think can possibly be attained by a native civilian, though he may have passed a short time in England. The native candidate for admission to the Civil Service must, during the period he is in England, pass his time in close application to his studies. When he comes out to India he is, in all probability, posted to some station in the Mofussil where he lives in a world of his own. I do not think that such a training is calculated to make any man a good judge of men or things, or to drive out the strain of hereditary predispositions which all writers on this subject declare exist for many generations until counterbalanced or overwhelmed by other influences of a more powerful character.

24. These remarks apply more forcibly to the members of the Native Civil Service constituted under the Statute 33 Vic., Cap. 3.

25. If administrative difficulties are apprehended by reason of the admission of large numbers of natives into the Civil Service, and an amendment of the law is thought necessary, then I would prefer to see that amendment take the form of permitting natives to have the right to claim to be tried by a Native Magistrate; any inequality in the law would then be got rid of, and I do not think much inconvenience would arise from it, as in my experience natives, as a rule, have no preference to be tried by a Native rather than by a European.

26. In conclusion, I beg to add that the proposed amendment of the law will, in my humble opinion, do more harm than good; that there is no necessity for it, as there is no well-founded complaint that justice is not properly administered on the present basis; and that as the present controversy has shown the European British subjects as a body to be violently opposed to it, and as they will be in the main affected by it, all the proposed benefit to be derived by the change in the law will be lost.

Dated 9th May, 1883.

From—D. S. KEMP, Esq., Secretary to the Trades' Association, Bombay,  
To—The Under-Secretary to Government, Bombay.

I have the honour to acknowledge receipt of your No. 2263 of 1883, dated the 2nd April, covering copy of letter from the Secretary to the Government of India, Legislative Department, and copy of Bill to amend the Code of Criminal Procedure, with its Statement of Objects and Reasons, and requesting for the information of Government a statement of my opinion on the provisions of the Bill.

Under another cover I forward to the address of the Chief Secretary to Government a memorial signed on behalf of the Bombay 'Trades' Association by the Secretary and myself, against the Bill. At the same time, in compliance with your request, and with the cognizance of my colleagues on the Committee, I willingly take this opportunity of expressing my individual opinion thereon.

The small extension of Native jurisdiction which will be the immediate and necessary effect of the Bill, is in my opinion unobjectionable, and, under a strict and watchful Government, the gradual admission of a moderate proportion of Native gentlemen of adequate education and training and imbued with the instincts of law, would not be a measure attended with danger. If this were all that the Bill provided for, it would in my opinion receive extensive support among the European community. But its scope is much greater.

The 1st section disqualifies European British subjects, not Magistrates of the First Class, from being entrusted with the powers of Justices of the Peace in the Mofussil. This provision, which does not appear to be contemplated in the Statement of Objects and Reasons, seems to be an unnecessary accompaniment to the amendments embodied in Sections 3, 4, and 5. It will lower without any compensating advantage the status of European British subjects, and deprive them of the sense of responsibility which such status inspires. It will also have the probable effect of depriving isolated districts of the country, thinly sprinkled with Europeans, of an important moral guarantee for public order and stability. In case of occasions arising for the use of force in such districts, either to preserve the peace or in the interest of justice, circumstances readily suggest themselves under which the counsels of a European who, in his capacity of Justice of the Peace, had a right to be heard, would be of the greatest service in restraining the impetuosity, or strengthening the hands of the Native authorities. Two recent instances of coercion, the Junagad massacre, and the expulsion of Beluchi vagrants from the Bhusaval Railway Station, sufficiently illustrate Native impetuosity on the one hand and British coolness and self-restraint on the other.

It appears from the same section that the exercise of jurisdiction over European British subjects is to be extended not only to Natives who have received the training considered neces-



sary in the case of European Civilians, but to those also who may be nominated without competition under the new Native Civil Service Rules, and to Native Uncovenanted Servants, of whose qualifications there is no statutory guarantee. Under these circumstances stronger grounds than have yet appeared are in my opinion necessary to persuade Europeans to surrender without protest what they have always considered as a cherished right—the privilege of being judged by their own countrymen. As the administration of justice has always been regarded as one of the most sacred functions by Englishmen, it is naturally claimed that the guarantees for its faithful exercise should not be relaxed. It is said that if a judge is qualified to administer justice to Natives, he is qualified to judge Europeans. But this is to proceed on the premature assumption that the general administration of justice in this country has been purified and elevated up to the English standard. Even were it possible that in times of tranquillity little or no miscarriage of justice should arise, yet any public excitement could not fail to re-act to the prejudice of justice, on minds which had not received the proper legal training, like those of non-competition Native Civil Servants.

For the reasons stated shortly above, I venture to think that the Bill should not pass in its present form. It seems right to grant extension of jurisdiction to Native Magistrates, but this ought to proceed step by step, both as regards the spheres or localities of their jurisdiction and the class of officers to whom it is granted. It seems as fallacious to bulk the whole of the Mofussil together for the purposes of this Bill as it is to treat all Native Civil Servants, Covenanted and Uncovenanted, as one class.

Dated 12th May, 1883.

From—W. R. FINCH, Esq., Manager, Indigo Concern, Shapore Oondie, Tirhoot,

To—The Most Noble the MARQUIS OF RIPON, K.G., Governor General of India.

It is with feelings of the most profound respect for your honesty of motive and diffidence as to my own powers that I venture to address you on the matter of the Criminal Procedure Amendment Bill, a matter more serious than any which has occupied the attention of Government since the terrible days of the Mutiny.

Many angry words have been uttered, and bitter things written, and you, My Lord, would be more than human did not all this stir in you feelings of hostility to the utterers; but I submit, My Lord, that the merits of a case are not always to be gauged by the address of the advocate, and I would urge you, in the name of fair play, which, as an Englishman, you ought to possess, to put aside all anger from your bosom, and to approach and consider the subject in a calm manner.

It is one that affects many in position and, as a consequence, in purse. Then be patient, My Lord, in hearing and bearing. When men's interests are touched, they do not always use the language of moderation, and Your Lordship should remember that Englishmen have ever been accustomed to speak out, and not, like the Oriental, express their meaning in honeyed words. It is, My Lord, the strong conviction and the knowledge that they have right on their side that has enabled them to speak trumpet-tongued even on Cæsar's threshold; and Cæsar must listen.

For no fault or failing why are a loyal and devoted body to be deprived of their one privilege?

We are strangers amongst strangers, and our own ewe lamb is to be taken from us.

Deprive us, My Lord, of pay and place, these are in your gift, and only surrounded by such restrictions as equity places on you; but deprive us not of our most treasured privilege, and place not an Imperial race under the heel of an alien one—one that has never known freedom or liberty as we understand it. Remember that races physically cowardly are rarely morally brave. Moral courage is a most necessary qualification in rulers.

Do the men on whom you propose to confer such power as contemplated in this Bill show any sign of being different to their fellows in this respect?

Liberty is a tree of slow growth, and the blood of brave men was shed before it grew in England to its present magnificent proportions. Moral fibre is a produce of that tree: that tree a stranger to this soil.

You, My Lord, are a peer, and can claim to be tried by your peers. You are not even subject to be tried for your life and liberty by the ordinary men of your race, but you must be tried by your equals in rank. Then respect the privileges of those below you.

Now, My Lord, I humbly ask you to consider whether you would like this privilege to be taken from you. You would have even your countrymen trying you: how much less would you like a jury of foreigners sitting on the bench. My Lord, consider your own large privileges of being a representative in our country without any will or voice of the people. You have your rights as a peer. No one grudges you these rights, because God has not made all men equal. Why should you then try to equalize? It is against the natural order of things. Put yourself in our places, working here in a foreign land amidst aliens, in a climate which prematurely ages, even if life be given to work in; and ask yourself is it fair to surround us with more difficulties than we already contend with? This merely to remove an anomaly, and to confer further dignity on a particular few.

To injure the feelings of the many for the sake of the few is contrary to polity.

My Lord, do you consider that the universal voice of those affected by this Bill has been raised out of merely race-prejudice and hate? No: this unanimous protest has been caused by the deep-seated conviction that fair play will not have full swing, that our liberty will be in danger, and that we shall be placed in a position which will be misunderstood.

It is not the lust for power that we are credited with by our opponents that has stirred up the community affected, nor the desire that because we are conquerors, that therefore the right of might should be enforced, and those subjected by arms should be ground down and never again be allowed to rise.

My Lord, be fair to your countrymen. It is said in Sacred Writ that "there is safety in the counsel of the multitude." Listen to that counsel.

Credit your fellow-countrymen with not having lost all feelings of fair-play because they are here; believe that there are some hearts honest in intention, and not unkindly in their feeling to our Native fellow-subjects, and remember that we who cry out are those who have had most experience of the people.

If our Native brethren are fit to wield the power of trying us, why should the army not be open to Native Commissioned Officers? Why should there not be Native Volunteer Corps? Why should the Arms Act be in force?

India is a land of anomalies, the races heterogeneous you rule, and your duty to keep peace between them. Is this measure calculated to promote this peace?

Our privilege is our anomaly; let us keep it, or sweep every anomaly away.

My Lord, other and abler pens than mine have written, and the great in State, Law and Commerce have spoken; therefore it behoves me to say little in the way of argument; but ere concluding I would earnestly ask Your Lordship to consider that have you ever read in the history of men of a universal cry like this going up that had not more than mere prejudice and pride at bottom as its cause?

My Lord, seek yet more deeply for that cause.

No. 3429, dated 21st May, 1883.

From—C. G. W. MACPHERSON, Esq., Under-Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Legislative Department.

I am directed to forward herewith a memorial from the Bombay Trades' Association, to the address of His Excellency the Viceroy and Governor General in Council, on the subject of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

Dated 9th May, 1883.

*To His Excellency the Most Honourable the MARQUIS OF RIPON, P.C., K.G., G.C.B., G.M.S.I., Viceroy and Governor General of India.*

The Memorial of the Bombay Trades' Association.

RESPECTFULLY SHEWETH,—That at a General Meeting of the Members of the Bombay Trades' Association held on the 14th March 1883, to consider, among other business, the Criminal Procedure Code, 1882, Amendment Bill now before the Legislative Council of India, it was resolved that a memorial be addressed to Your Excellency in support of that which had been resolved upon by the Bombay Chamber of Commerce, and praying that the said Bill might be withdrawn.

2. That the Members of this Association concur with the views expressed in the memorial of the Chamber of Commerce addressed to Your Excellency, and dated the 22nd March 1883, in which they pray that the proposed legislation may be abandoned as being premature and unnecessary.

3. Your memorialists submit that, in Mufassal districts, where all influence and court surroundings are Native, Europeans are already at great disadvantage in seeking the protection of justice or access to the judicial authority, that they are thus deprived of much of the legal protection to which they are entitled, and that this state of things will be aggravated if the judicial officer is not a European.

4. That in the administration of justice in this country, many anomalies exist to the advantage of Natives of India, which more than sufficiently countenance the so-called anomaly in favour of Europeans now proposed to be removed; that some of these are considered by legal authorities to be grievous hindrances to justice and have no parallel in European countries; and that the fact of their existing in civil procedure while the Bill now before Your Excellency deals with criminal, does not affect the argument. Natives might gauge the alarm produced among Europeans by the proposed Bill by contemplating the excitement which would attend a proposal to remove some of these anomalies.

5. Your memorialists submit that all civilized free communities become reconciled to anomalies which are the results of compromise, and that, in the conflicts of race, compromises are the only results which are final.

6. That your memorialists regard the proposed amendment with the greater alarm, because, by the rules framed under Your Excellency's predecessor, Native gentlemen are yearly

appointed to the Civil Service without that guarantee of previous education and training, which is exacted from English candidates in competitive examination.

7. That your memorialists notice with the greatest apprehension and surprise the proposal to disable the Supreme or Local Government from nominating European British subjects other than Magistrates of the first class to be Justices of the Peace for the Mufassal; and they have been unable to discover any motive for this change either in the Statement of Objects and Reasons attached to the Bill or any circumstances which have come to their knowledge.

8. Your memorialists earnestly hope that the Bill now before the Legislative Council of India may not be passed into law.

And your memorialists, as in duty bound, will ever pray.

*To His Excellency the Most Honourable GEORGE FREDERICK SAMUEL, MARQUIS OF RIPON, K.G.,  
P.C., G.C.B., Viceroy and Governor General of India.*

The Humble Memorial of the Native  
Inhabitants of Bombay at a Public  
Meeting assembled—

RESPECTFULLY SHEWETH,—That your memorialists observe with much satisfaction the Bill introduced into Your Excellency's Legislative Council, on the 9th February last, for the purpose of amending certain grave defects existing in the Code of Criminal Procedure at present in force in this country. These defects had been for many years past the subject of very considerable complaints which found formal and pointed expression in Your Excellency's Legislative Council in March 1882, when the present Code was passed and when an amendment having the same object as the present Bill was brought before the Council and withdrawn only upon a promise given that the subject would receive early and more careful consideration than could be bestowed on it at that time.

2. Your memorialists beg at the very outset to disclaim any desire for the removal of any privileges enjoyed and really valued by any particular class of Her Majesty's subjects when those privileges are such as involve no injury to any other class. But your memorialists hold that the privilege continued to British-born subjects of Her Majesty under the present Code of Criminal Procedure is one which, besides being singular as the only class privilege recognised in the administration of the criminal law, does involve injury, and very serious injury, to other classes of Her Majesty's subjects in this country; and they further hold that the curtailment of that privilege as attempted in the Bill now under discussion is in its extent the slightest that could be looked upon as at all meeting the circumstances of the case.

3. The administrative inconveniences which have been occasioned by the maintenance of the privilege in question; the inconvenience, not to say injustice, which parties to and witnesses in Criminal proceedings in which European British subjects are the accused persons, are put to in consequence of that privilege; the mark of inferiority which it implies on one gradually increasing class of officers in Her Majesty's Service, and the occasional injustice which must be expected to occur in the distribution of the various administrative districts to those officers if the said privilege is maintained untouched; all these are considerations which, taken together, ought, your memorialists submit, to strongly weigh with the British Government in India, having regard to the policy of that Government as often authoritatively declared, and nowhere in better or more forcible language than in the great Proclamation of 1858, in which Her Most Gracious Majesty used the following memorable words:—

“We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.” And again, “it is our earnest desire.....to administer its government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all Power grant unto us and to those in authority under us strength to carry out these our wishes for the good of our people.”

4. Your memorialists gladly admit that the principles above referred to have, in a general way, and to some extent, practically guided the Government of our country, and the history of British Indian administration in the past exhibits a constant, if somewhat slow, progress of equalising the status before the law of all classes of Her Majesty's subjects. Your memorialists accordingly consider the Bill in question as only one short step in the direction in which British policy in this country has uniformly progressed. And they can therefore only deplore the spirit of partisanship which the Bill has roused in a section of Her Majesty's subjects. But they cannot help feeling that that spirit has not been roused by this Bill alone, and that behind that spirit lies a strong antagonism to the whole policy of the present Government of India—a policy, which, your memorialists submit, is not only just and beneficent in itself, but is also in consonance with, and is the proper outcome of, principles which have been laid down for upwards of half a century by successive Parliaments, Secretaries of State for India, and the Governments of India, and above all, calculated to promote the best interests of both England and India.

5. Your memorialists maintain, that when the principle is once admitted that the natives of this country ought to be appointed in gradually increasing numbers to posts in the service of Her Majesty which in their ordinary functions include the trial of offences committed by



European subjects, a very strong case is made out for such legislation as is attempted in this Bill. It is the duty of the statesman to provide in due season for an adaptation of the whole administrative machinery to that principle before an overwhelming number of cases actually arise in which such adaptation may be specifically required.

6. Your memorialists would crave leave to add a few words upon certain specific points made in connection with this subject.

7. The existence of this anomalous and invidious distinction which the Bill seeks to remove is sought to be justified by the assumed incapacity of Native Magistrates to deal with cases in which British-born subjects are concerned. The grounds alleged for this assumption are:—(1) that Native Magistrates are likely to be swayed by race prejudices; (2) that they are not sufficiently acquainted with European manners and customs; (3) that much perjury prevails in India; (4) that false and trumped up charges are often brought against innocent parties; (5) that the aid of experienced counsel cannot be had in the mufassal.

8. First.—As to race prejudices, it must be remembered that the Magistrates who are to be entrusted with jurisdiction over Europeans will of necessity be tried and trusted servants of Government, who have gone through years of training, and who have by their qualifications attained high positions such as those of District Magistrates or as Session Judges. The other persons who are eligible for these extended powers are those Covenanted Civil Servants, Assistant Commissioners or Cantonment Magistrates only, who have been especially selected by Government to be Justices of the Peace.

9. Your memorialists would respectfully submit that it is impossible to suppose that any one of these Magistrates—most of whom must necessarily have been educated in England and have thus come into social contact with Europeans—could entertain any hostile prejudices against the English people. Surely the blessings of English rule—which no one knows better, which no one appreciates better, than the educated natives of India—are calculated to produce not a feeling of hostility, not a feeling of prejudice against the English people, but rather a feeling of respect, gratitude and admiration. The idea, therefore, of wilful injustice must, your memorialists submit, be dismissed as a gross and unjustifiable libel, unfair alike to the English Government in India and to the Native Magistrates.

10. Wilful injustice being thus out of the question, is there any reasonable ground for supposing that Native Magistrates are more likely to be unconsciously swayed by race prejudices than their European colleagues? In considering this question one must not forget the high training the Magistrates in question must have received before they are entrusted with the powers proposed to be given under the Bill,—nor the fact that Hindu Magistrates try every day questions in which Hindus, Parsis and Mussulmans may be opposed to each other, and *vice versa*. Now it has never been alleged that Hindu, Mussulman or Parsi Magistrates unjustly convict persons belonging to a different race or creed from their own. Then why should it be supposed that these Magistrates would be unjustly influenced by race prejudices in the case of Europeans only?

11. As to want of acquaintance with European manners and customs, your memorialists submit that this is not true in the case of Natives who have been educated in England, or even those who have received a high English education in this country, and who have for years mixed with Europeans in their own country and in India on a footing of equality and friendship. On the contrary, your memorialists would submit that Covenanted Native Civil Servants are likely to be better acquainted with European manners and customs than many European Magistrates are, and can generally be, with the habits and customs of the natives of this country.

12. In regard to perjury and false and trumped up charges, and the absence of counsel, surely experienced Native Magistrates are as well able to deal with these difficulties as their European colleagues, or rather more, from their intimate knowledge of Natives. These difficulties are not alleged to be confined to European cases only, but to occur in all cases. But if the Magistrates are able to detect perjury and to discover trumped up charges, even in the absence of counsel, when levelled against the natives of this country, surely they would be equally able to detect them when they have to try cases in which Europeans are concerned.

13. And your memorialists submit that the multiplication of railways and the telegraph has made it easy for parties to engage counsel, or to communicate readily with the Government or the High Courts, which could not have been done in former times; while the High Courts in India have now been invested with ample powers to transfer cases on all occasions where such a step may seem desirable. If then these Magistrates are admittedly competent to administer justice to the millions of India—it can hardly be seriously argued that they are unfit to deal with the few cases in which Europeans are concerned. Your memorialists cannot believe that Natives are more governed by race prejudices than Europeans. They think that quite the contrary is the fact.

14. Under these circumstances, your memorialists would respectfully ask whether it is just, dignified or politic to have one set of scales for administering justice to the Natives of this country and quite another for Europeans? Whether our Courts are good enough for trying questions of life and death for the 200 millions of Her Majesty's Indian subjects but not fit to try even the most trivial questions in regard to Englishmen, and whether the present exceptional and anomalous provisions of the law are not calculated to lead the Natives of this country to believe that they are intended more to screen European offenders than to secure impartial justice?

15. Lastly, your memorialists emphatically deny the gross misrepresentation that the Natives of this country care nothing for this Bill. They, on the contrary, assert that they are keenly and deeply interested in it. They have watched, and will continue to watch, its fate with the most intense anxiety. In the opinion of your memorialists the principle involved in this Bill is of the most vital importance to their interests and welfare. The question really is, whether the Natives of this country—no matter what their qualifications, their attainments, their learning, their experience, and their services in the cause of their country may be—are always to be treated as an inferior race of men; whether that inferiority is constantly to be marked by invidious and galling distinctions? And this question, as already indicated, has now to be considered as part of the still larger question: whether India is to be governed upon the righteous principles which were announced by Her Most Gracious Majesty and have guided Your Excellency's enlightened policy, or upon those of the opponents of this Bill?

And your memorialists, as in duty bound, shall for ever pray.

*Report of the Proceedings of a Public Meeting of the Native Inhabitants of Bombay held in the Town Hall on 28th April, 1883.*

In compliance with a requisition made by the leading Parsi, Hindu, and Mussulman residents in Bombay, a public meeting was convened by the Sheriff, Mr. Raghunath N. Khote, C.I.E., in the Town Hall, on Saturday (28th April, 1883), "for the purpose of considering the Bill for amending the Code of Criminal Procedure now before the Legislative Council of His Excellency the Viceroy and Governor General of India."

The following are the names of the requisitionists, who represent the various native communities of this city:—

Jamsetjee Jejeebhoy.  
Munguldas Nathubhoy.  
Byramjee Jeejeebhoy.  
Dinshaw Manockjee Petit.  
Budrudin Tyabjee.  
Vurjeevandas Madhowdas.  
Framjee Nosserwanjee.  
Cursetjee Nosserwanjee Cama.  
Jamsetjee Cursetjee Jamsetjee.  
Nosserwanjee Manockjee Petit.  
Mahomed Ali Rogay.  
Mooljee Jaitha.  
Sorabjee Framjee.  
Jamsetjee Nosserwanjee Petit.  
Nowrojee Furdoonjee.  
V. N. Mendlik.  
Pherozechah M. Mehta.  
Ahmedbhoy Hubibbhoy.  
Teebhovundas Vurjeevundas.  
Hurkisonadas Nurrotumdas.  
Thakarsey Muljee.  
Kashinath Trimbak Telang.  
Kaikhosro N. Kabrajee.  
Byramjee Nosserwanjee Shirvai.  
Shamarao Vithal.  
Shivashankar Govindram.  
Shantaram Narayan.  
Cawasjee Hormusjee, G.G.M.C.  
Jamsetjee N. Tata.  
Manekshaw Jahangirshah.  
Pandurang Balibhadre.  
Gokuldas K. Parekh.  
Shivram V. Bhandarkar.

Framjee Dinshawjee Petit.  
Dadabhai Naorojee.  
K. R. Cama.  
Narayan Ganesh Chandarackar.  
Nagindas Tulsidas.  
Ghanasham Nilkunt.  
Muncherjee Nowrojee Banajee.  
N. Byramjee Jeejeebhoy.  
Peroshaw Merwanjee Jeejeebhoy.  
Dhunjeebhoy Merwanjee Jeejeebhoy.  
Pandoorung Dinanathjee.  
Darashah Dorabjee Reporter.  
Muncherjee Framjee Cama.  
Nanabhai R. Chichgar.  
Vundravun Purshotumdas.  
Sakharam Arjun.  
Shantaram Vithul.  
Nanabhai R. Ranina.  
Tribhovandas Munguldas.  
Heerjee Ardaseer Dady.  
Sorabjee S. Bengalee.  
Bomonjee Muncherjee Punthakey.  
Laxmidas Khimjee.  
Maneckjee Burjorjee.  
Cursetjee Furdoonjee.  
Thakurdas Atmaram Mehta.  
Vijbhucandas Atmaram Mehta.  
K. M. Shroff.  
Ardeshir B. Patell.  
Dinanath Raghunath Khote.  
Pestonjee Eduljee Mehta.  
Gokuldas Jagmohandas.  
Ardaseer Framjee Moos.

The Town Hall was crowded to overflowing. There was not a foot of standing room to be had anywhere, and the Hall was almost literally packed from floor to ceiling, and many who were unable to find seats perched themselves on the backs of the chairs and on the cover of the key-board of the organ. The appearance of the leading men of the various communities was the signal for great cheering.

The attendance included the following:—Mr. Raghunath Narayan Khote, who was present to open the meeting in his official capacity as Sheriff of Bombay; the Hon. Sir Jamsetjee Jejeebhoy, Bart., the Hon. Rao Saheb V. N. Mandlik, the Hon. Budroodin Tyabjee, Messrs. Vurjeevundas Madhowdas, Nusserwanjee Manockjee Petit, Lukhmidas Khimjee, Jairajbhoy Peerbhoy, Dadabhai Naorojee, N. Byramjee Jeejeebhoy, Mahomed Ali Rogay, C. N. Cama, Kurreebhoy Ebrahim, Cursetjee Furdoonjee, Pherozechah M. Mehta, M. N. Banajee, B. M. Wagle, K. T. Telang, Homejee Cursetjee Dady, Cumroodin Tyebjee, Framjee Dinshaw Petit, Ahmedbhoy Hubibbhoy, K. N. Kabrajee, Bhaishunker Nanabhai, J. N. Tata, B. M. Punthakey, Bomonjee Pherozechah, Hormusjee Nusserwanjee Vakil, N. R. Ranina, K. C. Bedarkar, Jamsetjee C. Jamsetjee, P. N. Wadia, Byramjee N. Servai, Hurkisonadas Nurrotumdas, Shantaram Narayan, Nana Morojee, Dr. Succaram Arjun, Dr. Kavasjee Hormusjee, Messrs. Tirbhovundas Munguldas, N. K. Motabhoy, D. D. Davur, Muljee Thakersey, K. R. Cama, Muncherjee C. Murzban, Fazulbhoy Visram, Dinanath R. Khote, Vundravandas Purshotumdas

Dr. Shantaram Vithul, Dinshaw P. Kanga, Dhunjeebhoy Framjee, Dajee Abajee Khare, Dhunjeebhoy M. Jeejeebhoy, Dr. Ardeshir P. Cama, Messrs. Anundrao N. Vassudeo, Gokuldas Jugmohundas, Rehmoobhoy Hubibbhoy, Mirza Cousar, Gulam Mahomed Munshi, Thakoredas Atmaram, Amirudin Tyabjee, Vizbbukan Atmaram, Dinshaw Eduljee Vacha, Sunderrao Raghunath, Maneckshaw Jehangirshaw, Dr. Framjee Shapurjee, &c. On the platform were deputations of native gentlemen from the following places:—Ahmedabad, Broach, Poona, Sholapore, Surat, and Veerungaum. The meeting was also attended by a deputation from the *Anjuman-i-Islam* of Bombay. With the exception of three or four Europeans, the audience was entirely composed of natives.

Mr. Raghunath Narayan Khote, C.I.E., Sheriff of Bombay, in opening the meeting, said—Sir Jamsetjee Jeejeebhoy and gentlemen—A requisition has been addressed to me by a most representative and influential number of gentlemen of all classes of the native community of Bombay. The requisition is to the following effect:—"We have the honour to request you to be good enough, to convene at an early date a public meeting of the native inhabitants of Bombay, to take place at the Town Hall, for the purpose of considering the Bill for amending the Code of Criminal Procedure now before the Legislative Council of His Excellency the Viceroy, the Governor-General of India.—We have the honour to be, Sir, your most obedient servants, Jamsetjee Jeejeebhoy, Munguldas Nathubhoy, and others." "In compliance with the above request I hereby convene a public meeting of the native inhabitants to be held at the Town Hall, on Saturday, at 4 p. m." Gentlemen, my concern at the present moment is merely to open the meeting by declaring that it is duly convened. I need simply ask you to elect your own Chairman, and to proceed to transact the business which has brought you together: but in doing so it is impossible for me to play altogether a mechanical part. (Hear, hear.) It is impossible for me not to feel a sympathy with the motive of this meeting, nor is it possible for me to omit to give expression to that sympathy. It has been said that Mr. Ilbert's Bill affects only the Europeans in India, and that natives have no concern with it whatever. Can sophistry go further than this? (Applause.) It is true that whilst the European population of the country are opposing the abrogation of what they naturally feel is their legitimate privilege, natives on the other hand cannot sit silently and allow a measure to be shelved which promises to remove a disability that has hitherto rested on them by reason of their nationality. (Cheers.) If the natives remain quiescent, their inaction is liable to be misunderstood. They will be set down as extremely apathetic and indifferent, and unfitted by reason of this very silence of theirs for the removal of the disability that has attached to them. (Hear, hear.) The Government of India and the Provincial Governments and Administrations see the gross injustice and the practical inconvenience daily caused in the administration of the high charge which is entrusted them; and they are striving hard to remedy the evil. If we remain apathetic and silent, it might greatly weaken the hands of the Government, for advantage might be taken in England of our silence and apparent neglect; and the measure which we all hail with so much joy might be declared by the British Parliament as uncalled for. (Hear, hear.) It has been in the anxious contemplation of some people whether a medium course (and this is a fit case for a compromise) is not possible, such as might meet the convenience of the administration of criminal justice by the State; a course which, whilst it answered on the one hand the objections raised by the European population, would remove the disability of which the natives could justly complain. (Hear, hear.) Such a happy compromise would prevent the heart-burning between the two races, which is calculated to be daily increased if the present measure passed into law; for whenever any case involving race prejudices arose, the sore would open and keep festering. (Hear, hear.) I have reason to believe that some such compromise is already under the consideration of Government, and I devoutly hope that whatever course is ultimately determined upon, it will be such as will not only disarm to a great extent, if not altogether, the opposition now offered against Mr. Ilbert's Bill, but also remove the disability which attaches to our countrymen under the present law. (Applause.) Gentlemen, we may be quite sure that in a matter of such grave and national importance as this, the Government here and the Parliament in England cannot but be imbued with an anxious and sincere desire to do full justice to all parties concerned. Their one grand aim must be the greatest good of the greatest number; and while holding the scales of justice evenly towards all, they must so shape their course that no animosity of the races under their sway should be excited by anything they enact, or that the weak be overridden by the powerful while they look passively on. (Applause.) It is quite unknown, nor can I imagine, what final conclusions Government will arrive at regarding this matter; but of one thing we can be certain, and that is that they will devote to the subject the gravest and the most patient deliberation which it is possible for them to bestow upon it. (Applause.) Before I conclude, gentlemen, I earnestly trust that your proceedings will be characterised by such a dignified and dispassionate bearing as the gravity of the subject before you so imperatively demands. Let us be worthy of ourselves. (Cheers.) And now, gentlemen, I will leave the chair and request you to elect your own Chairman and proceed to the business of the evening. (Applause.)

Mr. Nosservanjee M. Petit then proposed that Sir Jamsetjee Jeejeebhoy, Bart., should be requested to take the chair.

Mr. Vurjeevandas Madhowdas seconded the proposition, which was agreed to.

Sir Jamsetjee Jeejeebhoy then took the chair amidst much cheering. He said—Gentlemen,—I confess to a sense of embarrassment at being called upon to preside at this large and

distinguished gathering, and could have wished that the task of addressing such a meeting as Chairman, on such a subject as has called us here to-day, had devolved upon some abler speaker. Nor is it conventional modesty that prompts this expression of my wish, for I see around me representatives of all sections of the native community—Hindus, Mahomedans, and Parsis—gentlemen occupying a prominent position in their respective spheres of life, and well known for their ability, independence, and public spirit. (Cheers.) That the occasion is one which justifies such a large and influential gathering will be easily understood. (Hear, hear.) You are aware, gentlemen, that we have met to-day to support an attempt at remedying an anomaly in the administration of the Criminal Law of the country—(applause)—an anomaly the removal of which the altered social and political conditions of India call for. (Renewed applause.) If this alone were our object, it will need all your endeavours to strenuously support it, as being a legislative measure intended and calculated to remove an unnecessary and invidious distinction between European and Native judicial officers, founded, not as we believe, on the question of personal fitness, but only on differences of race. (Cheers.) But our special object is to support an important principle involved in such legislation—to vindicate the wise, noble, and benevolent policy of the present Government of India from the unreasoning alarms of short-sighted statesmanship (applause), and to beseech the House of Commons and the Supreme Government to once more emphasise and carry out the solemn pledges and assurances given to the country by successive Parliaments and Secretaries of State for India and Indian Governments (cheers). This is an object which may well call for all your energy and earnestness. I need not tell you that such a policy, conceived in such a spirit of enlightened liberality, if faithfully and consistently carried out, would in the end be found to be the best preservation of the friendly relations between Europeans and Natives, both in political and social regards. (Hear, hear, and applause.) So much has already been said for and against the Bill and the principles involved in it, and the results which the carrying out of such principles would have on the administration of the country, that I will not take up your time here by going over the same ground. I will only exhort you to discuss the main object here with all the temper and coolness you can command, without going into irrelevant matters or raising side issues. (Hear, hear.) We in Bombay have, during the different stages of the controversy which the recklessness of some excitable persons on the other side of India has done so much to embitter, pursued a most dignified and honourable course, and discussed the burning question like sober, practical men of business, without being carried away by prejudice or feeling. (Hear, hear.) I have such confidence in the good sense and moderation of this meeting which I have the privilege now to address, that I believe no unpleasantness will mar the proceedings of to-day. (Hear, hear.) I will only add that the present is the most opportune time for the natives of the country to approach the House of Commons on the subject, and assist it to decide the very important issues raised, with temperate and carefully reasoned memorials. These will show that the natives of India, so far from being indifferent to the proposed Bill and the broad principle underlying it, watch the policy to which that Bill owes its origin with the keenest interest. (Applause.) We regard it as a step in the right direction which the present conditions of the country loudly call for, and as a mere instalment of those liberal concessions which, we all confidently expect, will be made to us hereafter. (Hear, hear.) Let us confidently rely on the noble traditions and instincts of the justice and liberality of the House of Commons, whose verdict we will calmly await without any misgiving, as we feel sure that it will be swayed not by ignorance or prejudice, but by the most thoughtful, just, prudent, and liberal counsels. (Applause.) Before I sit down I may inform the meeting that deputations have arrived from Poona, Sholapore, Ahmedabad, Surat, Broach, and Veeramgaum, and there is also a deputation from the Anjuman-i-Islam. A letter has been received from Sir Mongaldas Nathoobhoy, expressing his regret at being unable to attend the meeting, and another from Mr. Byramjee Jeejeebhoy, C.S.I., who has been prevented by sickness from being present on the occasion. Also a letter from Mr. Franjee Nosservanjee Patel, expressing regret for not being able to attend, was received. With these remarks I call upon the Hon'ble Budroodin Tyabjee to move the first Resolution. (Applause.)

The Hon'ble Budroodin Tyabjee, who was received with loud cheers, said : Mr. Chairman and gentlemen,—I think I have been present at a great many public meetings on various important occasions, some of them held in this very Town Hall, but I do not remember to have ever witnessed a larger, a more influential, or a more representative gathering than I see before me this evening. (Cheers.) Gentlemen, the occasion which has brought us together is indeed an important one. We have met together for the purpose of discussing calmly and dispassionately, and I trust without loss of dignity to ourselves or injustice to others, the proposed amendments to the Code of Criminal Procedure. Gentlemen, whatever may be the feelings excited elsewhere, whatever may be the causes which have given rise to those feelings, whoever may be responsible for them, I think we the citizens of Bombay have indeed good reason to congratulate ourselves upon the comparatively serene atmosphere in which we have the good fortune to live. (Hear, hear.) Gentlemen, I am one of those who think that strong, passionate, or abusive language is the surest sign of a bad cause. (Applause.) And so convinced am I of the truth of this saying that I should indeed be sorry if a single word, expression or sentiment dropped this evening either from my own lips or from those of any other speaker that could be justly held to give cause of offence to any section of her Majesty's subjects, and specially to that important European community with whom it should be our constant aim to live in peace and harmony, and, if possible, on terms of friendship, and to whom,



in spite of recent occurrences, we must always look up with more or less of respect, esteem and even admiration. (Loud cheers.) But, Gentlemen, if I thus counsel moderation, it is certainly not because I don't feel indignant at the unparalleled insults that have been offered to our whole Indian community at a great public meeting recently held in the metropolis. (Applause.) But because I am anxious that our countrymen should afford a striking, a memorable example of forbearance and self-restraint, even under the most trying circumstances, and because I am convinced that no language that we could use could add one jot to the severity of the condemnation which has already been pronounced upon the Calcutta proceedings by no less a personage than Her Majesty's representative in India, in no less a place than the Supreme Legislative Council when His Excellency the Viceroy—(Loud cheers)—denounced the language of the Calcutta orators as the language of "violence, of exaggeration, of misrepresentation, and menace." (Loud applause.) Now, gentlemen, what are the proposals of the Government of India that have given rise to all this heated discussion, to all this violent agitation? They are simply to invest a very small and select number out of the ablest, the most experienced, and the most distinguished of our Native Magistrates and Judges with an infinitesimal jurisdiction over European British subjects! (Applause.) Gentlemen, the proposals are in themselves so small, and but for the principle involved so utterly insignificant, that it would indeed have required the power of prophecy to have foretold the storm that has burst over Calcutta and overwhelmed the European community there, in a whirlwind of passion, prejudice, excitement, and even frenzy. But, gentlemen, however much we may regret this ebullition of feeling, however much we may consider it unjustifiable, it yet behoves us I think in a case of this kind where the interests of privileges, real or imaginary, of the European community are concerned, to inquire carefully into their allegations, and to see if there is really any foundation for the alarm which they profess to feel. Now, gentlemen, what are the grounds on which this violent opposition to the bill is sought to be justified? First, it is alleged that the Native Magistrates and Judges are likely to be swayed by their race prejudices in the decision of cases against Europeans. But, gentlemen, is it true in the first place that we Natives of India have any such prejudices? Is it true that we entertain any hostile feelings towards the European community? Gentlemen, I beg to give that statement the most emphatic contradiction. I have known Englishmen who entertain the strongest prejudices against the Natives of India, who look upon them as an inferior order of beings—(ironical cheers)—who refuse to associate with them on anything like terms of equality, but I have not come across a single Native of India who entertains similar feelings towards the European community. (Loud cheers.) But, gentlemen, even assuming for a moment the existence of these race prejudices, what reason is there for supposing that our Native Judges and Magistrates are more likely to be swayed by them than their European colleagues? Do not Hindu, Mussulman, and Parsi Judges and Magistrates every day dispose of cases in which the parties appearing before them belong to races, creeds and nationalities entirely different from their own? (Hear, hear.) Then what ground is there for believing that these Judges and Magistrates who hold the scales of justice with perfect impartiality in the case of all other communities should lose their balance of mind in the case of Europeans only? Gentlemen, I am convinced that this difficulty about the race prejudices, so far as we are concerned, has no existence but in the imagination of the opponents of this Bill, and I am inclined to think that in advancing this argument they have unconsciously let the cat out of the bag, they have in fact been judging by their own standards. (Hear, hear, and applause.) But, gentlemen, it is further alleged that a great deal of perjury prevails in India, that false charges are often brought against innocent parties, and that the absence of counsel and of public criticism would make it impossible for the Native Judges and Magistrates to dispense impartial justice to Europeans. But surely, gentlemen, these difficulties have been vastly exaggerated. India cannot boast the monopoly of perjury. The famous claimant Tichborn was not a native of India (Loud applause.) But so far as these difficulties do really exist, they exist in all cases. (Hear, hear.) They are more or less inherent in the administration of justice. They are not peculiar to cases where Europeans only are concerned. They are not confined to Native Magistrates only. A European Magistrate has to contend with these difficulties no less than his Native colleagues. He cannot get rid of them by the mere superiority of his race. The only means which will enable him to cope with them, are not the place of his birth or the colour of his skin, but precisely those qualifications which will be found in the Native Magistrates and Judges to whom this Bill will apply, *viz.*, great natural abilities, high legal attainments, and a ripe judicial experience. (Hear, hear.) But, gentlemen, if our Native Magistrates and Judges possess enough of these qualifications to overcome these difficulties in the thousands of cases that come before them where other communities are concerned, why are we to assume that they would fail to do so only when Europeans are brought before them? (Hear, hear.) Surely, gentlemen, it is but reasonable to suppose that our Native Magistrates and Judges, considering the peculiar position of the European community in India, would use more care and caution in dealing with Englishmen than even with their own countrymen. But, gentlemen, it is further alleged that our Native Magistrates and Judges are not sufficiently acquainted with the habits and customs of the European community, especially the lower orders. If this is a sound argument, every European Judge in India ought to be at once deprived of his jurisdiction over the Natives of the country! For what can be clearer than that even the highest of our judicial officers, even the Judges of the High Court, know but little of the masses of the Native community. (Hear, hear.) If our Native Covenanted Civil Servants who have spent years in England, who

freely mix with the best classes of the European community in India, are incompetent to try European offenders, by reason of their imperfect knowledge of the habits of the accused, it follows that European Judges, fresh from England and knowing not a word of the Indian languages, must be still more unfit to try the Natives of this country. (Applause.) This is surely a *reductio ad absurdum*. The truth, gentlemen, is that, although a special knowledge of ways of the accused is not without its use, what is really essential in the administration of criminal justice is, a sound knowledge of the law and a thorough acquaintance with the world combined with ability to appreciate evidence. It seems to me therefore, gentlemen, that unless the Government is prepared to admit that the whole administration of justice in India is utterly rotten to the core, that our Magistrates and Judges, both European and Native, ordinarily dispense, not justice, but injustice, or in the alternative, that the present exceptional and anomalous machinery of the law is provided and kept up, not so much for securing impartial justice, as for screening European offenders, unless one or the other of these preposterous conclusions is admitted, it will be impossible for His Excellency the Viceroy to attach the smallest weight to arguments founded purely on these considerations. (Applause.) But, gentlemen, it is further argued that it is a highly cherished privilege of the European community, and that it ought not to be taken away, because it causes no injustice to the Natives of this country. But, gentlemen, what can be greater injustice than to compel an unhappy complainant who may have a grievance against an Englishman, to undertake a long and tedious journey, at great cost and inconvenience to himself and his witnesses in search of a European Magistrate, because forsooth the Native Magistrate near at hand is incompetent to dispose of the charge, by reason of his race. Further, gentlemen, what can be greater injustice to the whole Indian community than to declare even the ablest of our Native Magistrates and Judges, no matter what their qualifications may be, as an inferior order of men, incapable of rising to that height of judicial excellence which is supposed to be necessary to try cases against Europeans? Gentlemen, I venture to think that the present state of the law is not only unjust, but it is insulting to us. (Cheers.) It is insulting to us, first because it brands even the ablest, the highest, and the most distinguished of our judicial officers with a galling and a perpetual mark of inferiority. (Renewed cheers.) It is insulting to us because it draws an invidious distinction between the European and the Native members of the same Covenanted Civil Service. It is insulting to us because it exalts the European British subjects into such superior beings as to declare that even the highest of our judicial officers shall be incapable of imprisoning him a single day or fining him a single rupee; and it is insulting to us because it degrades our own countrymen to such a depth as to declare in the very next breath that the same incompetent and unfit Magistrates and Judges, who are incapable of trying even the most trivial case of assault against an Englishman, are yet fit and competent to try millions of our own countrymen for the gravest charges, and even to condemn them to death? (Long and prolonged cheers.) Gentlemen, the height of absurdity could go no further, and yet forsooth these are the arguments ostensibly put forward for the purpose of defeating this just, generous, and above all extremely moderate and cautious measure. But, gentlemen, I believe that the real opposition to this Bill is founded, not upon any sincere apprehensions as to miscarriage of justice, not upon any belief in these flimsy arguments, the hollowness of which I have had no difficulty in exposing, and which are not likely to deceive any candid politician, much less the sagacious statesman into whose hands the destinies of this great empire have been committed, but upon a dislike, more or less conscious, more or less intense, of the whole of Lord Ripon's administration. (Hear, and applause.) Gentlemen, there is a large section of the Anglo-Indian community which cannot fully reconcile itself to that fundamental principle which has been so often declared and repeated over and over again by successive Viceroys, Ministers, Secretaries of State, Parliaments, and even by Her Gracious Majesty herself,—that principle, the recognition of which forms the key-note to the whole of Lord Ripon's policy, that principle on which are based all our political rights, just hopes and legitimate aspirations; that principle, namely, which declares that the Natives of India are entitled to a just share in the administration of their own country, and that a mere difference in race, colour or creed shall not be just ground for distinction in political treatment. (Cheers.) Gentlemen, there is no principle better grounded in moral justice or political wisdom. Other Viceroys there have been who have accepted and recognized this principle in words, but Lord Ripon—(cheers)—is the only who has had the courage, the sagacity, the generosity, the prudence and the firmness to give effect to it in deeds. (Applause.) Gentlemen, they must indeed be short-sighted politicians who cannot see the justice and wisdom and the perfect safety of this principle. Lord Ripon's policy, founded on a just and generous treatment of the Natives of this country, so far from losing England's hold upon India, will rivet it and chain the affection of the people to the throne. (Cheers.) Gentlemen, I have great faith in the justice and the firmness of the Government of India, but I have still greater faith in the noble instincts and the love of fair play which characterize the British Parliament and the British public; but, gentlemen, if the introduction of this Bill was in the first instance wise and politic—as I think it undoubtedly was—the passing of it now has become a matter of absolute political necessity. (Applause.) The withdrawal of the Bill under the present circumstances could be looked upon as nothing less than the surrender of right and reason to passion and prejudice—as the triumph of turbulent agitation, however wrong—over calm and respectful representations, however just and well-founded. (Applause.) Gentlemen, the moral effect of such a proceeding upon our vast and varied populations cannot fail to be

disastrous in the last degree. But if, on the other hand, this Bill, even with the modification mentioned by my friend the Sheriff, becomes law now—when it may yet be accepted as a simple act of justice, no less voluntary than graceful and not merely as a concession—as ten years hence extorted by irresistible popular agitation it will—it will be so far from shifting themes if on the other hand, the Bill becomes law, now, as I hope and trust it will—when it may yet be accepted as act of justice no less voluntary than graceful and not merely as a concession as ten years hence, extorted by irresistible popular agitation, it will so far from shifting or weakening the foundations of the British Empire in India consolidate and strengthen them. (Cheers.) Let Lord Ripon's generous and enlightened policy be continued, and India, instead of remaining as at present a source of weakness to England, will become a tower of strength; the British power, instead of resting upon the bayonets of the soldiers or the craven fears of a conquered and abject population will rest upon the far more honourable—and the only, and I venture to think, true—firm and endearing foundation, *viz.*, the affections and the gratitude of a happy, prosperous, and contented people. (Loud applause.) I beg to move “that in the opinion of this meeting the Bill to amend the Code of Criminal Procedure is necessary for the just and impartial administration of justice, and is in consonance with the righteous policy which the British Government has followed in the administration of this country. (Applause.)

Mr. Pheroza Shah M. Mehta, who was received with loud and prolonged cheers, said: Mr. Chairman and gentlemen,—In rising to second the resolution which has been just moved by my honourable friend Mr. B. Tyabjee, in a speech which you will agree with me in admiring as equally remarkable for its ability and eloquence as for the studied and dignified moderation of its tone (Cheers), I confess that I undertake the task which has been assigned to me with some degree of trepidation. Within the last few days we have been generously inundated with advice to preserve the utmost judicial calmness and moderation, without the slightest admixture of even judicial severity, not to allow an angry word or syllable to escape us, while we are also to put forth our case with force and vigour. Now, gentlemen, this advice is more easy to preach than to practise, and though I have resolved to use my best endeavours to achieve this golden mean, I cannot quite escape a feeling of some nervousness as to the success of this rather difficult experiment. (Laughter.) But, gentlemen, I have one consolation that, in whatever I may say, I will be guided by two sentiments of which I am firmly and sincerely conscious, and which will never permit me to say anything which will be needlessly offensive or malicious. (Hear, hear.) If I entertain one political conviction more strongly than another, it is that this country, in falling under British rule, has fallen into the hands of a nation than which no other is better qualified to govern her wisely and well. Look among all the leading nations of the world, and you will not find one who, both by her faults and by her virtues, is so well adapted to steer her safe on the path of true progress and prosperity. (Cheers.) It is true that the English are a stubborn piece of humanity who might well be asked sometimes to take to heart the exhortation addressed once to the chosen people of God, “Circumcise therefore the foreskin of your heart, and be no more stiff-necked,” but it must be acknowledged, at the same time, that it is perhaps this very trait which has preserved this country from rash and extreme experiments and has put it on a path of sure, though slow, development. (Cheers.) Secondly, in setting up as a critic of Englishmen in India, I fully recognise that I do not set up any claim of superiority; I do not set up as a superior person who could have done better under similar circumstances. On the contrary, gentlemen, I believe most of the Natives who have devoted any thought to this subject are ready to recognise that if they were placed in the position of the dominant race, God knows how they might have strutted before high Heaven and performed antics which might make angels weep. (Hear, hear.) At the same time, gentlemen, I feel confident that Englishmen will frankly admit that this circumstance gives them no immunity from criticism, nor gives them any right to be impatient if they are judged by the principles they themselves have introduced and taught as the principles on which their work in this country must be finally judged. (Cheers.) The nervousness which I have admitted is therefore allayed by the consciousness that even if I err, I will not set down aught in malice. My fear and trembling, however, are not quite at an end, and that is in consequence of the attitude which our European friends have taken up in regard to the public expression of Native opinion on this Jurisdiction Bill which we are met here to consider to-day. That attitude is not unlike that of the amiable Scotchman described by Charles Lamb, who pitched into you for your presumption, if you ventured to go in for praise of his great national poet, and performed the same operation on you for your ignorance if you dared to find fault with him. (Laughter.) Much in the same humour, our European friends are disposed to rebuke us for our obstreperousness, if we make bold to express our opinion of this Bill in public meeting assembled, and are just as ready to take advantage of us on the score of our indifference if we sit quiet without blowing the feeblest counterblast to the incessant sounding of trumpets and clashing of cymbals, which is kept up even until now all over the country, to fright away this poor little Bill. (Laughter and applause.) This attitude may lay claim, I admit, to some amount of rather grim humour, but I trust our European friends will not be very hard upon us, if we refuse to be tossed about in this manner on the two horns of such a dilemma as they present to us, and prudently hold fast by the one which does us least injury. But as soon as we decide, gentlemen, after anxious consideration, to hold a public meeting, another mine is sprung upon us. We are told that



we have no concern with this Bill at all. (Laughter) ; that it is only a little matter between Lord Ripon and the Europeans in India, in which the parties have got rather hot with each other, that, in fact, we have no *locus standi* at all to take part in the argument. Now, gentlemen, of all the cool and astonishing things which have been said in the controversy on this Bill (and they are not few), it seems to me that this is about the most cool and astonishing. (Applause.) For nothing can be clearer than that the Natives have the most immediate and vital concern in the subject-matter of this Bill. I do not refer here to the handful of Native Civilians who might get extended jurisdiction under it. I do not speak here of the educated English-speaking Natives, who might be supposed to sympathise with Native Civilians. But I speak of the masses of the Native population, and I say that they are as directly and strongly interested in this Bill as any European British-born subject. (Hear, hear.) As sure as there are two parties to an offence—the offending party and the suffering party—both, the one as well as the other, are interested in the trial in which they are respectively to appear as complainant and accused. Either may suffer by a miscarriage of justice. As courts of criminal law are constituted in the mofussil, the interest of the Natives is still more close and vital. If a European commits an offence against a Native, the latter has seriously to consider whether it would be worth his while to bring the offender to justice, remembering that he and his witnesses may have to bear no inconsiderable loss of time and trouble and expense in hunting after a qualified Magistrate. (Applause.) Has it ever been inquired into in the course of this controversy how many offences committed by Europeans have never been brought to the cognisance of courts of justice, in consequence of the difficulties thus created by this dear and cherished privilege of being tried by their peers? (Hear, hear.) I can tell you, gentlemen, that the popular impression in the mofussil about this valuable privilege is that, it is simply an immunity practically enjoyed by Europeans from the consequences of a large class of offences committed by them against natives. (Applause.) Only the other day I happened to be at Surat and had a conversation about this bill, not with educated natives, but with true unsophisticated children of the soil from the other side of the Tapti. I will relate to you, gentlemen, the conversation I had with these natives, utterly unspoilt by a knowledge of English, particularly as it is advanced by the opponents of the bill, that the agitation in favour of it is created only by the educated natives, in which the masses take no interest whatsoever. They, the people I speak of, asked me if we in Bombay were not going to stir in the matter and support the bill, as they said that the privilege at present enjoyed by Europeans meant simply in a large number of cases immunity from prosecution altogether, as the trouble and expense of a trial before a competent magistrate were very great, and further as they had a very poor chance in the case of ordinary offences before a European Magistrate, when the offender was a European. And they gave me an instance within their own knowledge of a European (a man not highly placed, be it fairly admitted) who went about bragging in their part of the country that he could ill-treat natives as he liked, as no native magistrate could try him, and no European magistrate would believe any d—d lot of native witnesses. (Laughter and applause.) The word ‘d—d’ is a free translation of my own of the vernacular word used in the conversation. Gentlemen, I do not offer this European as a representative European, or this story either, as a representative story. It is, unfortunately, too much the fashion, both with natives and Europeans, to moralise on isolated instances as if they were always typical ones. But I think this story very forcibly illustrates both the interest which the natives have in the subject-matter of this Bill, and the interest which they take in the controversy and agitation about it. (Applause.) A *locus standi*, gentlemen, we most assuredly have in this controversy, if European British subjects hold that of the accused, we have the *locus standi* of the complainants. Now, gentlemen, I don’t propose to take up your time by entering into a discussion of the merits of this bill, after the able and exhaustive treatment of it by Mr. Tyabjee. But all his arguments rest upon one assumption, his inferences follow logically and irresistibly, if there is no question about this assumption. Mr. Tyabjee was perfectly justified in arguing upon the basis of this assumption; for it is founded upon the declared policy of the Crown with regard to the Government of this country. But in the progress of the controversy, the opponents of the bill have perceived that their arguments cannot be maintained till they attacked the wisdom of this policy. So now they deliberately urge that this bill is in itself a matter of little moment, but their fears are aroused as it indicates the shifting of the foundations of British power in India. Denouncing the wisdom of the declared policy of the Crown, or urging that its declarations in that respect were not meant to be practically acted upon, they boldly say that India has been conquered by force and must be governed by force. In preaching this gospel of might with regard to the government of this country, they have found a devoted supporter in England in Sir Fitzjames Stephen, and a somewhat doubtful one in Lord Salisbury. They ridicule the policy of righteousness as one of weak sentiment, and seem almost to adopt, with scarcely disguised approval, the vigorous summary of their position given recently by Mr. Bright—(loud cheers)—in his own peculiarly happy manner, that, having won India by breaking all the Ten Commandments, it is too late now to think of maintaining it on the principles of the sermon on the mount. (Laughter and applause.) Our European friends will pardon me if I say that a good many of them have a sneaking, when they have not a pronounced, partiality for this proposition, while they consider that the platitudes about England’s duty to India, and the other quotations from Lord Macaulay and others about a “policy of national wisdom, national prosperity, and

national honour" have no business to intrude in practical politics, but are only good enough to be spouted by native orators on public occasions. (Hear, hear.) For many years the policy of governing India on principles of justice and equality for all the Queen's subjects, of whatever caste and creed, has never been so openly and so furiously called in question as now. It therefore seems to me, gentlemen, that this is a time when, without overstepping the limits of our loyalty or our gratitude, we may properly and justifiably examine the propositions which have been thus advanced, and try to show that the declared policy of the Crown was adopted after long and careful consideration—not on grounds of weak sentiment, that it was adopted not simply because it was a policy dictated by honour and justice (which we cheerfully and gratefully acknowledge that it is), but also because it was a policy dictated by the true interest of England herself, because in no other way could England hope to preserve her great dependency with the greatest amount of safety and profit to herself. (Cheers.) In the first place, gentlemen, it is said that India was won by the sword. Now I say that Englishmen don't do justice to themselves when they read Indian history in this way. Though it cannot be denied that there are many pages in this history blotted by error and crime, England has won India not simply by the sword, but in a large measure by the exercise of high moral and intellectual qualities which have not only guided its victories, but have always been on the alert to neutralise its baneful influences. (Cheers.) But, gentlemen, however India was won, can it be maintained with safety and profit by the sword only? This is too large a question to be treated fully in a public meeting like this, but I will lay before you three considerations which, I think, show that it is impossible. First, India maintained by England by the power of her armies would be a heavy burden on her in case of her being involved in European complications. It is utterly improbable that England can always escape being dragged into the contests, rivalries and ambitions of the other European powers. What with France with her desire to extend her colonial empire, with Italy anxious for the African Coast right against her, with Russia intent upon extending and consolidating her power in Asia, with the other powers jealously watching these, however great and powerful England may be, the strain of such entanglements cannot but tell upon her, and one day she may find herself in a predicament in which India may simply hang as a millstone on her neck. (Loud applause.) We must not forget the contingency of the American powers appearing on the scene and complicating matters dreadfully. Ireland is another thorn in the side of England, and what a lesson she teaches as to how hard and difficult it is to undo the mistakes of a policy of force centuries after they were committed! How nobly has England been struggling to redeem the consequences of such a policy, and yet how slowly she succeeds in undoing the mischief of the past! But, secondly, there is another Nemesis attending a policy of force. That policy would require day by day larger English armies and larger English Civil services. In progress of time, large numbers of Englishmen trained in the maxims of despotism and saturated with autocratic predilections, would return to their native home, where they could not but look with intolerance on free and constitutional forms. This is no visionary speculation; careful English observers have already noticed traces of such a tendency. In the course of a few generations such a tendency, if not checked, would develop into a mighty influence, and the free and constitutional government of England which has been so long the pride of the world, would be placed in the deadliest jeopardy. (Cheers.) Rome was once proud of her sturdy freedom and her republicanism; she lost both in the extension of her despotic empire. She has left, however, a valuable lesson, and it has been well and truly said that, for the sake of all that she values most, her own freedom and civilization, England must raise India to her own level, or India will drag her down to hers. (Loud applause.) The third consideration on this point I have to lay before you relates to the benefit to be derived from the commercial intercourse between the two countries. With a policy of force, as I have said before, the resources of India would be drained in the first instance in maintaining large costly armies and huge services; the country would be thus too much impoverished to admit of her developing the great material resources which Nature has showered on her. In India, impoverished and emasculated, the English merchant would only be an emaciated attendant in the rear of the English soldier and the English civilian, and English commercial enterprise, more glorious even than her military enterprise, would find no congenial field. I have thus, gentlemen, very hastily and very imperfectly sketched the consequences to England herself of a policy of force. Now look at the other picture. With India educated, civilised, contented and loyal, what a help she would be to England in her time of need, what a field for commercial enterprise, what reciprocal benefits from intercommunion in every way! (Loud cheers.) How great England is even now, with her Indian possessions governed on the present declared policy of the Crown! She would wax greater and greater with every legitimate development of that policy. I say therefore, gentlemen, that of the two policies on which India could be governed, England has chosen that which will secure her own best interests with those of India herself, (Applause.) When, in the inscrutable dispensations of Providence, India was assigned to the care of England, one can almost imagine that the choice was offered to her, as to Israel of old. "Behold, I have set before you this day a blessing and a curse. A blessing, if ye will obey the commandments of the Lord your God which I have commanded this day; a curse if ye will not obey the commandments of the Lord your God, but turn aside out of the way which I have commanded this day, to go after other gods which ye have not known." England has chosen wisely and well; she has discarded the temptations held forth by the passions of selfishness, prejudice and vain-glory, she has chosen to follow "the Eternal that maketh for

righteousness." She has deliberately declared by the mouths of her greatest and most trusted statesmen, she has proclaimed it through the lips of Her Gracious Majesty herself (cheers), that India is to be governed on the principles of justice, equality and righteousness, without distinctions of colour, caste or creed. (Loud applause.) Our English friends, therefore, gentlemen, must make up their minds to discuss this bill on the basis of this declared policy of the Crown. (Cheers). On that basis I say the case for passing the bill is simply irresistible, as my friend Mr. Tyabjee has shewn. I will only refer to one argument which may be shortly described as the 'anomaly' argument. Now, gentlemen, this word anomaly has a good deal to complain of as to the treatment it has received at the hands of the opponents of this bill. Never has any word in the English language before been so cruelly maltreated. But it must sit quiet under its injuries at present, as till the bill is passed, it cannot secure conviction before a European magistrate. This anomaly argument, however, is perfect if it is properly regarded. It derives its force from actual fact and experience. However anomalous the position of Englishmen in India, still it can be made, and has been made, the basis of a righteous policy. In the prosecution of that policy, native magistrates have already exercised jurisdiction over Europeans, with the most satisfactory success in the Presidency towns. Race feeling and native perjury have not been able to mar the experiment. But it is said that that is because of the existence of a public opinion in the Presidency towns which does not exist in the Mofussil. But this plausible argument yields to a close examination. The argument admits that public opinion is sufficient to countervail the dreaded consequences of race prejudice and false swearing. Let us see, then, if in the Mofussil there is not a force which can operate in the same way. I say that there is, and a stronger one than public opinion, that of the official opinion of the European district officers, which would work on the native magistrate more directly, and expeditiously and more closely, as all his interests and predilections and associations would closely connect him and make him 'dependent' on them. (Applause). I say, gentlemen, this argument takes the whole question from the domain of speculation, and brings it within that of observed fact and experience, which establish that native magistrates can be safely trusted with jurisdiction over Europeans. Before concluding, however, I am desirous of saying a word about the storm of passion and prejudice which, commencing in the Calcutta Town Hall, has so spread over the whole land. (Hear, hear.) Some of my native friends are disposed to be very hard upon these angry and excited people. I, for one, gentlemen, however, am inclined to make great allowances for, nay, almost to treat with tenderness, this sudden ebullition of anger and fury, when I realize the real character of it. (Hear, hear, laughter, and applause.) Gentlemen, all men have their nobler and baser instincts struggling within them, and you will find that even in the most well-disciplined organizations, in the most well-balanced minds, after the nobler instincts have well established their sway, a moment comes when the smallest rift upsets the work of years, casts everything into confusion, and generates a whirlwind at which those who knew the men before as good and worthy stand aghast. (Cheers.) So it seems it has been the case with Europeans in India. But this abnormal ebullition lasts only for a short time, and I am sure, gentlemen, that soon after this Bill is passed—(cheers)—as passed it will be, Englishmen will themselves smile at the wonderful things they have said and done about this Bill. (Hear, hear.) At present dire prophecies are proclaimed as to the ill-feeling which has been created between Natives and Europeans by the introduction of this Bill, which is to leave effects for ever so long. Gentlemen, I will, with your permission, indulge in a truer vein of prophecy. The newspapers have recently informed us that Mr. Branson has left for England. (Laughter.) Most probably he will return a short time after this Bill is passed, and there has been time for angry feelings and prejudices to calm down. I can then picture to myself, Mr. Branson and Lalmohun Ghose, as soon as they meet in Calcutta, rushing into each other's arms—(loud laughter)—singing the song,

"As through the land at eve we went,  
And plucked the ripened ears,  
We fell out, my wife and I,  
O, we fell out, I know not why,  
And kissed again with tears.  
And blessings on the falling out,  
Which all the more endears,  
When we fall out with those we love,  
And kiss again with tears."

(Loud laughter and applause.) In presenting this touching tableau, I say, gentlemen, that this Bill, which Lord Ripon has introduced in the honest and well-considered prosecution of his far-sighted and sagacious administration, holds forth hopeful promises of improved relations between the Natives and Europeans in this country.

The speaker resumed his seat amidst great cheering.

The Honourable Rao Saheb V. N. Mandlik said—Sir Jamsetjee Jeejeebhoy and gentlemen, —The task of reading the memorial which is to be adopted to-day has been entrusted to me, and before I carry it out, I take the liberty of submitting a few remarks for your consideration. If it were left to me, I should have preferred to place before you the resolution which I have to propose, without any prefatory speech, because after my two learned friends have exhaustively disposed of nearly all the arguments opposed to the acceptance of the Bill, little is left for me to say on that head. There are occasions when silence may be misconstrued, and I consider the present as one of those occasions. I shall, however, content myself with a few

words on matters on which my learned friends have not yet spoken, and to which no reference, except a passing remark, seems to have been made in the voluminous proceedings that have just come to hand of the debate in the Viceroy's Council. I believe, gentlemen, the present Bill is simply the historical outcome of the consistent, continued, high-minded, and generous policy of the Government of British India from the time of the Marquis of Hastings. (Cheers.) I pass over the period of more than forty years, down to the time of the passing of the so-called Black Act, which removed the civil disabilities of the trying judges here. All civil claims could after that Act be tried, and are now being tried, from the Himalayas to Cape Comorin, by all judges of all nationalities, according to the powers entrusted to them by the statute law of the country. At the time of the renewal of the last Charter, or rather at the time of the discussions for the renewal of the last Charter, in 1852-53, up came the question of the extension of the powers of proper persons selected from the native community to represent the various administrative branches of the service. Persons of mature experience, like Sir George Clark and Sir Frederick Halliday, questioned, on grounds which some of you might pronounce whimsical, the expediency of admitting natives into Legislative Councils and the superior branches of the service, and their several arguments in support of their views may be found in the Commission Books of 1853. The Lieutenant-Governor of Bengal (Sir Frederick Halliday) urged that if the natives of this country were appointed to high posts, it would occasion jealousy and other evils; and he mentioned the case of a gentleman appointed to a high office by Lord Dalhousie, in support of this view. But, gentlemen, experience has shown that those fears were groundless. The fact is that within ten years of giving his evidence Sir George Clark himself, in the Durbar-room of this very Town Hall, congratulated his Native colleagues in the Legislative Council on their admission into that assembly to assist the deliberations of Government. (Cheers.) Subsequent experience has shown, and will show, how far the natives have realized the expectations formed of them in the discharge of the important duties of legislators. The next step was to declare the High Courts open to the admission of qualified native gentlemen as judges of these courts, or of those courts which are known throughout the land as the courts of the Queen-Empress. Here, for the last twenty years, every subject of the Queen has been amenable to the civil as well as criminal jurisdiction of qualified native gentlemen who have the honour of seat on the benches of these high tribunals. Experience has also shown that even criminal sessions held by these judges have caused no inconvenience, no public scandal, no injustice, nothing unfair on the part of those who were either being tried, or those who tried them. When I have spoken of the very heads of the judicial administration, you will pardon me for not going into details. However, there is one point which I must here mention. As I have said, the present measure is simply the historical outcome of the educational and political policy of the Government of India. Gentlemen, the political policy was enunciated so far back as 1833, in the discussions which preceded that year with reference to the India Bill, which was passed. But in the educational policy there have been several changes and perturbations, and after the memorable year 1857 there were not wanting many, be they natives of India or foreigners, who attacked the policy of the State, on the ground that the education that was given was not the best calculated to promote the political interests of the British Empire. You will remember that the policy of the *Friend of India* at the time was, if I may say so without offence, certainly opposed to the interests of the people of that magnificent province where that paper is published, namely, the masses of Bengal. And when I say the masses of Bengal, I do not exclude the masses of their countrymen in other Presidencies. But you must remember that the tone of the paper takes its colour mostly from the writer's predilections for the inhabitants of Bengal. After examining the whole of the policy, in one of the articles which you will find in the early numbers of 1859, the writer pronounces unequivocally that much as he dislikes the young educated Bengali, or for that matter the young educated native, he prefers him altogether to those who are set up against him, namely, the old-fashioned and pliant people of "the good old times." (Cheers.) If, therefore, you review the several periods from 1853 to 1859, from 1859 to 1863, and from 1863 to 1883, you will find that a period of some twenty years has elapsed during which Native Covenanted Civilians have been discharging their high functions to satisfaction. For a period of nearly thirty years natives have been acting as judges of Her Majesty's High Courts. For more than twenty years native gentlemen of education and influence have been discharging their duties to the very best of their power in the various consultative Councils, both of the Supreme Government of India and of the provincial Governments of Bombay, Bengal, and Madras. If any disaster has resulted from any of these measures, if members of the Legislative Council like Mr. Quinton and Mr. James Gibbs—the honourable gentleman whom you have often heard in this hall (cheers)—if these gentlemen tell you that this Bill is an administrative necessity, all I can say is that we are in very good company in supporting a movement which has the approval of several successive Secretaries of State, both Conservative and Liberal, and several distinguished Viceroys, not the least distinguished of whom is the one who now fills to the glory of the British Empire the high office of the Queen's Deputy. (Loud cheers.) If, I say, the Bill, backed up by high legal and constitutional authorities, and by the voice of the impartial public represented by the House of Commons, and having for its object the practical, though it may be the distant, improvement of more than 250 millions of mankind, were presented to the public, and if the public were asked for its vote on the Bill, all I have to say is, that you will pause before you reject such high authorities as are in support of the measure. But seeing how you have received the speeches of my predecessors, I have no doubt



that with one unanimous verdict you will say that we should adopt such a memorial as the one which I shall now read and submit to your acceptance. (Cheers.)

The memorial is as follows :—

*To His Excellency the Most Honourable George Frederick Samuel, Marquis of Ripon, K.G., P.C., G.C.B., Viceroy and Governor General of India.*

The Humble Memorial of the Native Inhabitants of  
Bombay at a Public Meeting assembled

**RESPECTFULLY SHEWETH,**—That your memorialists observe with much satisfaction the Bill introduced into your Excellency's Legislative Council, on the 9th February last, for the purpose of amending certain grave defects existing in the Code of Criminal Procedure at present in force in this country. These defects had been for many years past the subject of very considerable complaints which found formal and pointed expression in your Excellency's Legislative Council in March 1882, when the present Code was passed and when an amendment having the same object as the present Bill was brought before the Council and withdrawn only upon a promise given that the subject would receive early and more careful consideration than could be bestowed on it at the time.

2. Your memorialists beg at the very outset to disclaim any desire for the removal of any privilege enjoyed and really valued by any particular class of Her Majesty's subjects when those privileges are such as involve no injury to any other class. But your memorialists hold that the privilege continued to British-born subjects of Her Majesty under the present Code of Criminal Procedure is one which, besides being singular as the only class privilege recognised in the administration of the Criminal Law, does involve injury, and very serious injury, to other classes of Her Majesty's subjects in this country; and they further hold that the curtailment of that privilege as attempted in the Bill now under discussion is in its extent the slightest that could be looked upon as at all meeting the circumstances of the case.

3. The administrative inconveniences which have been occasioned by the maintenance of the privilege in question; the inconvenience, not to say injustice, which parties to and witnesses in criminal proceedings in which European British subjects are the accused persons, are put to in consequence of that privilege; the mark of inferiority which it implies on one gradually increasing class of officers in Her Majesty's service, and the occasional injustice which must be expected to occur in the distribution of the various administrative districts to those officers if the said privilege is maintained untouched; all these are considerations which, taken together, ought, memorialists submit, to strongly weigh with the British Government in India, having regard to the policy of that Government as often authoritatively declared, and nowhere in better or more forcible language than in the great Proclamation of 1858, in which Her Most Gracious Majesty used the following memorable words :—

"We hold ourselves bound to the Natives of our Indian Territories by the same obligations of duty which bind us to all our other subjects, and those obligations by the blessing of Almighty God, we shall faithfully and conscientiously fulfil." And again, "it is our earnest desire . . . to administer its Government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all Power grant unto us and to those in authority under us strength to carry out these our wishes for the good of our people."

4. Your memorialists gladly admit that the principles above referred to have, in a general way, and to some extent, practically guided the Government of our country, and the history of British Indian Administration in the past exhibits a constant, if somewhat slow progress of equalising the status before the law of all classes of Her Majesty's subjects. Your memorialists accordingly consider the Bill in question as only one short step in the direction in which British policy in this country has uniformly progressed. And they can therefore only deplore the spirit of partisanship which the Bill has roused in a section of Her Majesty's subjects. But they cannot help feeling that that spirit has not been roused by this Bill alone, and that behind that spirit lies a strong antagonism to the whole policy of the present Government of India—a policy, which your memorialists submit, is not only just and beneficent in itself, but is also in consonance with, and is the proper outcome of principles which have been laid down for upwards of half a century by successive Parliaments, Secretaries of State for India, and the Governments of India, and above all, calculated to promote the best interests of both England and India.

5. Your memorialists maintain, that when the principle is once admitted that the natives of this country ought to be appointed in gradually increasing numbers to posts in the service of Her Majesty which in their ordinary functions include the trial of offences committed by European subjects, a very strong case is made out for such legislation as is attempted in this Bill. It is the duty of the statesman to provide in due season for an adaptation of the whole administrative machinery to that principle before an overwhelming number of cases actually arise in which such adaptation may be specifically required.

6. Your memorialists would crave leave to add a few words upon certain specific points made in connexion with this subject.

7. The existence of this anomalous and invidious distinction which the Bill seeks to remove is sought to be justified by the assumed incapacity of Native Magistrates to deal with cases in which British-born subjects are concerned. The grounds alleged for this assumption

are:—(1) that Native Magistrates are likely to be swayed by race prejudices. (2) That they are not sufficiently acquainted with European manners and customs. (3) That much perjury prevails in India. (4) That false and trumped up charges are often brought against innocent parties. (5) That the aid of experienced counsel cannot be had in the Mufassal.

8. First as to race prejudices, it must be remembered that the Magistrates who are to be entrusted with jurisdiction over Europeans will of necessity be tried and trusted servants of Government, who have gone through years of training, and who have by their qualifications attained high positions such as those of District Magistrates or as Session Judges. The other persons who are eligible for these extended powers are those Covenanted Civil Servants, Assistant Commissioners or Cantonment Magistrates only, who have been specially selected by Government to be Justices of the Peace.

9. Your memorialists would respectfully submit that it is impossible to suppose that any one of these Magistrates—most of whom must necessarily have been educated in England and have thus come into social contact with Europeans—could entertain any hostile prejudices against the English people. Surely the blessings of English rule—which no one knows better—which no one appreciates better than the educated natives of India—are calculated to produce not a feeling of hostility, not a feeling of prejudice against the English people, but rather a feeling of respect, gratitude and admiration. The idea, therefore, of wilful injustice must, your memorialists submit, be dismissed as a gross and unjustifiable libel, unfair alike to the English Government in India and to the Native Magistrates.

10. Wilful injustice being thus out of the question, is there any reasonable ground for supposing that Native Magistrates are more likely to be unconsciously swayed by race prejudices than their European colleagues? In considering this question one must not forget the high training the Magistrates in question must have received before they are entrusted with the powers proposed to be given under the Bill,—nor the fact that Hindu Magistrates try every day questions in which Hindus, Parsees, and Mussulmans may be opposed to each other, and *vice versa*. Now it has never been alleged that Hindu, Mussulman or Parsee Magistrates unjustly convict persons belonging to a different race or creed from their own. Then why should it be supposed that these Magistrates would be unjustly influenced by race prejudices in the case of Europeans only?

11. As to want of acquaintance with European manners and customs, your memorialists submit that this is not true in the case of Natives who have been educated in England or even those who have received a high English education in this country and who have for years mixed with Europeans in their own country and in India on a footing of equality and friendship. On the contrary, your memorialists would submit that Covenanted Native Civil Servants are likely to be better acquainted with European manners and customs than many European Magistrates are and can generally be, with the habits and customs of the Natives of this country.

12. In regard to perjury and false and trumped up charges, and the absence of counsel, surely experienced Native Magistrates are as well able to deal with these difficulties as their European colleagues, or rather more, from their intimate knowledge of Natives. These difficulties are not alleged to be confined to European cases only—but to occur in all cases. But if the Magistrates are able to detect perjury and to discover trumped up charges, even in the absence of counsel, when levelled against the Natives of this country—surely they would be equally able to detect them when they have to try cases in which Europeans are concerned.

13. And your memorialists submit that the multiplication of railways and the telegraph has made it easy for parties to engage counsel, or to communicate readily with the Government or the High Court, which could not have been done in former times; while the High Courts in India have now been invested with ample powers to transfer cases on all occasions where such a step may seem desirable. If then these Magistrates are admittedly competent to administer justice to the millions of India—it can hardly be seriously argued that they are unfit to deal with the few cases in which Europeans are concerned. Your memorialists cannot believe that Natives are more governed by race prejudices than Europeans. They think that quite the contrary is the fact.

14. Under these circumstances your memorialists would respectfully ask whether it is just, dignified or politic to have one set of scales for administering justice to the Natives of this country and quite another for Europeans? Whether our Courts are good enough for trying questions of life and death for the 200 millions of Her Majesty's Indian subjects but not fit to try even the most trivial questions in regard to Englishmen, and whether the present exceptional and anomalous provisions of the law are not calculated to lead the Natives of this country to believe that they are intended more to screen European offenders than to secure impartial justice.

15. Lastly, your memorialists emphatically deny the gross misrepresentation that the Natives of this country care nothing for this Bill. They, on the contrary, assert that they are keenly and deeply interested in it. They have watched and will continue to watch its fate with the most intense anxiety. In the opinion of your memorialists the principle involved in this Bill is of the most vital importance to their interests and welfare. The question really is, whether the Natives of this country—no matter what their qualifications, their attainments, their learning, their experience, and their services in the cause of their country may be—are always to be treated as an inferior race of men; whether that inferiority is constantly to be marked by invidious and galling distinctions? And this question, as already indicated, has now to be considered as part of the still larger question:—whether India is to be governed upon the

righteous principles which were announced by Her Most Gracious Majesty and have guided your Excellency's enlightened policy, or upon those of the opponents of this Bill?

And your memorialists, as in duty bound, shall for ever pray.

Bombay, April 1883.

Mr. Nanabhoy Byramjee Jeejeebhoy, who was received with loud cheers, said:—Honourable Sir and gentlemen,—I beg to second the Honourable the Rao Sahib's proposition for the adoption of the memorial. After what has fallen from my friends who have already addressed the meeting I believe very little is left for me to say in support of the memorial, which so forcibly speaks for itself. And yet, gentlemen, as a native of India, as a faithful, though humble, subject of Her Most Gracious Majesty the Queen-Empress, and as a citizen of Bombay, I feel I should not be content with the mere formal seconding of the resolution for the adoption of the memorial. Whatever its intrinsic worth may be, I feel that I should say a few words by way of a brief exposition of its great importance to some of the most vital concerns of my countrymen, the natives of India. I think this to be necessary, the more so when it is urged from quarters, if not quite friendly, certainly by no means deadly hostile to the Honourable Mr. Ilbert's Bill, that it does not concern the natives and, therefore, no natives need interfere in the matter of it, which, again, it is said, must be settled between the Government who have attempted the proposed amendments in the Criminal Procedure Code and the opponents of the same. We are in fact, asked by those who claim to be our friends to be quiet lookers-on as if we were nobodies having anything to do with the subject-matter of the much abused Bill. (Applause.) Now, gentlemen, you will have remarked from what is set out in the memorial that the bill concerns us natives of India as much as any other class of Her Majesty's subjects living or residing within the boundaries of Her Indian Dominions. (Hear, hear.) Our political status, our social well-being, our rights as British subjects guaranteed to us by Acts of Parliament and gracious Royal Proclamations, suggest to us the necessity of seeing the Honourable Mr. Ilbert's Bill become the law of the land. And when urged on by such necessity it cannot be a fault in us if we decline to remain passive observers of what is going on around us or in the country. Duty and interest alike have called us together here to raise our voice in the manner we are now doing in support of the political, necessary, and provident measure of the Government of the Most Noble the Marquis of Ripon. (Loud cheers.) By means of the memorial we shall convince all the world how earnestly we feel the great importance and high value of the proposed measure and render nugatory the misrepresentation referred to in that memorial, that the natives of this country care nothing for the Bill. We for ourselves and on behalf of our countrymen at large state in the most emphatic and unequivocal terms possible that we are "keenly and deeply interested" in the Bill, since the principle therein involved is of the most vital importance to our worldly concerns and welfare. (Loud applause.) That principle embraces the most momentous questions referred to at the end of the memorial, namely, whether the natives of this country, no matter what their qualifications, their attainments, &c., are always to be treated as an inferior race of men, and whether that inferiority is constantly to be marked by "invidious and galling distinctions." A partial solution of this question in a manner fitting the promises and policy of the British Government will be the passing into law of the Bill of the Honourable Mr. Ilbert. Hence the solicitude, and the eagerness of the Natives of India, specially the intelligent classes, to support actively the action of the Government of India in the matter. (Cheers.) Action taken, be it remembered, in consequence of the urgent, clearly pronounced, and oft-repeated wishes of the representatives of our countrymen in the Legislative Council and the public press for some legislation of the kind which the Bill now seeks to provide. We have assembled on the present occasion to prove by our demonstration of this day that we cannot remain passive while the modicum of justice due to our country according to the deliberate Acts of Parliament and solemn Royal Proclamations, is formally granted to us in the manner that the Bill of the Honourable Mr. Ilbert proposes to provide and our countrymen have been persistently praying for. And when doing so nothing is further from our intention and our act than doing the least harm or injury to our fellow British subjects. (Hear, hear.) While seeking for further administrative convenience to the State and agreeable redress from what we feel to be a grievance to ourselves, we have weighed carefully and dispassionately and with a lively sense of all that is due to our fellow British subjects. We have reflected seriously and deeply so as to make our memorial perfectly consistent with our desire to give no ground of just complaint to our European friends. Nor has our task been difficult or unpleasant excepting so far that we have had to do our work against not any valid or reasonable opposition to the Bill on the part of our European friends, but against their unjustifiable prejudices against our countrymen, mistaken notions about their so-called privileges. The same have been disposed of by previous speakers and to the effect as stated in the memorial which I am asking you to adopt. The memorial embraces answers to all the objections hitherto urged against the Bill, and in a manner that all independent judges must admit as sufficient in every sense. It clearly shows that the tendency of the Bill on becoming a pucca Act will be to improve the social and political status of the Natives, to add to the convenience of the Government, to strengthen the cause of public justice and to occasion no harm or humiliation to Europeans such as some of the opponents of the Bill are pleased to imagine without sufficient cause. Gentlemen, I would here refer you to what the state of affairs is under the present law and you will at once see the force of my arguments urging you to support the memorial in order to improve that state as regards the Natives without inconveniencing Europeans as far as the ends of justice are concerned. The introduction



of railways and the opening up of other industries in the interior of the country has enabled many Europeans generally of the artizan class to live in the mufassal and it very often occurs that these men come into collision with the Natives, and as the law stands at present any case in which a Native has to lay a complaint against a European, he is under a considerable disadvantage, in that he cannot obtain justice on the spot but must go in quest of it perhaps thirty or a hundred miles away from home where a European Magistrate may happen to be. In the majority of cases the complainant, who is a labourer earning three or four annas a day at the most, is obliged to put up with a wrong rather than give up his work for days together and to take his witnesses to the Court at other considerable sacrifices to himself. It is for the protection of such men, and not simply for the glorification of the native officials that a change in the existing law is called for, and I am surprised that there should be so much alarm exhibited by the better class of Europeans against the just and impartial provisions of the Bill. It is also surprising that foreigners should have joined in the opposition to the Bill, which affects only the limited class of British subjects defined in section 3, clause V, of the Criminal Procedure Code. Those Europeans and Eurasians who fall outside the definition given in the section above referred to, will not be worse than they are now were the Bill to become law to-morrow. They are at present as much liable to be tried by Native Judges and Magistrates as any Native, and if anything, the passing of the proposed amendment will be beneficial to them. I shall show how. Take a case in which a German gentleman in the mufassal has had a quarrel with his English servant or neighbour and the two obtain cross summons against each other. As the law is administered at present, the German could be proceeded with before the Native Magistrate on the spot, whereas the countercharge against the Englishman would have to be forwarded some 50 miles or a hundred to be adjudicated by a British Magistrate and a Justice of the Peace. Under the proposed amendment the German would have equal justice with the Briton and so would the Native. I am surprised at the demand which is being made in certain quarters to have justice dealt out according to the nationality of the opposing parties instead of the merits of the case. The same authorities that now watch the European judicial officer will, we are sure, guide the Native Magistrates on whom it is proposed to confer the extended jurisdiction. Are we to suppose that a man of a Native Sessions Judge's training, education and standing will allow his prejudices, if he has any, to so blind his judgment in any case coming up for trial before him, as to risk the chance of an ignominious dismissal and the inevitable ruin of his official position and professional reputation. The same safeguards which protect Her Imperial Majesty's poor and ignorant Native subjects in the mufassal will watch over her European subjects. Under section 499 of the Criminal Procedure Code even a European Sessions Judge has no power to pass a sentence upon a European British subject exceeding one year's imprisonment. Under section 335 of the same Code, the High Court has power with the consent of the Local Government to hold the criminal sessions at any places in the mufassal. At such sessions it would be competent to a Native Judge of the High Court to try a European British subject and to pass upon him the highest sentence known to the law. Under the statute creating the High Courts a Native barrister of five years' standing or a Native vakeel of ten years' standing is eligible for appointment as a Judge. Considering the block that at present exists in the Civil Service, it would take a Civilian 15 or even 20 years before attaining to the position of a Session Judge. How very anomalous then that a Native barrister of 5 years' standing, if he be so lucky as to obtain a seat on the bench of the High Court, can under the existing law try a European British subject in the mufassal, but not so a Native Civilian with a much greater amount of actual training as a Judge! But anomalies do not end here. Under the statutes obtaining in England any foreigner, much more a Native of British India, can obtain letters of naturalization in England giving him the status of a European British subject. With a view to evade the jurisdiction of Native Magistrates in the mufassal it would be competent to any Native of India by simply going through the formalities provided by the statute to obtain the status of a European British subject as defined by the Code. What the proposed amendment seeks is to confer upon a few well-tried and trusted officials of long service and assured antecedents a certain limited amount of jurisdiction over Europeans for the better administration of justice in this country, and I am fully confident that those men who will be chosen for the exercise of this privilege will do full justice and credit to the choice of the Government and the traditions of the service. Gentlemen, there are many other arguments which I could bring forward in support of the Bill, but I trust sufficient has been said to-day to convince you of the desirability of adopting the memorial, and as other speakers are to follow me, I content myself by seconding the resolution with the above remarks. (Loud cheers.)

Mr. Nakoda Mahomed Ali Rogay who was accorded an enthusiastic reception, said—Mr. Chairman and gentlemen,—The resolution entrusted to my care is one which must of necessity be carried by this meeting, inasmuch as it relates to steps being taken for forwarding the memorial just read and adopted to the Government of India. I will not, gentlemen, take up your time by inflicting a speech upon you at this late hour and in this hot room, where we are nearly roasted up here. (Laughter.) But the importance of the occasion demands that I shall adduce some more arguments in favour of the Jurisdiction Bill, in continuation to those which had already been put forward by my friends the Honourable Budroodin Tyabjee, Mr. Pherozeshaw M. Mehta, the Honourable Rao Saheb V. N. Mandlik, and Mr. Nanabhoy Byramjee Jeejeebhoy. (Hear, hear.) The opponents of the Bill have laid a serious charge against the Viceroy of India, namely, that in introducing Mr. Ilbert's Bill in his Council he is actuated by the

anxiety of being popular among our countrymen. (Laughter and applause.) On calm consideration of the subject and the conduct of the Viceroy ever since he took the reins of Government, you will see how unfounded that statement is. You know how sensitive we were on the question of the abolition of the import duties, how our papers and public meetings held at the time denounced the Government and showed the depth of Native feeling on that subject, and yet the Viceroy, if he had been a popularity-seeking man, could even, if he were not powerful enough to resist the determination of the Home Government, easily have expressed an opinion against the import duties, as Lord Northbrook had done on another question, and as he himself, the present Viceroy, had done on the question of the payment of part of the cost of the Egyptian war by India. (Cheers.) This fact, taken in connection with his action in regard to the License Act, the Arms Bill, and the Vernacular Press Act, shows that the charge against the Viceroy being a popularity-seeking man is entirely unfounded and is based only on the imagination of the opponents of the Bill. (Loud applause.) The Vernacular Press Act, you will remember gentlemen, was passed by Lord Lytton; and Lord Cranbrook, who was our Secretary of State at the time, and a conservative, did not quite approve of it, and in a despatch on the subject laid down certain rules for the operation of the Act which made it to a certain extent harmless. (Cheers.) Both Liberals and Conservatives were to a certain extent agreed that the Act was perfectly unnecessary, and yet our Viceroy, immediately after taking the reins of Government, but waited and watched its operation, and then acted according to the dictates of his conscience. (Loud applause.) So much for the charges brought against the Viceroy of India of being a popularity-seeking man. (Hear, hear.) It has been alleged that the extension of the jurisdiction over European subjects to Native Magistrates will cause acts of injustice in the mufassal, but that argument has been ably disposed of by Mr. Pherozesha Mehta. (Hear, hear.) In Presidency-towns European of the higher status and rank, and all the members of their families, are subjected to the jurisdiction of Native Magistrates. If such high personages are subjected to the jurisdiction of our Magistrates, why on earth there should be any objection against the extension of the same privilege to the mufassal I cannot conceive. Are not public opinion and the public press necessary in every part of India to expose any act of injustice done to any class of Her Majesty's subjects, be they European or Native? I ask you that question. The answer is simple—They are. (Hear, hear.) Well then, where is the argument? It is simply absurd to say that only for the trial of Europeans public opinion and the public press are necessary in the mufassal. (Cheers.) There is not the least doubt that there are cases on record in which both European and Native Magistrates have committed acts of injustice, but these cases, I think you will all agree with me, are very few. (Hear, hear.) But the mere fact of there being such cases on record does not make European Magistrates, as a class, unfit to try Natives, nor on the other hand does it make Native Magistrates unfit to try Europeans. (Loud applause.) The only correct criterion for judging these matters by is, I think, the fitness of each official entrusted with magisterial powers to whatever class he may belong. Judicial training, long experience, and a reputation of being a good judge, are necessary for every class of Magistrate. It is just as dangerous to entrust full powers to inexperienced European members of the Civil Service as it is to any inexperienced Native member of the service. In both cases the necessary qualifications are experience and a reputation for judicial training, and nothing more. (Hear, hear.) In Ceylon, which is also a British possession, no such distinction of race existed as in apparent is this country. Those people who have been asserting that the passing of this Bill would check the flow of European capital into India have only to go to Ceylon to see how much European capital has been sunk in coffee and cinchona estates, and yet there exists no such distinction of race, and there has been no cry from the European residents in that colony. (Loud applause.) One of the local English papers here, only three days ago, sneered that this agitation in favour of the Jurisdiction Bill is confined to English-speaking Natives of India, and that the mass of the people, one and all, are in favour of the European agitation in regard to the Bill. (Loud laughter.) I must confess, as one of the English-speaking Natives, and one who has a more intimate knowledge of the masses than any European can boast of, that, so far as my information goes, I have not been able to authenticate the assertion made by this paper. (Renewed laughter and applause.) It may be that the editor of the *Times of India* may have some superhuman power of judging the feeling of the Natives. (Great laughter and cheering.) I will give you an instance of how Europeans regard Natives which came under my observation in travelling from Nugger to Puna in October last. Soon after my arrival at the junction where the Puna train meets with two European fellow-passengers, a party of European and Native soldiers came from Puna and halted there to catch the train from Dhond to Nugger. The European soldiers had, unfortunately for our peaceful slumbers, taken too much of something or other, and they created such a row by yelling and shouting that it was impossible to sleep. I was walking on the platform, and heard the Native soldiers speaking together, about the prizes won at the rifle match when one of the European passengers, a gentleman of military appearance, came up and bullied them for talking so loud and disturbing the passengers in the waiting-room. (Laughter.) Of course the poor fellows stopped, and said in a very low whisper one to the other, "See the justice of the Saheb. The European soldiers have been yelling and shouting, and no notice is taken, but while we have only been talking a little we have been bullied." (Cheers.) That is the feeling of the masses in such cases of injustice, and therefore the assertion made by the *Times of India* is altogether unfounded. (Cheers.) I only hope that this measure will be passed, and I am sure the results of the working of the Bill will be as has

been ably described in the poetry quoted by Mr. Pherozesha Mehta, which I need not repeat, but which you have all got in your memory at the present moment. At the same time, if we had not called this public meeting the enemies of the Bill would have said: "This agitation is confined to Bengali Baboos only. Mr. Gupta is only a Bengali Magistrate; it is only a local matter." But they forget that a question which affects Bengali Baboos affects all the Natives of India. (Loud applause.) Our seeming indifference, had we remained silent, would have been taken advantage of by those who want a privilege, the enjoyment of which is injurious to our interests, to be retained on the statute-book. (Cheers.) I see, gentlemen, that you are all impatient. (Hear, hear; no, no, and laughter.) I am always unfortunately placed at meetings of this kind, and cannot therefore do justice to the subject. (More laughter.) And my notes have been taken away by my friend Mr. Mehta. (Great laughter, which continued for several moments.) At the same time; you have been saved from the infliction of a speech which, so far as it went, I must admit was a poor one. (No, no, and laughter.) I have one consolation in sitting down, however, that able speakers who preceded me have adduced sufficiently potent arguments to carry the resolution which I have to propose, namely, "that the Committee of the Bombay Branch of the East India Association be requested to take necessary steps for forwarding the memorial to the Government of India." (Applause.)

Mr. Dinanath Raghunath Khote, who was accorded a warm reception, said,—Gentlemen, I have very great pleasure in seconding this proposition, which is only a natural sequel to your unanimous approval and adoption of this memorial. (Hear, hear.) It is necessary that the Government of India should be made aware of the views and opinion of the Natives of this country, as a body, in regard to the Jurisdiction Bill, and the forwarding to them of this memorial as the outcome of a meeting such as we have here to-night, of a fully representative character, will, in a measure, have the desired effect. (Applause.) Now, while commending this proposition to your favourable consideration, I beg leave to offer a few remarks on the general aspect of the question at issue. The present agitation against the Bill, as you are all aware, originated with a few planters in Bengal. If they had stood alone unbacked, and unsupported, their agitation would have died away without leaving behind the faintest trace of its existence. (Cheers.) Unfortunately, however, it has been made a common cause by the European community generally, and the result was the boisterous and unpatriotic meeting in the Town Hall of Calcutta. (Loud applause.) Now, gentlemen, all the opposition to this Bill is based on arguments which, when dropped into the crucible of analysis, appear alike sentimental, illogical and untenable. (Hear, hear.) We will here examine a few of them, and see first, how, in the absence of better and sounder reasons, the opponents have taken refuge in the stock argument of the "cherished and privileged rights of Britons." (Loud applause.) If it had been really and intrinsically a valued right involving no injury to the interests of the other and by far the larger portion of Her Majesty's subjects, we should have respected it with all our hearts. (Applause.) But when this alleged vested birth-right comes to be asserted irrespective of, and without regard to, the injustice which it inflicts on the other races, one cannot help losing patience at the boldness of this claim. (Hear, hear.) And what, may I ask, becomes of this right, the so-called birth-right in the Presidency-towns? If a "cherished birth-right," why has it been waived there? And has this waiver led to any serious evil consequences to the European community in the Presidency-towns? ("No," and applause.) This gives rise to another question. Was any opposition then made? If made, how did it become powerless? If not, why was the "cherished birth-right" not then thought of? But under whatever circumstances it was abandoned in the Presidency-towns, the fact remains that already in more places than one has this privilege been given up,—and this takes away from it the essentially "cherished" character with which it is now sought to invest it. Gentlemen, the removal of this privilege in the Presidency-towns is no uncertain indication of the ultimate fate of the present agitation (cheers); and well had it been for India, if the Anglo-Indians of our own day, profiting by the wholesome experience of the past, had paused, before attempting to disturb by their ill-timed agitation, the harmony which was being slowly but steadily developed between Europeans and Natives all over the land. (Applause.) Now, the privilege which we are asked to look upon as a "cherished" privilege was originally merely a temporary and a permissive privilege conceded to British-born subjects under the exceptional circumstances of a newly subjugated and half-civilized country, and in the absence of competent Natives eligible for higher posts in the administration of justice. (Cheers.) But times have changed. The consolidation of the Indian Empire is now an accomplished fact, and thanks to the benign policy of the British Government, the India of to-day is not what it was even half a century ago. (Applause.) We have now Native gentlemen quite prepared to undergo any inconveniences and privations to compete in intellectual accomplishments with Englishmen in the very land of their birth. (Cheers.) We have now Native gentlemen educated in India, quite able to vie successfully with Englishmen in every department of Her Majesty's service, which calls for the exercise of high intellectual powers. (Renewed cheers.) Now, it must be remembered that it is on men of this high mental calibre, who in addition are also the tried and trusted officials of the British Government, and who by their capacity and long and varied experience in the judicial line have gradually risen and reached the top of the graded ladder, that this extended jurisdiction is intended to be conferred. (Hear, hear, and applause.) But no! the oppositionists will have none of these, not even the picked flower of the land, and men with high accomplishments and undoubted credentials are set down as incapable of trying offences, how trivial soever, committed by Europeans. This, gentlemen, is a libel. (Applause.) It is

a libel on the education imparted in England, it is a libel on the education received by Native youths in India. And although we have not, so far, a fair share of the Native element in either of the services, covenanted or uncovenanted, yet the honourable and the unimpeachable manner in which those who have the good fortune to belong to them have been known to discharge the responsible functions of their respective offices; this, I say, gives a conclusive answer to such ungenerous and baseless insinuations. (Applause.) Equally unfounded and uncharitable is the attack, that Native Magistrates are liable to be influenced in the trial of Europeans by race prejudices. As a matter of fact, Native officials generally are and must, in the nature of things, be exceedingly cautious and circumspect in dealing with civil and even more with criminal cases in which Europeans are concerned. And if they err at all, the error in the majority of cases will be found to indicate a leaning in favour of the European. (Hear, hear.) Probably the leaders of the anti-jurisdiction movement who are now opposing the Bill, tooth and nail, may yet find to their utter chagrin and disappointment, when the Bill passes into law, which sooner or later it is destined to despite their antagonistic attitude, that European offenders will practically not object to be tried by calm, sedate, and experienced Native Magistrates. (Cheers.) It is also suggested that the Natives in the mufassal will, by virtue of this Bill, keep concocting conspiracies against Europeans. If it was not for the gravity with which such an argument is advanced, one would be tempted to treat it with silent contempt. (Hear, hear.) Gentlemen, such fears are absolutely chimerical and only serve to show the excited state of the mind which conceives them. I say it is monstrous to suppose that the poor, helpless people of the mufassal to whom the bare earning of a meagre livelihood is an effort they can scarcely cope with, will be able, even if they could dare, to indulge in the idle and costly luxury of false prosecutions against Europeans, who, when they are true and good, are almost worshipped and identified with Sircar and Ma-bap by these people in the mufassal. (Hear, hear.) But assuming for the sake of argument that any such cases did arise, have not the Europeans the advantages of the higher intelligence, the greater capacity of co-operation, all the facilities of the railway and the telegraph, and the voice of the public press in their favour, wherewith to counteract the effects of such a conspiracy? (Applause.) Now, another stock argument advanced with some stress by the oppositionists is that the time has not yet come for the introduction of this measure. Gentlemen, I can conceive of no argument more fatal to their cause than this. It is an irony of fate that when one has to defend a feeble cause one is unconsciously led into the use of arguments which cuts the ground from under one's feet. (Hear, hear.) Now what does the argument really mean?—this argument that the time and the imperative necessity for conferring this right on the Natives of India have not yet arrived? Does it not mean by implication that the much talked-of "cherished right" will vanish, and with it all objections to the Bill, when the necessity for its introduction asserts itself with overwhelming force? Does it not show a lamentable weakness on the part of the oppositionists to admit that a time will come when they will not be able to breathe the faintest murmur against this dreaded Bill? And is it not short-sighted policy, the policy of men but imperfectly schooled in the political academy, to oppose a measure for the poor satisfaction of shelving it when they feel sure that the unseen future may render it practicable any day? (Applause.) Let these gentlemen realise the invincible truths laid down by Mr. Wordsworth in his memorable letters to the *Bombay Gazette*. (Loud and prolonged cheering.) Gentlemen, I will here take the liberty to quote a sentence from one of these letters as directly bearing on the point I am just discussing. Mr. Wordsworth says:—"The real test of statesmanship is surely the capacity to foresee difficulties and emergencies and to divert and neutralise them by timely legislation." (Loud cheers.) Gentlemen, the doctrine enunciated in this sentence is aptly illustrated by the native adage which upbraids the folly of procrastination and points out the unwisdom of setting about digging a well when the house is on fire. (Laughter.) Now, statesmen of the school of Sir FitzJames Stephen, whose extreme Conservatism is only another name for habitual coldness to all that means the true progress of India, inculcate the doctrine that India must be treated as a conquered country and governed by force. It is useless at this time of the day, and in an age of progress and enlightenment, to battle with a retrograde argument of this character. (Applause.) I would only refer such thinkers to the history of their own country, and hope they may take warning from the bitter experiences of the past. Men of this stamp are not only the enemies of Indian progress, but they may truly be declared as the enemies of England herself. Let them realize the declared principle and policy of just and equal administration without distinction of caste, creed or colour, vouchsafed to India, by Royal Proclamation, and rise to a correct appreciation of the growing necessities of this country. (Applause.) Let them sit at the feet of political thinkers like John Bright—(loud applause)—and learn that the only way to govern India is to govern it through the affections of its people. (Applause.) Gentlemen, I will not linger more on this subject, although the justness of one's cause inspires one with ardour. (Hear, hear.) Let us have implicit faith in the benign and generous policy of the English nation, whose noble instincts of justice and liberality will surely rise above the level of those Anglo-Indians who advocate a more or less narrow and short-sighted policy. (Applause.) Let us have full confidence in the Liberal House of Commons. (Applause.) Let us have unbounded confidence in every righteous Englishman, who is true to himself and to his country, and who, adapting the well-known Latin exclamation to himself, can fittingly say, "*Anglicus civis sum*." (Loud and continued applause.)

Mr. Kassinath Trimbeck Telang, who was received with loud cheers, said—Mr. Chairman



and gentlemen,—The resolution which has been entrusted to me runs as follows:—"That the Committee of the Bombay Branch of the East India Association be also requested to take steps to have the memorial, with the necessary alterations, forwarded to the Honourable the House of Commons in England." In proposing this resolution, it would be wrong, on more than one ground, if I were to detain you with any lengthy speech of my own at this late hour, and especially after the able speeches which have been addressed to you. But the subject which we are met to consider to-night is one of such great importance that I trust the meeting will bear with me while I make a few remarks on it. I do not propose to travel over the ground occupied so well by the speeches of Mr. Budroodin and Mr. Pheroza and the speakers who followed them. Nor, for obvious reasons, shall I say anything about the recent doings of our European friends in the Town Hall of Calcutta. These doings were of such a nature that, to borrow the language used on a celebrated occasion by a distinguished man now no more, the best rebuke we can administer to these gentlemen is to refrain from following so dangerous an example. (Cheers.) There was, however, one point, gentlemen, made, I believe, at the Calcutta Town Hall, and certainly made in the public press since, to which I feel bound to refer. It has been asserted that the Bengalis entertain feelings of hatred and hostility to the British nation. Well, gentlemen, having had the honour, as you are aware, of being appointed to serve on the Education Commission, I had recently to spend a few months in Calcutta. And during the period of my stay there I came into close, intimate, and frequent contact with the leaders of thought and the leaders in public affairs of the Bengali nation. And having frequently had frank conversations with many of them, having thus seen them in a sort of mental undress, so to speak, I venture to affirm, and to affirm very confidently, that this hatred and hostility is a mere figment of some alarmist brain, and has no existence in reality. (Loud cheers.) I think that, believing this, as I do believe it, to be the truth upon the subject, I am bound, if not by any other obligation, at least by gratitude for the kindness which I received from my Bengali brethren while I was among them, to make this statement to correct misapprehension. I need not, however, dwell any further on this point, and therefore I shall turn at once to the main subject to which I wish to address myself. As I have said, I do not intend now to go into any of the positive arguments in favour of the Jurisdiction Bill. But I propose to examine the main points made by an eminent man, Sir FitzJames Stephen, in his letter on the subject. Sir FitzJames Stephen has held high office in this country, and now occupies a distinguished position on the English Bench. He is not only a lawyer, but a writer on Jurisprudence and a political philosopher who has thought out the ultimate principles of the political creed which he holds. (Hear, hear.) And, therefore, I need not say that his authority on such a subject as ours is very high, and I should be the first in ordinary circumstances to defer to it, but in this case I must say that if I was an opponent of the Jurisdiction Bill, I should be afraid of Sir FitzJames Stephen's championship. Many years ago he wrote a work entitled "Liberty, Equality, and Fraternity" which, I think, may with substantial accuracy be characterised as the gospel of force. (Cheers.) In that work he set himself in obtrusive antagonism to the doctrines of modern liberalism, by which I do not mean what is called by that name in the jargon of English party politics, but I mean liberalism in the broader and higher sense, as signifying those political principles, which, for us here in India, are embodied in the great Proclamation of 1858. Well, as he holds those opinions it is plain that even his support, if he supported any measure of Government which involved any of those principles, would be an occasion of embarrassment. But apart from these general considerations, let us see for an instant what Sir FitzJames Stephen does say. His first proposition, not first in order in his letter, but first in importance, is that the policy of Lord Ripon's Government is shifting the foundations of British power in this country or, to use his own expression, is inconsistent with the foundations on which British power rests. Now, I deny this entirely. I say that the principles of Lord Ripon's administration, as pointed out in our memorial, are in consonance with the long established principles of the British Government as laid down by Parliament and the Crown. (Loud cheers.) And I say, further, that those principles are in accord with the lessons to be derived from the study of past history. I remember being struck many years ago, in reading the history of the Romans under the Empire, with a passage in which the author said that one great lesson to be deduced from the history of Rome was that all conquering nations, in order to render their government in the conquered countries stable and permanent, must divest themselves of their peculiar privileges by sharing them with the conquered peoples. Now, gentlemen, we all know that it is the proud and just boast of Englishmen that they are the Romans of the modern world, and that the British Empire is in modern days what the Roman Empire was in ancient times. If so, are we wrong, are we unreasonable in asking that the lessons of Roman history, and, as Mr. Merivale points out, the lessons of the history of other ancient governments also, should be adopted by our British rulers? (Cheers.) Is it not quite proper and reasonable for us to ask that the countrymen of Clarkson and Wilberforce, of Gladstone and John Bright—(loud cheers)—should not only adopt those lessons but improve upon them, and rise superior to the countrymen of Marius and Sylla, the Triumvirs and the Cæsars? I venture to say, gentlemen, that if Britons are now content to fail to carry out those lessons, and to fall short of the generosity of the Romans, it will be regarded as not creditable to them by the future historian. And as a loyal subject of the British Government I should be sorry for such a result. (Loud and prolonged cheers.) We next come to Sir FitzJames Stephen's second point. He says—Oh! it is all very well to ask for the abolition of these special privileges of Europeans, but every other section of the Indian community

has its own privileges which the law recognises. And he gives as an instance the fact that Hindus, Mahomedans, &c., have their own special laws of inheritance administered to them. Now, I venture to say that no fair comparison can be made between laws of inheritance and laws of criminal procedure. The former does not affect any one save the special community to which it is administered. What does it matter to John Jones whether the property of Rama, or Ahmed, Muncherjee goes on his death to his sons or his daughters, his father or mother or widow? But a law of criminal procedure, as has been already pointed out by other speakers, affects the other communities in a most important respect. It is plain, therefore, that the two cases which Sir FitzJames Stephen treats as identical, are really distinguishable on essential points. Besides, it must be remembered that no other class privileges are recognised in the criminal law of British India; it is only in the civil law that they are so recognised. But, further, I am surprised at Sir FitzJames Stephen not alluding in his letter to one point relevant to this branch of the subject to which reference is made in his own volume already referred to. He has there pointed out that the British Government in India is, involuntarily it may be, but still actually, interfering with the personal laws of natives, even in matters connected with their religious beliefs, and is applying, as Sir FitzJames Stephen puts it, a constant and steady pressure to adapt them to modern civilization—so that the Government, as Sir FitzJames Stephen himself puts it, is really heading a revolution. If then the Government is actually interfering with the personal laws of us unenlightened and uncivilized natives, is there anything wrong in their interfering with those of the enlightened Britons, with whose views and opinions, feelings and wishes they are much more familiar, and in much greater sympathy? Is there anything unfair if we ask that the same measure should be dealt out to both? Sir FitzJames Stephen next refers to the special tribunals for Europeans maintained in Turkey and other countries. But there the European is protected from foreign courts to be subjected to British courts. Here he is protected from one class of British courts to be subjected to another. The difference is quite manifest between the two cases. Further, Sir FitzJames Stephen says it is only natural that everyone charged with a criminal offence should wish to be tried by one of his own race and colour. But this leads to a difficulty, namely, that natives may have a similar wish. And how does Sir FitzJames Stephen meet that? Why, he says that while no native understands English sufficiently to conduct a trial in that language properly *attempts* are made—mark the expression, *attempts* are made—to get European officers to study the vernaculars of the country. Now, gentlemen, I think it is not egotistical to say that the first part of the statement is the reverse of the truth. (Cheers.) For every one European that can be shown competent to conduct a criminal trial in a vernacular language, we can show at least one hundred natives even more competent to do so in English. (Loud cheers.) And as to the second part, we have not to rely only on our personal experiences. As we say at Law *habemus optimum testem confidentem reum*. Many years ago a book was published by a Bengal Civilian, called “Life in the Mofussil,” in which he very candidly admitted that though he passed the examination in Bengali, he knew little or nothing of the language. (Loud laughter.) Here we have a test of the success of the *attempt* to which Sir FitzJames Stephen refers. I do not think, gentlemen, I need further detain you with Sir FitzJames Stephen’s arguments. His principal points have, I venture to say, been satisfactorily answered. There is, however, one argument to which I should like to refer before sitting down. It is put forward in the *Times of India* by a gentleman who signs himself “Maratha,” but whose nationality, from internal evidence, seems to be European and not Maratha. However, on the principle of measures, not men, we shall consider his argument as it deserves to be, whether it emanates from a veritable Maratha or not. He says natives are not fit and competent judges of Europeans, because the native papers are writing about the cases of deaths of natives at the hands of Europeans as if they were all cases of deliberate murder and the explanation of a ruptured spleen always untrue. He argues that as this view of the Native papers has not been disavowed by educated Natives, it indicates the state of their feelings towards Europeans, and renders them unfit judges for trying Europeans. Now, I am not one of those who believe that this explanation of the ruptured spleen is always untrue. (Laughter and applause.) I have no doubt that in many cases it is true, and that the language of many of our Native papers on the subject is exaggerated and without justification. But having admitted that, I do not admit the correctness of “Maratha’s” argument. I will not, however, analyse it now, but put another argument on the other side. We all know that many Europeans have spoken of the Native communities in a way which means that they consider us all as, on the whole, a people given to perjury. This opinion, publicly expressed by some members of the European community, has not been disavowed by others. And therefore, according to “Maratha’s” logic, the true conclusion to be derived from this is that Europeans are not fit judges for Natives. (Cheers.) This broad conclusion follows according to “Maratha’s” principles. Certainly, in cases where Natives are charged with perjury Europeans would be, on those principles, unfit judges. Because whereas, according to the presumption of English law, the accused would have to be treated as innocent until the contrary was proved, in the mind of the European judge the Native prisoner would be guilty until he proved the contrary. Mark, I don’t say this would be a correct result. But I say it follows if “Maratha’s” argument is sound, I use it only as an *argumentum ad hominem*. See then the deadlock. You cannot have European judges, and you cannot have Native judges. How then is the administration of justice to be secured? (Laughter and cheers.) I do not think, gentlemen, I ought now to detain you any longer. We have a very good case; let us take it before the House of

Commons. It has been taken there already, in fact, by the opponents of the Bill. Let us place our view before the House. (Cheers.) By past experience we know that in such matters we can trust to the justice and sense of fair play of the British House of Commons. (Loud cheers.) Let us leave this matter also to their judgment, in the full confidence that it will be there decided on considerations free from all local passion and local prepossession. (Loud cheers.)

*Mr. Vijbhucandas Atmaram* said—Mr. Chairman and Gentlemen,—The resolution which has been just read and submitted to you for adoption is one which would easily commend itself to the good sense of this meeting. In moving this resolution, I do not propose to address you any arguments touching the principle of the Bill for the Amendment of the Code of Criminal Procedure, which is intended to confer upon a very few, tried, and efficient Native officials jurisdiction over European British-born subjects in criminal cases, because I feel that the previous speakers have ably and eloquently met, not only every possible objection that has hitherto been urged against this measure, but have, by incontrovertible facts and stern reasoning, established that it is a real necessity urgently called for to suit the exigencies of the improved and advanced circumstances of the country. At the time when the Government of India was taken over directly by Her Most Gracious Majesty the Empress of India, a solemn pledge was given to the unrepresented millions of this land, that the government of this country would be carried on without any distinction of creed or colour. The Proclamation then made forms the charter of our rights and liberties, and I say that the present Bill is one of the numerous other measures which are required to be carried out in order to secure for the Natives of this country the full benefit and enjoyment of the rights and privileges vouchsafed to them by the highest authority in the realm. As it is getting late, and you are impatient to leave this hot room, I will conclude by saying, in the words of Edmund Burke, “that the House of Commons will have another and a very different duty to perform on this occasion. They will be bound not to suffer public opinion, which often prevents judgment and often defeats its effects, to be debauched and corrupted. Whenever the public mind is misled it becomes the duty of the Commons of Great Britain to give it a more proper tone and a juster way of thinking.” This sacred and responsible duty the Commons of Great Britain will, we all trust and hope, fully and effectually discharge, if necessary, in the present case with regard to their countrymen in this land. With these remarks, gentlemen, I beg to second the adoption of the resolution.

On the motion of Mr. Lukhimadas Khinjee, seconded by Mr. Jairaj Peerbhoy, the meeting unanimously voted thanks to the Sheriff of Bombay for convening the meeting.

*Mr. Dadabhoy Nowrojee*,—who was received with loud and prolonged cheers and the waving of hats and handkerchiefs, said,—Gentlemen, you must not expect a speech from me. (Loud cheers.) You have heard all that could be said from the previous speakers, who have treated the subject ably and exhaustively. My proposition now is simply this, that the Honourable Sir Jamsetjee Jeejeebhoy has presided to-day with so much ability that I think we ought to pass a cordial vote of thanks for his able conduct in the chair. (Loud cheers.)

*The Honourable Rao Sahib V. N. Maudlik*—According to the usage of public meetings, as my friend, the Chairman, cannot put this proposition before you, I beg with your kind indulgence to do the same.

The proposition was then carried with acclamation.

*To the Most Honourable the Marquis of Ripon, K.G., P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India in Council.*

The humble Memorial of the Committee of the Branch Indian Association at Kalna, in the District of Burdwan—

**MOST RESPECTFULLY SHEWETH,**—*1st.*—That your Excellency’s humble petitioners are deeply grateful to your Excellency for the warm interest your Excellency takes in the real welfare of the Natives of this country. Guided by the noble principle not to rule this vast Empire of Her Most Gracious Majesty the Queen-Empress of India by the sword, your Excellency has condescended to carry out strictly and literally the golden words of Her Imperial Majesty’s Proclamation of 1858.

*2nd.*—That your memorialists cannot but thank you most cordially for your Excellency’s most purely disinterested and highly laudable endeavours to destroy the invidious distinction between Natives and Europeans in the trial of criminal cases.

*3rd.*—That your memorialists most warmly and sincerely support the Criminal Procedure Amendment Bill which your noble Excellency has recently introduced into the Council of the Governor General for making laws and regulations. They consider the above Bill as a just, wise and righteous measure, calculated to remove a growing administrative inconvenience.

*4th.*—That your memorialists beg most emphatically to contradict the totally unfounded and wrong statement of the opponents of the measure that the Natives of this country do not crave for the boon your Excellency intends to confer upon them. They deem such a law as indispensably urgent, and sanguinely pray that your Excellency will pass it in due course.

*5th.*—That your Excellency’s memorialists are fully convinced that, by the light of the education vouchsafed to the Natives of this country by the benign Government of Her Majesty,



many among them have become well qualified to hold the most honourable and responsible situations of the State. Some of them have, by their education, probity and capacity, been deemed worthy to occupy seats on the Bench of the highest tribunals in India.

6th.—That your Excellency's memorialists feel proud of those selected Natives who have acquitted themselves honourably in open and hard competition in England at the Covenanted Civil Service Examination and, after successfully passing through the ordeal, have been fortunate to enter that service of which the most onerous duties they are discharging most creditably.

7th.—Your memorialists therefore most respectfully pray that your Excellency will be pleased to pass the Criminal Procedure Amendment Bill into law, and they earnestly hope that the Almighty God will help your Excellency in the above noble act.

And your Excellency's petitioners, as in duty bound, shall ever pray.

In the name of the Branch Indian Association, Kalna—

Dated 19th May, 1883.

*To His Excellency the Viceroy and Governor General in Council.*

The humble Memorial of the Sadharan Hita Shadhini  
Sabha of Tarash, in the District of Pubna, Bengal—

MOST RESPECTFULLY SHEWETH,—That your memorialists regard with feelings of deep satisfaction and thankfulness the proposed amendment to the Criminal Procedure Code to remove the invidious distinction of race, religion or colour in the trial of European British subjects in criminal cases.

That your memorialists are in full conviction that it is the noble principle of the British jurisprudence and polity to put aside all distinction in the eye of law which is the just pride of the British Government in India.

That, being assured of your Excellency's wise and liberal policy and of noble principles which actuate your Excellency in the government of this country, your memorialists are confident that the proposed amendment to the Criminal Procedure Code will come to effect with the entire satisfaction and heartfelt gratitude of the Natives of India.

And your memorialists, as in duty bound, shall ever pray.

*To His Excellency the Most Honourable the Viceroy and Governor General of India in Council.*

The humble petition of Her Majesty's European  
British subjects in Southern India—

SHEWETH,—That your memorialists are British-born subjects of Her Most Gracious Majesty the Queen-Empress of India, residing in that part of British India which is subject to the Governor and Council of the Presidency of Fort St. George and its Dependencies, and possess by right of birth all the liberties of English freemen in the constitutional relations of the subject to the Crown.

2. That amongst the most ancient and most cherished liberties of Englishmen is the privilege reserved to them by Magna Charta, that the Sovereign shall not exercise judicial authority over a freeman of England "*nisi per legale iudicium parium suorum vel per legem terrae.*"

3. That your memorialists are entitled to the full benefit of these hereditary privileges, of which the accident of their residence in India should not in any way be permitted to deprive them.

4. That, from the date of the establishment of the British power in India, your memorialists have enjoyed these privileges; inasmuch as, by the laws in force in India, no European British subject could be arraigned for any offence whatsoever save before a Justice of the Peace (himself a British subject), nor could a British subject be tried for any offence involving any greater punishment than a fine before any tribunal except a Judge of the High Court and jury of his fellow-citizens in the Presidency-towns.

5. That, in the year 1869, an Act was passed by the Legislative Council of India authorising the various Local Governments to appoint "any persons" to act as Justices of the Peace within the towns of Calcutta, Madras and Bombay; and that, under this Act, certain Natives have, since that year, been appointed Magistrates of Police and Justices of the Peace within the three Presidency-towns, and have exercised jurisdiction over European British subjects, but only within the local limits of the said towns.

6. That a Bill has now been introduced into the Supreme Legislative Council of India, the object of which is to extend jurisdiction over European British subjects residing in India, to all District Magistrates and Sessions Judges and certain other Magistrates of the 1st class, whether European or Native, and in any part of the country.

7. Your memorialists submit that the existence of Native Magistrates possessing jurisdiction over Europeans within the Presidency-towns affords no valid argument in favour of the extension of this jurisdiction to Native Magistrates in the Mufassal. The Presidency Magistrate exercises his functions in the midst of a numerous and vigilant European population, by

whom any mistake on his part would be instantly detected. His Court is frequented by the reporters of the daily Press. It is thronged with legal practitioners, and a European Magistrate sits in the adjoining room. All these conditions would be wanting in the case of a Native Magistrate exercising jurisdiction over a European in the Mufassal.

8. That your memorialists are justified by the past in fearing that the infringement of their hereditary rights, now contemplated, cannot long remain limited to the class of Magistrates to whom it is now proposed to entrust enlarged powers. The same reason which has been adduced as necessitating the grant of jurisdiction over European British subjects to Native Magistrates of the 1st class can equally, and your memorialists doubt not will in time, if this Bill be passed, be applied to all classes of Magistrates; and similar arguments will be urged for an extension of the jurisdiction thus granted to Native Magistrates, until it may come to pass that Europeans may hereafter find themselves subject to the penalty of death at the hands of a Native Sessions Judge in the Mufassal.

9. That the only reason adduced for depriving your memorialists of their hereditary right of being tried by one of their own race is that this privilege constitutes an invidious distinction between European and Native British subjects. It is admitted that, in practice, the privilege has not operated to the prejudice of the administration of justice throughout the Indian empire.

10. That your memorialists regard with anxiety and alarm this attempt to deprive them of rights which they and their predecessors in this country have enjoyed since the foundation of British rule in India.

11. That the existing distinction between European and Native British subjects, which is now termed invidious, is entirely consonant with the invariable custom of the British Government to recognise and respect all the peculiar privileges and customs of the numerous different races which compose the population of this empire. Your memorialists may be allowed to cite, as one example, the privilege accorded to that section of the population which preserves the custom of secluding its female members from appearance in public. In their case, the Government has provided that such female members shall be exempted from the ordinary processes of law which secure the attendance of any member of the community to give evidence in Courts of Justice. Your memorialists may further cite the special privileges conceded to Brahmans when subjected to imprisonment in the jails of the country. In order to preserve their caste-privileges, such Brahmans are allowed special arrangements for the preparation of their food, and for other observances connected with their caste customs, and are further exempted from such forms of labour as would be contrary to their caste-prejudices; although the offences for which they have been sentenced may be of a class for which the law has provided the penalty of imprisonment with hard labour as ordinarily exacted. Such concessions, of which many other instances could be given, are manifestly a recognition of distinctions between one class of the population and another.

12. Your memorialists therefore contend that, in claiming for European British subjects the continuance of the special privilege of being tried by men of their own race, they ask no more than is daily conceded in various ways to other races in India; and therefore that the charge of invidiousness is not fairly applicable to the distinction which your memorialists seek to preserve. So long as differences of race and social customs are recognised and observed by the Government of India, your memorialists may fairly claim that this special privilege, to which their class attaches peculiar importance, should, in equity, be also observed.

13. That your memorialists have further good reason for deprecating the proposed alteration in the law. Your memorialists are most anxious to avoid any remarks which may appear to disparage the capacity or integrity of their Native fellow-subjects; but it is impossible to overlook the fact that the social customs and the domestic life of Natives of India are widely dissimilar from those of Europeans; that few natives, especially in the Mufassal, can have any opportunity of assimilating European forms of thought, or of acquiring any accurate idea of the customs and daily life of Englishmen, and their powers of observation, examination and judgment must be in great measure influenced by the customs and prejudices of their special castes; and that, for these and many other reasons, the Native cannot be held to possess such common interest with the European as is contemplated by the legal maxim that an Englishman is entitled to trial by the judgment "*parium suorum*," and is therefore unfitted to exercise judicial authority over the Englishman.

14. Your memorialists would further point out that, owing to the presence of numerous missionaries scattered throughout Southern India, some, and possibly many of the cases affecting Europeans, which, if the proposed Bill become law, will fall to be tried by Native Magistrates, must be cases concerning to a greater or less extent the religious prejudices of the Natives. They submit that it would be a very doubtful boon to any Native Magistrate to require him to try a case in which he cannot be a disinterested arbiter; where, even if he can succeed in divesting himself of the prejudices of hereditary descent, early training and daily custom, he must be aware that, if his honest decision be opposed to the social prejudices of his caste-fellows, his verdict will inevitably imperil his social comfort for the rest of his life.

15. Your memorialists are also reluctantly compelled to refer to the very prevalent custom in India of preferring false charges. No Judge who has ever sat upon the Bench in India will deny that false charges and false evidence are matters of daily occurrence in Indian Courts. Your memorialists cannot but fear that to deprive them of the right of being tried by their countrymen will be but an invitation to the ill-disposed to practise against Europeans

the same custom of malicious accusation which the Natives of this country so commonly practise against each other. Even under the existing law such cases have occurred, and charges affecting the lives of Englishmen have only broken down under the searching investigation of an English Bench and an English Bar.

16. That, although the numerical strength of your memorialists is not great when compared with the teeming masses of the other races in British India, it yet remains an undisputed fact that your memorialists represent, almost exclusively, the most progressive arts and manufactures in Southern India, as well as a very large proportion of the capital employed in commerce, planting and other industries.

17. That the removal of the prerogative of race would also remove the principal source of the confidence with which European British subjects have acted as pioneers of civilization, and braved the dangers of a residence in outlying regions, where they were either altogether isolated or members of a numerically feeble community.

With the destruction of the bulwark of their liberty, the subordinate ranks of European British subjects in India will no longer be prepared to run the risks of residence in lonely places, where they, their wives and their children, will labour under all the disadvantages of the alien, without the one compensating advantage which they have hitherto enjoyed.

18. That the inevitable consequence of such a change in the condition of European subordinate employes in India will be the withdrawal from the empire of much European capital and a severe check to the progress of the material prosperity of the empire.

Your memorialists therefore pray—

- (1) That this their memorial may be received.
- (2) That your memorialists may not be deprived of any of the liberties enjoyed by English free men under Magna Charta.
- (3) That, if uniformity of legislation be considered so great a necessity, such uniformity may be attained by repealing the anomaly created by Act II of 1869, whereby the appointment of Natives to exercise jurisdiction over Europeans in the presidency-towns is authorised.
- (4) That the progress of reform in India and the improvement and development of her resources may not be impeded and jeopardised by proposals for legislation of a character calculated to create antagonism of races, or by sudden and subversive changes in the laws.

And your memorialists, as in duty bound, will ever pray.

No. 45, dated 26th May, 1883.

From—The PRESIDENT, HITCHINTAK SARHA, Vingorla,

To—The Secretary to the Government of India, Legislative Department.

I have the honour to forward a memorial to His Excellency the Viceroy in Council from the Native inhabitants of Vingorla in favour of the Jurisdiction Bill, and request you to place it before His Excellency in Council.

No. 44, dated 13th May 1883.

*To His Excellency the Right Honourable George Frederick Samuel, Marquis of Ripon, K.G., P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India.*

Memorial of Native Inhabitants of Vingorla.

MAY IT PLEASE YOUR EXCELLENCY—We, the undersigned humble petitioners, Native inhabitants of Vingorla, Bombay Presidency, have the honour to submit the following few lines to Your Excellency's attention, in the hope of getting what we pray for therein.

We humbly trust Your Excellency in Council will pass the Jurisdiction Bill in the interest of the country which is introduced into Your Excellency's Legislative Council by Honourable Mr. Ilbert. This much-needed measure will not, we trust, be given up owing to the unfounded charge brought against Your Excellency's Government by the opponents. We are sure that Your Excellency, instead of yielding to misrepresentation, will remain steadfast to your purpose against all the opponents.

We are very much obliged to Your Excellency for governing the country wisely, impartially and in a manner to give happiness to us, the ever unfortunate Hindus. Ever since Your Excellency took up the reins of the Government of India this country has been advancing in peace and prosperity.

We are quite sure that Your Excellency's mind will not be prejudiced in respect to the Bill, though the opponents of the Bill bring serious charges against it. We know not the cause of some of the Europeans in India being soured against Your Excellency's administration. They attach that blame to Your Excellency, we think, from notions of their own superiority; that is to say, they cannot bear us to have authority over them, and so, for taking our side, they blame Your Excellency. We think that it would not be just to do away with this Bill now when it has obtained the public approval. Their very thoughts, expressed in some newspapers, tell us that their opposition only arises from mere self-interest. They are unmind-

ful of others' good, and in particular of that of the Hindus, whom they think of no account at all. We don't think—and not only we, but none would think—that it would cause any harm to them to confer the right stated in that Bill upon qualified Hindu officers.

After all, we have nothing more to say than to entreat Your Excellency to go by the just way, and to carry that Bill into execution as soon as possible.

The British power in India must be founded on the affection and the gratitude of the people of the country. Whatever short-sighted and interested partisans, led away by ignorance and prejudice, may say to the contrary, there is no doubt that English statesmen, with acute political vision and foresight, recognise this fact, and honestly strive to adapt their policy to the altered condition of the country.

The above-stated assembly hopes warmly that this memorial shall be forwarded to Parliament.

For which act of kindness we shall, in duty bound, ever pray and oblige.

Hoping every success to Your Lordship's efforts.

No. 3621, dated 29th May, 1883.

From—C. GONNE, Esq., Chief Secretary to the Government of Bombay.

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 3232,\* dated the 14th instant, I am directed to forward,

\* Printed as Papers No. 30.

for the information of the Government of India, the accompanying copy of a minute by the Hon'ble Mr. Justice Latham, Acting Judge of Her Majesty's High Court of Judicature at Bombay, dated the 21st idem, containing his opinion on the provisions of the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

*Minute by the Honourable Mr. JUSTICE LATHAM on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, dated 21st May, 1883.*

If the matter on which our opinions are desired had been in the same position in which it was when I wrote my minute of last year, I should have been prepared to adhere entirely to the opinion expressed in that minute. That is, I should have thought it desirable to place all members of the Covenanted Civil Service, European or Native, on the same footing as regards their power of trying European British subjects, and should have entertained no objection to doing away with the special provisions of Chapter 33 of the Code of Criminal Procedure.

Unfortunately the matter is by no means in the same position as last year. The introduction of a Bill going beyond the proposals then laid before the Judges of this Court, and having an operation even wider in appearance than in fact, combined probably with circumstances not connected with this particular Bill, have created what I can only call a panic among the European British subjects who are the persons principally affected by the provisions of the Bill; and that panic has led to the use of violent language and the development of race animosity on the part of Europeans and Natives alike. At the present moment it is impossible to conceive of a more burning question to be dealt with by legislation; and yet it must be so dealt with, or the legislature appear to be overborne by popular clamour.

Now, while I have little sympathy with the panic and none with the passionate language and excited feelings which the Bill has occasioned, I feel that the existence of that panic and those feelings are matters which deserve the attention of the legislature. An improvement in criminal procedure may be too dearly bought at the price of placing the whole or a large part of the class who are the potential subjects of that procedure in opposition to the criminal law and the authorities who enact or administer it. And I should be disposed to confine the present alteration of the law within the narrowest limits compatible with the maintenance of the independence of the legislature and its refusal to yield to mere agitation. I would sacrifice some degree of ideal improvement to the more important object of preventing or minimising a conflict between the sentiments of an important section of the community and the provisions of the law.

The provisions of the Bill which, in my opinion, should at present become law, are—

- (1) Section 2, making Sessions Judges and District Magistrates *ex-officio* Justices of the Peace.
- (2) So much of Section 1 as allows the appointment of Native Members of the Covenanted Civil Service to be Justices of the Peace.

I should advise the remaining parts of the enabling provisions of the Bill to be dropped, excepting of course such alterations of the Code of Criminal Procedure as are necessary to give effect to (1) and (2).

With regard to the disabling provisions of the Bill, which have excited less attention but to me seem fully as important as its enabling provisions, I would urge their being dropped altogether. I can see no good reason why Government should deprive itself of the services of a class of Europeans who can satisfactorily discharge the duties of Justices of the Peace, and to

whom the persons brought before them can have no objection. I think that the attainment of a certain amount of symmetry in a branch of law for the most part unsymmetrical is an utterly inadequate reason for so doing. And I am certain that the administrative inconvenience which will be hereafter caused by the loss of the services of Europeans not falling within the classes enumerated in Section 1 of the Bill will far outweigh the convenience to result from the gain of the services of such Natives as may be selected from those classes.

With regard to the two points suggested for our consideration by the Government of Bombay, I would say as follows: I cannot approve of giving the right to a European accused to claim a jury although the jury system may not have been introduced into the district in which his trial is held. Whilst I believe that an impartial jury presided over by a competent Judge is the very best tribunal for the trial of a criminal charge, I am convinced that a partizan jury is the very worst of such tribunals. The most scandalous trials on record, as the English State trials of the 17th century, and those during the Reign of Terror, were so tried. And I fear that in outlying districts of the mofussil, if the case tried were that of a European charged with an offence against a Native, the jury would be certain to be partizan, and not the less so because it would probably contain partizans on both sides. I must also disapprove of the proposal to constitute special Benches composed of a European and a Native Magistrate for the trial of European British subjects, as this would be to set up a new difference when the desire is to remove old differences; and there would also be danger of an outcry in case of disagreement between the members of the Bench so composed.

In conclusion, I would observe that over 14 years' experience as Counsel and Judge in India has convinced me that the real administrative inconvenience connected with the trial of European British subjects in the mofussil arises from the very restricted powers of punishment which the Sessions Judge has in such cases, and the consequent necessity for the transmission of accused and witnesses to the High Court in matters of no great importance. In the present excited state of feeling it would not be wise to attempt to deal with a subject yet untouched; but I think that at a calmer time this is the direction in which it is most important to modify the existing law.

No. 3731, dated 2nd June, 1883.

From—C. GONNE, Esq., Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 3621, dated the 29th ultimo, I am directed to forward, for the information of the Government of India, the accompanying copy of a minute by the Hon'ble Sir Charles Sargent, Kt., Chief Justice of Her Majesty's High Court of Judicature, Bombay, dated the 10th idem, containing his opinion on the provisions of the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

*Minute by the Honourable the Chief Justice (SIR CHARLES SARGENT, Kt.) on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, dated 10th May, 1883.*

I entirely approve of the principle of the Bill under consideration. I think that the time has arrived when the disability of the Natives of India to exercise original jurisdiction over British-born subjects outside the Presidency towns, as declared in sections 443 and 444 of the Criminal Procedure Code of 1882, ought to be removed. My reasons for arriving at that conclusion have been already stated by me in a minute addressed to the Government of Bombay in the course of last year, and I venture to repeat them on the present occasion:—

"I think the distinction in question, which is a highly invidious one, should be abolished. The only grounds, I apprehend, on which it has ever been sought to justify the withdrawal of Europeans from the jurisdiction of Native criminal tribunals are that it offends the feeling of a European, as a member of the governing race, to appear before a Native on a criminal charge, and that some regard is due to the pride of race: that their being amenable to Natives in criminal matters lowers Europeans in the eyes of the masses and weakens their authority, and, lastly, that a European is not likely to meet with justice at the hands of Native Magistrates and Judges. As the law pays no regard to these considerations in Presidency towns, where the Magistrates may be either Europeans or Natives, and indeed, in this town of Bombay, have been, since I have been in India, for the most part Natives, the real question seems to be, whether there are special circumstances in the case of a European residing in the mufassal which render it advisable to retain the distinction. Now that such may have existed in other periods of our Indian history, when the position of a European in the mufassal was a very isolated one, I can well believe, but at the present day, when owing to the speedy communication between the Presidency towns and all parts of the mufassal where Europeans are likely to be met with, the distinction between the mufassal and Presidency towns is fast disappearing for nearly all purposes, I cannot think there can be any sufficient reason for the distinction in question. As to fitness and legal attainments, the Native members of the Civil Service can surely compare favourably with the Native Magistrates in Presidency towns who too often have had no legal training whatever. And as to Europeans not having justice meted out to them



by Native Magistrates or Judges, my experience of Presidency Magistrates would lead to quite the contrary conclusion."

Whilst entertaining this view as to the general question, I am fully sensible as to the necessity of confining the jurisdiction over British-born subjects to those Natives whose training and antecedents in the judicial service afford a guarantee of fitness, moral as well as intellectual, to deal with the somewhat delicate questions which may be expected to call for their decision.

The provisions of the Bill, so far as it depends on the written law, appear to me to adequately fulfil the above condition. If the Bill becomes law, only those Natives will be able to exercise the jurisdiction who being members of the Covenanted Civil Service or Assistant Commissioners in Non-Regulation Provinces or Cantonment Magistrates have been invested with the powers of a First Class Magistrate, and it ought to be impossible, if the local Governments exercise but ordinary care in their selection from this limited and select class, for any Native to be appointed who is not deserving of the confidence of the European community.

Dated 4th June, 1883.

From—G. M. BARTON, Esq., Secretary, Indian Tea Association,

To—The Secretary to the Government of India, Legislative Department.

I am desired to hand you, for the information of His Excellency the Viceroy and Governor General of India in Council, the accompanying copies of the memorial of the Indian Tea Districts Association, London, to the Right Honourable the Secretary of State for India, with reference to the proposed amendment of the Code of Criminal Procedure.

*To the Right Honourable the Earl of Kimberley, Her Majesty's Secretary of State for India, dated April, 1883.*

The memorial of the Indian Tea Districts Association

**SHEWETH,**—That your memorialists, interested in the important and increasing tea-growing industry of India, giving employment to a large number of European managers and assistants, more or less dispersed and isolated in the interior of the country, view with alarm and distrust the proposed amendment of the Criminal Procedure Code, by which, if passed, Europeans will be brought under the criminal jurisdiction of Native Magistrates and Judges.

That this abrogation of a much valued privilege is not proposed in response to any demand on the part of the people of India, but would appear to be dictated by no higher political considerations than the removal of a seeming legislative anomaly, and a questionable addition to administrative convenience.

That no grounds of urgency have been shewn for the removal of this anomaly from a body of laws interlaced with social customs, literally bristling with anomalies and exemptions in favour of the Natives, just as the entire structure of our dominion and Government of India rests on anomalies and race-distinctions seemingly adverse to them, but in reality as indispensable to their welfare as to the continuance of our rule.

That the plea of administrative inconvenience of the law as it exists has been shewn by the Lieutenant-Governor of Bengal, and other high authorities, to be either entirely groundless or insignificant in comparison with the wider issues raised.

That the removal of what may seem an invidious race-distinction may commend itself to the advocates of the amendment as being logically consistent, and in harmony with a policy of conciliation and encouragement of the Native races; but logical consistency in this sense, if rigidly followed, would lead to the abdication of our position as the governing race; and there is undeniably a wide field open for the exercise of such a policy without the surrender of the vital principle involved in this amendment,—a surrender emphatically condemned by an overwhelming consensus of enlightened opinion as being premature and dangerous.

That many of your memorialists have spent the best years of their lives in India, some of them in high administrative positions in the service of the Government, others in commercial and industrial pursuits, and have thus had ample opportunities of judging whether such a law as that now proposed, if passed, will tend to a more impartial and effectual administration of justice.

That while not denying to the Natives of India the possession of many excellent characteristics, your memorialists consider that, in their present stage of social and moral development, it would be unsafe and impolitic to entrust them with the power of exercising criminal jurisdiction over Europeans.

That while it has been said by the advocates of the measure that it would be applied tentatively and under certain tests, educational and otherwise, there can be little doubt that all such tests would prove more or less illusory, and that sooner or later the functions would come to be exercised by any and all Natives occupying the position of Magistrate or Judge.

That the fact of such precautions being deemed necessary is a tacit admission of the danger attending this legislative experiment, and of the uncertain ground on which the Government is venturing.

That only those who have resided long enough in the interior of India to become acquainted with the peculiarities of the Native character can understand the facility, and

apparent completeness, with which a trumped-up criminal charge, dictated by motives of malice or greed, could be brought against a European, isolated from his countrymen, without the safeguards of the Bar, the Press and an educated public opinion, and having only Natives to rely upon for support and legal assistance. The issues involved in such a case are momentous,—no less so than the personal liberty and honour of the man or woman, as the case may be; and to the man the probable shipwreck of his career in life, and serious if not irremediable, injury to valuable interests dependent on his personal supervision; to the woman a degradation, the possible nature and scope of which can be readily conceived by any one conversant with the habits and customs of the East.

That the tribunal trying such a case would require not only to be such as to command confidence in its technical ability and integrity, but also to be sufficiently in sympathy with the race and class of the person on trial to be able to discern the inherent probability of guilt or innocence. It is in this respect that a Native Judge, who might be otherwise of unimpeachable fitness, would be most likely to fail; and, in fact, Europeans whose conduct has brought them fairly within the action of the Criminal Court will be as likely to escape the just penalty of their guilt as the innocent to incur an unmerited punishment.

That the grave objections, moral and material, to this measure may be summed up as follows:—

1. A revival of race-jealousy and further mutual alienation of the interests and sympathies of the European and Native elements of the population.
2. An increased temptation to resort to false and vexatious charges against Europeans, with consequent danger to their liberty and property.
3. A check to the influx of European capital, and to the expansion of commercial and industrial enterprise, arising from the absence of the essential conditions of security.
4. A consequent prejudicial effect on the general prosperity of the country and the revenues of the State.

Under this aspect of the question we may be allowed to refer to the immense impetus that has been given in recent years to the prosperity of India by means of European capital and enterprise.

The tea-industry of India alone represents an investment of capital of not less than fifteen millions sterling, and an annual disbursement, in wages and otherwise, in connection with the investment, of about two and a half millions sterling. The revenues derived from the various provinces and districts in which the industry is prosecuted show a marked and progressive increase, clearly denoting the operation of cause and effect. This is but an example of what is taking place with various degrees of industrial activity throughout the country, and it is obviously the interest of Government to foster by every legitimate means a spirit of private enterprise so well calculated to promote these objects, and to refrain from legislation which would have a deterrent effect.

Your memorialists therefore pray that your Lordship will be pleased to withhold your assent to a Bill, not shown to be required in the abstract interests of justice, which will be otherwise highly injurious in its operation and is opposed and deprecated by those who would be amenable to its incidence with a manifestation of public feeling and unanimity which it would be unwise to ignore, and which should alone suffice to induce the withdrawal of the measure.

And your Memorialists will ever pray, &c.

Dated 26th May, 1883.

From—R. M. DALZELL, Esq., Proprietor, Dumlote Tea Estate, Kumaon,

To—The Secretary to the Government of India, Home Department.

I have the honour to enclose, for presentation to His Excellency the Viceroy in Council, the accompanying memorial of the tea-planters and landed proprietors, residents in Kumaon and Garhwal, North-West Provinces of India.

*To His Excellency the Most Noble the Marquis of Ripon, K.G., P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India in Council.*

The memorial of the undersigned Tea-planters, Landowners and Residents, in Kumaon and Garhwal, North-West Provinces of India

**SHEWETH,**—That in the matter of the Bill now before the Legislative Council of the Government of India, entitled the Criminal Procedure Code Amendment Act, they consider it is uncalled for and unnecessary for the following reasons:—

- 1st.—Because it is in direct antagonism to the wishes and desires of those most interested in it, namely, the great body of the British residents in India.
- 2nd.—It is calculated still further to widen the undesirable breach that already exists between the Christian and heathen subjects of Her Majesty the Queen and Empress of India.



*3rd.*—In the opinion of your memorialists, such legislative measures, having for their object the further extension of Native jurisdiction in this country, will, if thoroughly tested by the voice of the Natives themselves, be found contrary to the wishes of the bulk of the inhabitants of India, who, so far from desiring an increase of Native officials or of Native jurisdiction over Europeans in the administration of law and justice, would hail with heartfelt satisfaction an increase of British officials in the said administration of law and justice; and this your memorialists believe would be abundantly verified by an appeal to the Natives of India themselves.

*4th.*—Your memorialists beg therefore most respectfully to urge that the said Bill, the Criminal Procedure Code Amendment Act, may not be passed into law.

No. 809, dated 6th June, 1883.

Endorsed by the Home Department.

TRANSFERRED to the Legislative Department for disposal.

No. 3855, dated 8th June, 1883.

From—C. GONNE, Esq., Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 3731,\* dated the 2nd instant, I am directed to forward, for the information of the Government of India, copy of a letter from the Secretary to the Millowners Association, Bombay, dated the 22nd ultimo, communicating the opinion of the Association on the provisions of the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

\* Printed as paper No. 39.

nion of the Association on the provisions of the Bill for amending the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

Dated 22nd May, 1883.

From—J. GORDON, Esq., Secretary, Bombay Millowners Association,

To—The Under-Secretary to the Government of Bombay.

I am directed to acknowledge the receipt of your letter No. 2261, dated 2nd April, 1883, forwarding copies of a letter from the Secretary to the Government of India, Legislative Department, No. 24C., dated the 17th March, 1883, and of a Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, together with the Statement of Objects and Reasons which accompanied it, and requesting that Government might be favoured with the opinion of the Millowners Association on the provisions of the Bill.

These documents were submitted to a general meeting of the Association held on the 9th instant, when the following resolution was carried, the only Europeans (two) who were present, and who were members of the same firm, dissenting :—

“That the Committee be requested to inform Government, in reply to their letter dated 2nd April, 1883, that the Association approves of the provisions of the Bill to amend the Code of Criminal Procedure, 1882.”

No. 898 J.-D., dated 4th June, 1883.

From—F. B. PEACOCK, Esq., Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Legislative Department.

I am directed to submit the accompanying copy of a letter, No. 68, dated the 22nd ultimo, from the Honorary Secretaries, European and Anglo-Indian Defence Association, and its enclosure, in original, being a protest from the non-official European residents of the districts of Jessore, Nuddea, and Pubna against the Bill to amend the Code of Criminal Procedure.

No. 68, dated 22nd May, 1883.

From—Messrs. A. FURRELL, and S. E. J. CLARKE, Honorary Secretaries, European and Anglo-

Indian Defence Association,

To—The Officiating Secretary to the Government of Bengal.

We are directed by the Council of the above Association to forward herewith, in original, a protest from the non-official European residents in the districts of Jessore, Nuddea and Pubna, in Lower Bengal, on the subject of the Criminal Procedure Code Amendment Bill, and to request that you will forward it through the proper channel to His Excellency the Viceroy and Governor General of India in Council.

*Protest from the Non-official European Residents in the Districts of Jessore, Nuddea and Pubna, Lower Bengal.*

We, the undersigned non-official European residents in the districts of Jessore, Nuddea and Pubna, hereby give our most emphatic protest against the proposed change in the Criminal Procedure Code, whereby we are to lose the privileges we have hitherto enjoyed, and are to be made amenable to the jurisdiction of Natives. That we view any such change with the greatest anxiety and alarm, knowing, as we do, the great dangers which such might lead to; and, in districts like these, where Europeans are so isolated and so few in number, we consider it specially dangerous and fraught with ruin for us in every way. We resolve that one of our number should forward this our firm and indignant protest to the Commissioner of the Presidency Division, with the request that he will bring the same through the proper channel before His Excellency the Viceroy, in the assurance that Lord Ripon will not permit those privileges which we cherish so much, that (*sic.*) of being tried by our peers, to be taken from us.

No. 3897, dated 11th June, 1883.

From—C. GONNE, Esq., Chief Secretary to the Government of Bombay.

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 3855, dated the 5th instant, I am directed to forward, for the information of the Government of India, copy of a minute by the Hon'ble Mr. Justice Nánábhái Haridás, Acting Judge of Her Majesty's High Court of Judicature, Bombay, containing his opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

*Minute by the Honourable Mr. Justice NÁNÁBHAI HARIDÁS on the Bill to amend the Criminal Procedure Code, 1882, so far as it relates to the exercise of Jurisdiction over European British subjects, dated 2nd June, 1883.*

I am unable to agree with the Acting Chief Justice in his opinion on this Bill. He denies "that a Native Judge or Magistrate in the mofussil, whether a Civil Servant or not, is fit to try a European British subject."

2. In considering this matter one must not overlook existing facts. Every such Judge or Magistrate in the mofussil already has power to try Frenchmen, Germans, Italians, Greeks, Russians—in short all Europeans, except those who are British subjects. For years he has exercised it in a perfectly satisfactory manner. I am not aware of any instances in which he has shown his incompetence in the exercise of it. In principle what difference is there between the two classes of Europeans that renders such a Judge or Magistrate competent to try one of them, and at the same time incompetent to try the other? Besides, Native Magistrates in the Presidency-towns have for years possessed the power of trying both classes of European offenders. If competent to exercise such power in the Presidency-towns, it is difficult to see how they become incompetent when transferred to the mofussil, and competent again when re-transferred to the Presidency-towns. The present state of the law on this subject is utterly indefensible. A Judge's fitness for his post does not depend in the least upon the colour of his skin or upon the nationality of the prisoner to be tried, or upon the place where the Court is held; and any invidious race-distinctions ought not to be allowed to disfigure the Statute Book a day longer than may be absolutely necessary.

3. If a fear is really entertained in any quarter that the very presence of a Native on the Bench will lead to an increase in the practice, said to be very common in this country, "of bringing false charges upon suborned evidence against persons of a different race whom it may be desirable to injure or get rid of," such fear, is to say the least, most unreasonable. The presence on the Bench of Native Magistrates in the Presidency-towns has not led to any such result. There are Hindu Magistrates in the mofussil daily trying cases in which the accused are Mahomedans and *vice versa*; and again there are both Hindu and Mahomedan Magistrates trying cases in which the accused are Europeans (other than "European British subjects") as well as persons of other alien races. But there is no warrant for asserting that perjury and subornation of perjury and false charges have increased there in consequence. Besides, since 1836, Native Judges in the mofussil have, in civil cases, exercised the same jurisdiction over European British subjects as over others. It yet remains to be discovered that those offences have increased in consequence.

4. I do not think there is much in the argument, which finds favour with some, that a Native Judge or Magistrate is incompetent to try European offenders by reason of his ignorance of European "manners, customs, and habits of thought"; and that two or three years' residence in England is not likely sufficiently to remove that ignorance in the case of a Native Civilian. This argument evidently rests on the assumption that no Judge is competent to try a prisoner with whose "manners, customs, and habits of thought" he is unacquainted. Now, can it be truly predicated of the European Judges and Magistrates, whether in the mofussil, or in the Presidency-towns, that they are acquainted with the "manners, customs, and habits of thought" of every prisoner whom they have to try? The fact is jurisdiction is not conferred at present upon this principle. It will not be difficult to find instances of European

Judges, some quite fresh from England, others with even less than two or three years' residence in India, and others again, even, after much longer residence, without any knowledge of a Native language or of Native "manners, customs, and habits of thought," trying Natives upon all sorts of charges. And yet who has ever thought of denying them such jurisdiction on that ground. What is perhaps of more importance is a knowledge of the "manners, customs, and habits of thought" of the Native witnesses, upon whose evidence the determination of the guilt or innocence of the accused depends; and it cannot justly be denied that, as regards that, a Native Judge or Magistrate is much better situated than any European can be.

5. As to the provisions of the Bill, I do not think they go far enough. It seems to me that, as is already the case in civil matters, the procedure of the Court in criminal matters also should be the same, whether the accused are Native subjects of Her Majesty or European subjects. There is no good reason for having special Courts or special modes of trial for the latter. All the subjects of Her Majesty must alike submit to the jurisdiction of the Courts established by Her representatives in India, and the same offences when proved in those Courts, in the ordinary way, should produce the same penal consequences irrespective of the caste of the offenders. All Her Majesty's subjects ought to be equal in the eye of the law. In the Presidency-towns the same tribunals try both classes of them, the same procedure or mode of trial obtains and on conviction the same consequences follow. The substantive criminal law is now the same in the Presidency-towns and in the mofussil. Why then should there be any difference in the procedure? I think with the Chief Justice (*see* his Minute of 7th June 1882) that the whole of Chapter XXXII of the Criminal Procedure Code may advantageously be repealed, a short enactment being passed providing that "No person shall by reason of his descent or place of birth be in any criminal proceeding exempted from the jurisdiction of any of the Courts." With reference to paragraph 2 of the "Statement of Objects and Reasons" accompanying the Bill, it seems to me that such an enactment would more

Section 10, Criminal Procedure Code.

effectually settle the question now before the Legislative Council. Having regard to the progressive policy of Government, and bearing in mind how the same question as regards civil cases was settled in 1836, one may safely say that some day or other it will have to be settled in the same way as regards criminal cases also. If so, it may as well be so settled now as ten or twenty years hence. The existing provisions of the law as to transfer of cases from one Court to another, appeals against convictions, suspension of sentences, and revision, are amply sufficient for the protection of Her Majesty's European subjects no less than for that of Her Native subjects; and all fear of their proving insufficient for that purpose is utterly unfounded. The longer the existing anomaly is allowed to continue in deference to the unreasoning clamour now raised for its continuance the greater will be the difficulty of removing it hereafter. If the Legislature had listened to similar clamour in 1836, the law on the subject of civil jurisdiction would to this day have continued in the same unsatisfactory state as before. There was no lack then of people predicting all manner of evil consequences from the passing of what is known as the Black Act. Half a century's experience of its working, however, has shown them to be false prophets, not one of those consequences having followed. Who can now say that the Government then were not perfectly justified in disregarding the opposition to it? Should it, however, be deemed expedient not to go the whole length just now, the Bill may be passed at once as it stands. To withdraw it is out of the question. It would be a retrograde move, likely to produce many embarrassments in future.

6. With reference to the suggestions contained in the Chief Secretary's letter, dated 17th April 1883, it seems to me that, in trying to remove one invidious race distinction by legislation, care should be taken to avoid, if possible, the creation of another. All trials before a Court of Session in the mofussil are at present either by jury or with the aid of assessors, whoever the accused may happen to be (section 268, Criminal Procedure Code). If Europeans prefer the former mode of trial, the Natives are by no means opposed to it; and Government, having the power (section 269 of the same Code), may at once direct such mode to be adopted in all cases. In this way they will be conferring a boon which all Her Majesty's subjects will equally value. They will, at the same time, be removing another existing anomaly—different modes of trial in the Presidency-towns and in the mofussil. Education has made such progress in every part of India within the last thirty years as to justify a hope that no difficulty will be experienced in finding a sufficient number of competent persons to act as jurors, wherever a Court of Session is held. I am opposed on principle to the creation of special tribunals for the trial of any one class of Her Majesty's subjects; but if Government deem it expedient to do so, there is no necessity for any new legislation on the subject. They already have the power, under sections 15 and 16 of the Criminal Procedure Code, to direct two or more Magistrates in the mofussil to sit together as a Bench, and to make rules for the guidance of such Benches.

No. 4005, dated 14th June, 1883.

From—C. GONNE, Esq., Chief Secretary to the Government of Bombay.

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 3897, dated the 11th instant, I am directed to forward, for the information of the Government of India, copy of a minute by the Hon'ble Mr. Justice

Pinhey, Judge of Her Majesty's High Court of Judicature, Bombay, containing his opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

*Minute by the Honourable MR. JUSTICE PINHEY on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.*

Just a year ago we were asked by the Government of Bombay to state our opinion "as to whether all members of the Covenanted Service, whether European or Native, ought not to be placed on the same footing, and whether the distinction which now exists between the two classes in regard to their powers of trying Europeans should not be abolished."

2. I had long ago wished to see this distinction abolished, and I, therefore, unhesitatingly initialled a minute by the Chief Justice (Sir C. Sargent) answering the Government reference to this effect.

3. Reading again now the minute of Sir C. Sargent by the light of later experience, I regret that I initialled it; because, although I agree with the whole of that part of it which answers the Government reference, the last paragraph of that minute expresses an opinion on the general question of the propriety of subjecting all European British subjects to the jurisdiction of every Magistrate—whether European or Native—a question about which our opinion was not asked.

4. I am of course still of opinion that it is neither necessary nor just to make any distinction between the European and Native members of the Covenanted Civil Service, or to refuse to the latter power to deal with European British subjects in the exercise of their criminal jurisdiction.

5. When the Secretary of State for India advertises yearly that so many appointments in the Covenanted Civil Service will be given away by open competition, he makes no exception or distinction as to Natives of India. If a Native of India is a successful competitor, he receives his appointment subject to no other condition than those which his European competitor has to accept. It seems to me unjust that a Native Covenanted Civilian, when he arrives in India, should find his rights and privileges cut down, merely because he is a Native of India, or that he should be subjected to any disability from which his European fellow-competitor is exempt.

6. And the distinction is in my opinion as unnecessary as it is unjust. The European and the Native pass the same test. You have, therefore, the same guarantee for the education and ability of each. You have the same guarantee for the moral character of the one as of the other. No Native of India ever has or ever will succeed in getting into the Covenanted Civil Service without residing some years in England, and consequently mixing in European society and acquiring a considerable knowledge of the manners and customs and habits of thought of Europeans.

7. If, then, the Bill had gone no further than to do away with the distinction between European and Native members of the Covenanted Civil Service, so far as the exercise of criminal jurisdiction is concerned, it would have had my unhesitating and hearty support, but it goes much further; and, so far as it goes further, I think it unnecessary, impolitic and inopportune. Moreover, I object to it nearly as much for its disabling and as for its enabling effect: for not only will it enable Government to give power to Natives of classes (b) and (c) to deal with European British subjects charged with criminal offences, but it will in future prevent Government from giving such power to Europeans who are not members of the Covenanted Civil Service, but who are now invested with the power. I refer to the class of European officers, who are called in the mofussil of this Presidency City Magistrates and to such Deputy Collectors as are Europeans. Members of this class are to be found at Karachi, Poona, Belgaum and other large towns.

8. I need say no more of the Bill, so far as it will disenable Europeans who are not Covenanted Civilians from dealing with Europeans charged with offences. Nor need I say anything of class (d) Cantonment Magistrates: for in this Presidency at least these are always (I believe) European British subjects, generally military officers.

9. Before I state my objections more fully as to classes (b) and (c) I wish to express it as my opinion, that the unreasonable and unseemly clamour which has been raised against the Bill by a portion of the European community in India has been raised in consequence of an entire misconception of the scope of the Bill. It seems to me that the European community, without any careful study of the Bill, have jumped at the conclusion that if the Bill becomes law every European will be liable to the jurisdiction of any, and every, Native Magistrate in respect of any, and every, offence with which he may be charged. The Bill of course does not contemplate any such extension of the criminal jurisdiction of Native Magistrates generally.

10. Besides class (a) Covenanted Civilians (all of whom should, in my opinion, have the same jurisdiction as to persons), and class (d) Cantonment Magistrates (all of whom, in this Presidency at least, are European British subjects), the Bill proposes to enable Government to give jurisdiction over European offenders to two classes of first class Magistrates, class (b) members of the Native Civil Service constituted under the Statute 33 Vic., cap. 3, and class (c) Assistant Commissioners in Non-Regulation Provinces, who may be either European British subjects or Natives of India. As to such Assistant Commissioners as are European

British subjects, the Bill would not alter the law that now exists. There are no Assistant Commissioners, such as the Bill names, either European or Native, subordinate to the Bombay High Court. Whatever be the objection to conferring on Native Civilians criminal jurisdiction over European British subjects, the same objection would, in my view, exist in the case of Native Assistant Commissioners. I shall, therefore, confine the rest of my remarks to class (b) Native Civilians appointed (by nomination and not by competition) in this country.

11. I have already said that I think the extension of the criminal jurisdiction of Native Civilians unnecessary, impolitic and inopportune. I will state my reasons for so thinking as shortly as I can.

12. *Unnecessary.*—The proposed change in the law has not been called for either by the persons on whom it is proposed to confer the jurisdiction, or by the persons over whom it is to be exercised. It is a matter of notoriety that the latter strongly object to it. I do not remember ever hearing of a case in which justice was either delayed or frustrated by reason of there being no European Magistrate within reach, when a charge was brought against a supposed European offender. Mr. Gupta, of the Bengal Civil Service, had a grievance and gave expression to it. The Bill, so far as I approve of it, would do away with this grievance and rightly so. No other Native has asked to be given power to try Europeans, and so far as I am capable of forming an opinion, very few Natives, if any, would wish to have to try Europeans.

13. *Impolitic.*—The new Native Civilians nominated in this country, so far as I have had an opportunity of testing their capacity, are inferior to the Covenanted Civilian, either European or Native, in ability, in education, even in the power of writing simple English. They have never been in English society. They have never associated on terms of equality (most of them have not associated at all) with English men and women. As they have never “crossed the black water,” you have no test of their moral courage. As they are appointed without examination, you have no guarantee for their education beyond the poor one afforded by departmental examinations. They are not appointed on their own merits, but generally because their fathers are distinguished servants of Government or prominent citizens, or else because their fathers or uncles are greatly esteemed by some one in or out of the Government service, who has influence enough or perseverance enough to get his nominee appointed a civilian. I know as a fact that the Native community generally are greatly discontented with the present mode of nominating Natives to the Civil Service. Can it be politic to give to such as these a new power, a new jurisdiction over a proud and hitherto dominant (and perhaps it may justly be added domineering) race? I cannot think so. It is easy of course to be wise after the event, but I think my opinion on this point derives confirmation from the outburst of passion (Native as well as European) which the introduction of the Bill in the Legislative Council has produced; albeit Native and European alike have misconceived the scope of the Bill, however it was not a mere transient outburst of passion. The discussions that have taken place in the press and elsewhere during the pendency of the Bill have produced a state of race antagonism, such as I have never known since the terrible events of 1857.

14. *Inopportune*—Of course, from what I have said above, I must consider that portion of the Bill to which I object is inopportune. But I do not say, and I do not think, that, as time goes on, the race distinctions, which it is the object of the Bill to modify, may not be modified as they have already been modified from time to time. But the method of recruiting the Native Civil Service must first be modified. The race antagonism which the inopportune introduction of this Bill has excited must be allowed to subside. It was decreasing rapidly before the Bill. It will again decrease if the Bill be altered to the extent that would be necessary, in my opinion, to make it a just and a wise Bill.

15. I cannot close these remarks without noticing that it appears to me that some of my colleagues in their observations appear to have fallen into the popular error of considering the scope of the Bill much wider than it is.

No. 866, dated 23rd May, 1883.

From—C. A. WILKINS, Esq., Officiating Registrar of the High Court, Calcutta,

To—The Secretary to the Government of India, Legislative Department.

In reply to your letter No. 16C. of the 16th March 1883, asking for an expression of the

#### HIGH COURT.

#### ENGLISH DEPARTMENT, CRIMINAL.

##### *Present :*

The Hon'ble Sir Richard Garth, Kt., Chief Justice.  
The Hon'ble H. S. Cunningham.  
" " W. F. McDonell, V.C.,  
" " H. T. Prinsep,  
" " L. R. Tottenham,  
" " A. T. Maclean,  
" " J. F. Norris,  
" " J. Q. Pigot,  
" " J. O'Kinealy,  
" " C. J. Wilkinson,  
" " W. Macpherson,

*Judges of the Court.*

Judges' opinion on the provisions of the Bill to amend the Code of Criminal Procedure, so far as it relates to the exercise of jurisdiction over European British subjects, I am desired to say that the Judges have considered the Bill, together with its annexures, and the abstract of the proceedings of the Legislative Council, so far as they relate to that measure.

2. The Judges consider it to be their duty to express, without reserve, the views which they entertain, not only upon the form and language of the Bill, but on its general policy and probable effects.

3. The Statement of Objects and Reasons sets forth that, “after consulting the Local Governments, at the Government of India has arrived



at the conclusion that the time has arrived for modifying the existing law and removing the present bar upon the investment of Native Magistrates in the interior with powers over European British subjects; and that the Government has, accordingly, decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinctions."

With this view the Bill amends section 22 of the Criminal Procedure Code, which at present restricts the appointment of Justices of the Peace to European British subjects, by empowering the Government to appoint any Magistrate of the first class, who is either (a) a member of the Covenanted Civil Service, or (b) a member of the Native Civil Service constituted under 33 Vict., c. 3, or (c) an Assistant Commissioner in Non-Regulation Provinces, or (d) a Cantonment Magistrate, to be a Justice of the Peace.

4. The Bill next amends section 25 of the Code, so as to provide that all Sessions Judges and Magistrates of the District shall be Justices of the Peace for the territories of the Local Government under which they are serving. It then repeals so much of sections 443 and 444 of the Code, respectively, as limits jurisdiction over European British subjects to such Magistrates and Sessions Judges as are themselves European British subjects.

5. Accordingly, if this Bill becomes law, the effect will be that (1) all Native Sessions Judges and Magistrates of the District will, *ex-officio*, exercise the same jurisdiction over European British subjects as is now exercised by European officials of the same class; and (2) the Government will be empowered to invest any Native Magistrate of the first class, who is either a Covenanted Civilian, or has been appointed under 33 Vict., c. 3, or is an Assistant Commissioner in a Non-Regulation Province, or a Cantonment Magistrate, with the jurisdiction over European British subjects, which by the existing law is restricted to European British subjects.

6. Thus a Native Magistrate, who has been appointed to be a Justice of the Peace, will have jurisdiction (1) to enquire into any charge against an European British subject, and either commit him to the Sessions Court or High Court; or, (2) if the offence be one ordinarily triable by a Magistrate, to try it and impose a sentence of three months' imprisonment or fine up to Rs. 1,000, or both. A Native Sessions Judge or Assistant Judge empowered under section 444 will be competent to try a European British subject for any offence not punishable with death or transportation for life, and to impose a sentence of one year's imprisonment or fine of unlimited amount, or both. Cases for which, in the Sessions Judge's opinion, such a punishment is inadequate, will be transferred to the High Court.

7. Offences punishable with death or transportation for life will remain, in the case of European British subjects, exclusively triable by the High Court. The European British subject will retain his right, under section 451, of claiming a mixed jury or mixed assessors, his special rights of appeal under Chapter XXXI, and his right of applying to the High Court under section 456 in case of unlawful detention.

8. It must be remembered that in India the powers of police investigation, magisterial enquiry, and judicial trial are closely connected and are frequently combined in the same official. Under the Code of Criminal Procedure, as it now stands, any District or Sub-divisional Magistrate, as well as any other Magistrate specially empowered in this behalf (section 191), may take cognizance of any offence, that is, initiate criminal proceedings in respect of any offence (1) upon a complaint made, (2) upon a police report thereof, (3) upon information received from any person other than a police officer, or (4) *upon his own knowledge or suspicion*, that such offence has been committed.

9. It is the duty of the District or Sub-divisional Magistrate to direct investigations, by the police. He receives their daily reports and very often has to instruct them on points which he may think that they have overlooked or misapprehended. It sometimes even happens that the investigation is taken out of the hands of the police and conducted by the Magistrate himself (section 159). The result of this is that a chief local Magistrate practically becomes the prosecutor and may become the Judge notwithstanding that he may have formed a strong opinion on the case behind the back of the accused without having heard his explanation or defence. This is the system in force in India; and although it is probably, for administrative reasons, unavoidable, it is an extremely dangerous system. It has certainly provoked adverse criticism: that it has not provoked more is probably due to the careful superintendence bestowed by District Magistrates, who have in Bengal hitherto been English gentlemen of the Covenanted Civil Service, whose education and training have made them fully sensible of the responsibilities which such a system as that described imposes on them in their own proceedings and also in supervising the proceedings of their subordinate Sub-divisional Magistrates. The present law protects European British subjects from the exercise of this dangerous combination of duties by any one but their own countrymen. The Bill under consideration proposes to remove this protection.

10. The general result, accordingly, of the proposed amendments will be to leave European British subjects in the possession of various important rights as regards the class of officer who can commit or try them, the form of trial, the right of appeal, and the power of invoking the aid of the High Court when they are unlawfully detained in custody; but to deprive them of the right, which they at present enjoy, that in every case the enquiry or trial shall be conducted by an European British subject. It will become the duty, *ex-officio*, of Native officers of a particular class to commit or try European prisoners, even in cases in which, in person or through the police, they have initiated investigations affecting them; and the Government

will be empowered to select from a wide area such other Natives as it thinks well to invest with such powers.

11. The position in which European British subjects would be placed by the proposed changes is one which they have never yet occupied, and in which the Legislature has on several occasions deliberately determined that it would not be wise to place them. On a review of the course of legislation since 1793, it is impossible, the Judges consider, to doubt that the intention and practice of the Government has been to surround the investigation and trial of offences, charged against European British subjects in the mufassal with special precautions and, amongst those precautions, to restrict the jurisdiction in such cases to European officials. Any doubts which the wording of particular Acts, as *e.g.*, Act VII of 1853, might have occasioned, have been removed by the express declarations of the Codes of 1861 and 1872, in both of which this restriction was deliberately enacted.

12. On the other hand, as regards European officials, the result of the proposed change will be to curtail considerably the powers now exercised by Government in the appointment of Justices of the Peace. At present, the Government can appoint such European British subjects as it thinks fit to be Justices of the Peace. This power has been hitherto extensively employed, and Europeans, other than Covenanted Civilians, have been appointed to be Justices of the Peace, and dispose, in a manner which the Judges believe to be satisfactory, of cases in which Europeans are concerned. Under the amended section, the Government will be unable to appoint any one who does not fall within one of the four classes specified in the amendment. There are at present in Bengal many such Justices of the Peace whose appointments would have been impossible under the amended section.

13. The first argument adduced in favour of the proposed change in the law, which the Judges propose to consider, is that on which His Excellency the Viceroy grounded his support of the Bill in the discussion of the 9th March in the Legislative Council, *viz.*, the expediency of taking at once a step which the policy of admitting Natives to the service rendered sooner or later inevitable. "It is surely clear," His Excellency observed, "that though there is not at the present moment an irresistible necessity for introducing this measure, as Lord Lytton's system develops, an irresistible difficulty will arise. When you have one-sixth of the Civil Service composed of Natives, it will be impossible to maintain the present restriction. Therefore what we had to consider was, is it better to wait until this necessity becomes overwhelming and irresistible, or is it better to introduce the system now? I confess, it appears to me, that it is far wiser and far more in the true and substantial interests of those over whom this jurisdiction is exercised, that it should be introduced now, when the persons who would obtain these powers are very limited in number; when the circumstances under which they enter the Civil Service insure their ability and character, and when all their proceedings can be carefully watched. Being few in number, it will be easier now than afterwards for the attention of the Local Governments and the public to be directed to their proceedings, and, being the men they are, it seems to me that they would be likely to set a good example and give a good tone to those who come after them. I hold it, therefore to be wiser to introduce the measure now, gradually, cautiously, and tentatively, than to wait till the change is forced upon us by necessity, and the powers, which are now to be given only to a few men, have to be given suddenly to a very much larger number of Native Civil Servants. This is the ground upon which I thought that the time had come when this change could best be made."

14. The Judges fully appreciate the necessity of adjusting the judicial machinery of the Courts to the declared policy of the Secretary of State as regards the employment of Natives in the judicial service. But they do not perceive that that policy necessarily involves any such change as that now suggested; nor, in any case, do they consider that the proper moment for making such a change has arrived, or that materials at present exist for deciding on the form which it ought to assume.

The accompanying table shows that of the Civilians on the Bengal list there are at present twelve Natives, either Covenanted Civilians, or persons admitted under 33 Vict., c. 3. Of these, two have been over 11 years in the service, one over 10, one over 9 years, one has been over 7 years. The rest have been under 5 years, and of these, five have served less than 3 years. Moreover, since 1875 only one Native Civilian has passed through the competitive examination, and that was in 1879. Since that year all the admissions have been under the Statute. There are, accordingly, only four officers who, in the ordinary course, would for some time to come be either Magistrates of the District or Sessions Judges. As regards the rest, no question is likely to arise for several years.



Names of Native Civilians appointed (1) in England and (2) in India.	Date of joining the Service.	APPOINTMENTS HELD.		APPROXIMATE YEARS WHEN OFFICERS WILL BECOME ELIGIBLE FOR APPOINTMENTS EITHER AS		REMARKS.
		Substantive appointments.	Officiating appointments.	Officiating Magis- trates.	Or as Officiating Judges.	
<i>Appointed in England.</i>						
Mr. R. C. Dutt . . . . .	10th July 1871 . . . . .	Joint Magistrate, 2nd grade . . . . .	Magistrate and Collector, 3rd grade . . . . .	.....	... ..	● He was first appointed to officiate as a Magistrate in September 1881.
„ B. L. Gupta . . . . .	Ditto . . . . .	Presidency Magistrate . . . . .	Nil . . . . .	.....	1883	He has elected the Judicial line.
„ A. Burooah . . . . .	9th July 1872 . . . . .	Joint Magistrate, 2nd grade . . . . .	„ . . . . .	.....	.....	On furlough. He was appointed to act as a Magistrate in August 1880.
<i>(Substantive pro. tem.)</i>						
„ K. G. Gupta . . . . .	30th June 1873 . . . . .	Assistant Magistrate and Collector . . . . .	Joint Magistrate, 1st grade . . . . .	.....	.....	He has been offered an Acting Magis- tracy.
„ B. Dé . . . . .	19th July 1875 . . . . .	Ditto . . . . .	Joint Magistrate, 2nd grade . . . . .	1884.	1886	
„ K. J. Badshah . . . . .	8th September 1879 . . . . .	Ditto . . . . .	Nil . . . . .	1886.	1888	
<i>Appointed in India.</i>						
Koomar Rameswar Sing . . . . .	2nd March 1878 . . . . .	Assistant Magistrate and Collector . . . . .	Nil . . . . .	1888.	1890	
Baboo Nanda Krishna Bose . . . . .	27th January 1880 . . . . .	Ditto . . . . .	„ . . . . .	1888.	1890	
Koomar Giindro Narain Deb . . . . .	28th December 1880 . . . . .	Ditto . . . . .	„ . . . . .	.....	.....	Has not yet passed the departmental examination by the Higher Standard.
Baboo Gopendra Krishna . . . . .	3rd November 1882 . . . . .	Ditto . . . . .	„ . . . . .	.....	.....	Ditto ditto.
Koomar Sattya Sree Ghosal . . . . .	3rd February 1880 . . . . .	Ditto . . . . .	„ . . . . .	.....	.....	Has yet to pass by the Lower Standard.
Maulvi Ashunuddin Ahmed . . . . .	27th December 1881 . . . . .	Ditto . . . . .	„ . . . . .	... .	.....	Ditto ditto.

N.B.—The last four Officers have not yet passed their examinations completely, and as officers are not considered eligible for promotion until they pass fully, it is difficult to determine the probable time when they will rise to the rank of Officiating Magistrates or Officiating Judges. It takes an officer 7 years or thereabouts from date of passing to rise to the position of an Officiating Magistrate, and about 8 years to get an Officiating Judgechip.

15. These figures appear to the Judges to indicate that the question of the jurisdiction of Native Civilians over European British subjects cannot be regarded as in any way pressing for immediate solution. Though it may be intended that Native officials shall ultimately constitute a sixth of the entire Civil Service, there do not appear to be grounds for expecting that this intention will be realized for many years to come. It would appear, moreover, that various causes have, of late years, led Native candidates to refrain from seeking admission to the Civil Service by the competitive examination, and that the main body of Native Civilians will for the future be those who are appointed in this country under 33 Vict., c. 3. Such a state of things scarcely seems to justify prospective legislation on the ground that an irresistible necessity is impending, which can be at present more conveniently and safely met than at a later date. The Covenanted Native Civilians, who have passed into the service by the competitive examination, constitute, it is apparent, a small and dwindling class. So far as can be judged at present, the supply has come to a standstill; nor, as to admissions under 33 Vict., c. 3, does it appear that the Local Governments have found it feasible to carry out the provisions of the Act except on a very limited scale. Three officers appear to have been appointed in Bengal in 1880, one in 1881, one in 1882. At present, therefore, the measure can, it is obvious, scarcely be regarded as having passed beyond the stage of an experiment. How these officials will turn out is a question on which it is at present, and must be for some years to come, impossible to form any confident opinion. Even as regards the earlier appointments, the Judges are of opinion that they have been too few in number, and, in the majority of instances, have lasted for too short a time, to afford material for any safe generalization, or to justify, on the ground of ascertained fitness, a change in the policy of Government which would take away from European British subjects a privilege which, it is apparent, they regard as of high value and importance.

16. If some years hence, owing to the number of Native Civilians having greatly increased any administrative difficulty should arise and a change in the existing arrangements be considered necessary, such a change will, the Judges think, be more safely made at a time when there are better means than at present of judging both of the administrative difficulties which have to be met and of the capacity and character of the class of officials whose powers and responsibilities it will have the effect of enlarging. The increase in the number of Native officials will not render the supervision of their behaviour in any way more difficult than it is at present. On the other hand, longer experience and a better acquaintance with the particular points, as to which supervision is found to be necessary, would enable the superintending authority to perform its duties more efficiently. At any rate legislation, should it hereafter be necessary, would proceed on a basis of practical experience, not, as it is likely to do now, on mere conjecture as to the conduct and character of officers about whom scarcely anything is known.

17. In considering the question whether legislation is at present advisable, it is necessary to keep in view the wide distinction which exists between Native officers who have entered the Civil Service by competitive examination in England, and those who are nominated under 33 Vict., c. 3, in this country. The Judges are not prepared to admit that, even as regards the former class, the proposed change in the law is any way necessary or desirable: but here there is, at any rate, some guarantee for ability, moral character, and such insight into the feelings of Englishmen as a short residence in England may be supposed to confer. On the other hand, with the statutory Civilians there is absolutely no guarantee against the existence of the very defects which constitute the grounds of the reluctance of European British subjects to submit to their jurisdiction in criminal trials. They are described by the Judicial Commissioner of Oudh in a document, forwarded by the Lieutenant-Governor of the North-Western Provinces with his own reply to the Government of India, as "often being men saturated with caste and religious prejudice and ignorant of European modes of thought and feeling." One object of the Statute was, the Judges believe, to enable the Government to enrol in the ranks of its service Native gentleman of high birth and social position. It is easy to imagine cases in which a gentleman might have on these grounds great claims to a nomination under the Statute, who might yet be conspicuously deficient in many of the qualifications which are admittedly essential in the Judge who is to deal with cases in which European British subjects are concerned. It must be remembered that it is with officials of this class, not with successful competitors in the Civil Service Examination, that, in considering the present question, we have principally to deal: nor can the Judges lose sight of the fact that these Statutory Civilians will be appointed by a system of nomination which was abandoned by the Government 25 years ago in favour of competitive examination, and which can scarcely be expected to work more satisfactorily in India than it did in England. On the officers thus nominated the proposed change will confer a jurisdiction unknown to English law, a combination of inquisitorial, magisterial and judicial powers, which may be justified by the necessities of the case of India, but which Englishmen in India may with some reason contend, should continue to be exercised in their own case, as it is at present, only by officials for whose competence or character they have some adequate guarantee.

18. The apprehensions which many Europeans entertain as to the results of the proposed change are not, in the Judges' opinion, without foundation. There is no doubt that the position of Europeans in the mufassal has many disadvantages. They are often completely isolated, they live among people alien to themselves in religion, nationality, social habits and political ideas. As owners of property and employers of labour, they are necessarily brought into collision with classes or individuals whose interests conflict with their own; and it is

impossible to ignore the fact that such a state of things exposes them to very considerable risks. The attention of the Government was forcibly drawn to this fact by the Hon'ble Sir Stuart Bayley in the debate of March 9th. "There is," he said, "another aspect to the case of the opposition which I think deserves most attentive consideration, and this is the real danger which the isolated European, living in the mufassal, runs from having false cases trumped up against him. It is right that I should state publicly that this danger is a very real and very serious one, for probably no Member of this Council has had the same experience as I have of the lives led by planters in the mufassal. My own experience has given me a strong feeling on this matter, and any one who knows the extreme bitterness with which disputes about land are fought out in the mufassal, and the unscrupulous methods to which recourse is had in conducting these disputes before the Court,—methods to which a planter cannot have recourse,—will understand how precarious his position may become, and how essential to him it is that the law should be well and wisely administered."

19. The Judges concur in the views here expressed; and they consider that the dangers thus described in the case of planters and manufacturers would be even greater in the case of persons in a humbler position in life—railway employes, artificers, and the like. These men are continually brought into contact with Natives in ways which may easily give rise to misunderstandings and ill-will. Should an accusation be brought against them, they labour under great disadvantages: they are often isolated from other Europeans; they generally have but an imperfect acquaintance with the vernacular languages; they are unable to retain the costly services of European advocates; and they might, in some circumstances, find it impossible to secure the assistance even of Native practitioners. It is easy to see how the grossest injustice might easily be inflicted in such cases by an officer who from any cause failed fully to realise the position of the accused. It is at any rate certain that Europeans of this class would feel an entire want of confidence in any but a European tribunal. On the whole, after making every allowance for temporary excitement and agitation, it is, the Judges think, impossible to doubt that European residents in the mufassal do really consider themselves to be, and in fact are, in a position which justifies them in regarding the privilege of being tried by a European, on whose independence and impartiality they can fully rely, as one of very real importance to them.

20. Accordingly, as the number of Native officials who will be affected by the proposed change is extremely small; as it seems probable that the majority of Native officials will for the future be statutory nominees appointed in this country without any guarantee as to ability and not, necessarily, possessing any acquaintance with the habits or feelings of Englishmen; as there is no evidence of any real demand for any such alteration; as the proposed change will disqualify a class of European officers who at present perform their duties to the entire satisfaction of the Government and the public; and as it cannot, it appears, be effected without a revival of animosities and class-feelings, which are, on every account, to be deplored, the Judges consider that nothing short of grave and pressing reasons could justify its introduction.

21. But, so far as their own observations go, the Judges are unaware of the existence of any of the reasons on which a legislative change is usually demanded. In the exercise of their duties of superintendence and revision, they have occasion to watch attentively the working of the criminal Courts, the returns of which are continually before them. Nothing in those returns indicates that there is at present any administrative inconvenience, any miscarriage of justice, any hardship inflicted on prosecutors, witnesses, or accused, or any dissatisfaction felt with the provisions of the Code as to the jurisdiction of the Courts. Some provisions of the Code are, the Judges are aware, believed by some persons to operate severely, and any measure for the reform of these would deserve consideration. It might be well, for instance, to consider the possibility of extending to Natives in the mufassal, under certain conditions, the right, of the nature of a *Habeas Corpus*, now exclusively enjoyed by Europeans, of applying to the High Court in cases of unlawful detention. But as regards the powers conferred on the several classes of Courts and the rights enjoyed by European British subjects in criminal cases, the Judges are not aware that there is any feeling of grievance or, except amongst a few individuals, any wish for change. On the contrary, the Judges believe, that the privileges now enjoyed by Europeans are readily acquiesced in by the main body of Natives, who understand and sympathise with the natural desire of Europeans to be tried by their own countrymen, and who appreciate the evils to which any alteration of the existing law may probably conduce.

22. They are confirmed in this view by the fact that, though the Criminal Procedure Code was for several years under consideration, and was criticised minutely by every Local Government, and though a very large body of official opinion was collected from every rank in the service, no suggestion on the subject was made by any responsible authority till Sir A. Eden's communication of the 20th March 1882, enclosing Mr. Gupta's letter of 30th January 1882.

23. The Judges find that their views as to this part of the subject are endorsed by His Honour the Lieutenant-Governor, who, in his speech on 9th March, observed that "there were a great many facts which supported the contention that there is no administrative difficulty in connection with the matter," and expressed his conviction that "this measure is unnecessary in the present condition and constitution of the Native judicial Covenanted Service in Bengal."

24. On these grounds the Judges are of opinion that there is nothing in the present condition or prospects of the Service which renders a change of the law expedient; nor do they think that any necessity is likely to arise within any period sufficiently near to require or justify legislation, specially when that legislation arouses apprehensions and animosities which are on every ground matter of regret.

25. In connection with this part of the subject, it may be well to point out that the rapid development of railway and telegraphic communication, which has been urged by some of the supporters of the Bill as a reason for considering it to be free from danger, goes far, and will year by year go farther, to meet the argument based on administrative necessity. There are few parts of India and there will soon, it is to be hoped, be none in which a European cannot be forwarded to any place, in which it may be desired to try him, with ease, speed, and economy. Europeans in India are, for the most part, at the present day, for all practical purposes, far nearer to the tribunals, to which they are subject, than they have ever been before; and their transmission from one place to another will, year by year, become a matter of less difficulty.

26. The foregoing considerations, in the Judges' opinion, sufficiently dispose of the question of the expediency of introducing the measure at the present time. But some of the grounds on which the defence of the proposed change in the law was rested by the supporters of the Bill, seem to the Judges to call for observation. In the first place, as to the reasons adduced for the change. "The only object we have in view," it was observed by the Honourable Member who moved the introduction of the Bill, "is to provide for the impartial and effectual administration of justice. It is by this test that we desire our proposals to be tried." Tried by that test the proposal seems to the Judges indefensible, for no one has suggested that the present administration of justice is not effectual and impartial, or that it will become in any degree more impartial or more effectual by the proposed alteration. On the contrary, the proposal is that a class of cases, which are admitted to be of so "exceptionally troublesome and difficult a character" as to justify their exclusion from the cognizance of any but specially qualified tribunals, shall be no longer confined to a class of officials who, in their disposal, at present give entire satisfaction and command entire confidence, but shall become cognizable by officials who, speaking generally, offer a less complete guarantee for impartiality and independence,—who necessarily labour under the disadvantages arising from difference of nationality and social habits, and in whom the portion of the community concerned confessedly places less confidence than in the existing tribunals. If, as the Hon'ble Member says, the trial of Europeans is "apt to put an exceptionally severe strain on the judicial qualities of tact, judgment, patience, and impartiality," it is difficult to understand how the interests of justice can be promoted by committing these cases to officials who are regarded, and the Judges consider rightly regarded, as less qualified to deal with them than those who at present are empowered to do so. Under the proposed law any Native Assistant Commissioner, who has served long enough to become a first class Magistrate, might, in Assam or in any other Non-Regulation Province, be empowered to commit or try Europeans. Europeans may not unreasonably regard such an arrangement as providing less satisfactorily than the existing law for the impartial and effectual administration of justice in their own case. It is no disparagement of the integrity or ability of a Native Judge to say that he is necessarily more amenable to the external influences to which popular feeling, local prejudice or the wishes and interests of powerful individuals may give rise, than is a European officer, to whom such matters are for the most part unknown. It would be easy to conceive cases in which it would require no ordinary fortitude and independence on the part of a Native official to run counter to the prevailing sentiments of the society in which he lives. It not unfrequently happens that our superior officials are asked to transfer an important case from some Native Judge or Magistrate, not because from deficiency of experience or judicial knowledge he is unable to try it, but because one side or other apprehends (and sometimes even both sides unite in this respect) that some unknown or improper influence will be brought to bear on that officer.

27. In this respect it is necessary to point out that the present measure differs fundamentally from those by which in years past Europeans have been brought gradually within the jurisdiction of the civil and criminal Courts. On each of those occasions the reform had this strong justification that it was really demanded in the interest of an impartial and effectual administration of the law. Justice could not, it is obvious, be done between Europeans and others either in civil or criminal cases so long as a European could be brought before no tribunal nearer than the presidency town. Such a state of the law was in many cases tantamount to a denial of justice; and in criminal matters it practically, in all but very serious cases, secured impunity to the favoured class. On these grounds the changes, heretofore made, were justifiable and wise. But on the present occasion it cannot be suggested that the change will make the trial or punishment of European criminals in any one respect easier, speedier, cheaper or more certain.

28. One of the grounds most frequently alleged in support of the Bill was that the present state of the law was anomalous, and that this anomaly justified legislation. As to this, it is, the Judges think, enough to point out that the entire structure of Indian society and the British administration rests on personal laws, under which particular classes or individuals enjoy special rights apart from the general law applicable to the entire community. These rights have been solemnly guaranteed to the inhabitants of the country and are conscientiously respected by the Legislature and the Courts. The principle laid down in the preamble of 21 Geo. III, c. 70, that it was "expedient that the inhabitants should be maintained and protected in the enjoyment of all their ancient laws, usages, rights and privileges," has been consistently maintained: and the Act which at present regulates the Civil Courts in Bengal (Act VI of 1871) expressly provides that, in all questions regarding succession, inheritance, marriage or caste, or religious usage or institution, the personal law of Hindus and Muhammadans shall be the rule of decision. These personal rights are observed, so far as the Judges are aware, with

equal care, and with ready acquiescence, by the people in their dealings with one another. They are insisted on by the class concerned whenever they appear to be endangered. Only a year ago the entire Hindu and Muhammadan communities were exempted from some of the most important provisions of the "Transfer of Property Act" out of respect to the wishes of certain native gentlemen who were apprehensive that the proposed enactment might be regarded as discountenancing their view of the Hindu Law. Such being the universal rule, the English in India may, the Judges think, with some reason demand that a like regard may be paid to their personal rights, for which they have at any rate the prescription of long usage, which they highly prize, and which are not shown to conflict in any way with the rights of any class. The question asked in the course of discussion on the Code of 1872, when the law was placed on its present footing, seems to the Judges extremely pertinent—"Are English people to be told that, while it is their duty to respect all these laws scrupulously, they are to claim nothing for themselves? that, while the English Courts are to respect and even enforce a variety of laws, which are thoroughly repugnant to all the strongest convictions of Englishmen, Englishmen who settle in this country are to surrender privileges to which, rightly or otherwise, they attach the highest possible importance?"

29. Another ground urged in support of the proposed change in the law, is the invidious character of the existing distinction. If by "invidious" is meant that the law, as it stands, unfairly benefits Europeans to the detriment of natives, or that the privilege now enjoyed by Europeans can justly be regarded as offensive to native feeling, the Judges are unable to see any foundation for such a charge. It is not suggested that the rights now enjoyed by Europeans should be extended to the entire community, or that the proposed change would improve in any particular the general administration of the law. If by the abolition of the present rights of Europeans the natives would be benefited, the balance of advantages might have to be struck; but this is not the case. No practical advantage for natives is to be gained.

30. If even, apart from considerations of practical benefit, there were reason to think that the present state of the law was, or could reasonably be, regarded by natives as humiliating or insulting to them or their countrymen, the Judges would consider that the possibility of remedying such a state of things deserved serious attention. But they cannot believe that such is the case. There is nothing in the existing law which implies any personal disparagement to any one. There may be in the ranks of the native service officials who resent the existing law because it impliedly recognizes the existence of a difference between Europeans and natives, and because they regard such a recognition as obsolete, injurious and oppressive. The Judges cannot regard such feelings as deserving of sympathy or consideration. Those differences, as a fact, exist, and any attempt to ignore them would, the Judges believe, be unwise and disastrous. So far as the present measure encourages the belief in any class of the community that such differences have ceased to exist—that Hindus and Englishmen can live side by side, not only with just and equal laws, but with absolute identity of status in every particular, it must, the Judges consider, be regarded as a probable source of future difficulty. No reasonable official need feel aggrieved or humiliated because the law lays down a general rule that a class of especially difficult cases shall be tried by the officials who are confessedly most competent to try them, to whom their trial has hitherto been invariably confined, and to whom the class concerned earnestly desires that they should continue to be restricted. As was observed in the debate of 1872, "The privilege as to jurisdiction is the privilege of the prisoner, not the privilege of the Judge. The European has an objection to be tried by a native. Considering the position in which he stands, the question is whether you will put him in a position in which he does not at present stand. You place no slight upon a native by saying that he can only try a man of his own race. What is there against the feelings of the native in that? Why should any one feel a slight because he is told that a particular man is to be tried in a particular way. On the other hand, it is a feeling, and not an unnatural one, that a man should wish to be tried by his own countrymen." This feeling, as a fact, is recognized by the provisions of the Code which allow Europeans and natives alike to claim that at least half of the jury, by which they are to be tried, shall consist of persons of their own race.

31. Much reliance has been placed on the argument that for many years past Native Magistrates have in the Presidency towns exercised jurisdiction over European British subjects without giving rise to complaint. As to this, it is, the Judges think, enough to say that the position of the Presidency Magistrates, from the close proximity of the High Courts, the facilities thus afforded for supervision and control, the presence of a large and influential Bar, the activity of the local press, and the influence of public opinion renders it safe to entrust these officials with far more extensive powers than could be safely conceded in the case of Mofussil

\* C. P. C., 411.

Magistrates. This view has been adopted by the Legislature, which empowers \* a Presidency Magistrate to pass a sentence of imprisonment for six months or fine of Rs. 200 without any appeal, whereas in the mofussil 1st class Magistrates and Sessions Judges are unable to pass a higher sentence than one month or Rs. 50 fine without appeal; and in the case of European British subjects no order passed by either is unappealable. For these reasons the Judges cannot consider the experience of the Presidency Magistrates' Courts as in any degree justifying the investment of native officers in the mofussil with jurisdiction over Europeans.

32. Lastly, the Judges have to consider the question of the finality of the Bill. They are



of course, perfectly satisfied that any assurances which may be given by the present Government or any members of it in that respect will be fully and faithfully adhered to. But such assurances would not be binding upon any future Government, and still less upon the native community. There would seem to be no elements of finality, either in the Bill itself, or in its subject-matter. There is no reason why those, in deference to whose wishes the Bill has been introduced, should accept it otherwise than as a prelude to still larger concessions; and it may probably be more difficult in the future for Europeans to protect their rights when the principle upon which those rights depend has once been invaded.

33. The Judges have endeavoured in the preceding remarks to explain why they consider the grounds for the introduction of the Bill to be insufficient. They believe that they have shown that it is justified by no necessity, either immediately present or sufficiently near at hand to require consideration: that the Native Civilians who enter the service by competition are a small and dwindling class: that nothing is as yet, or can be for many years, known of the officers appointed under 33 Vict., c. 3, except that they have not had the residence in England which is supposed by some to render the Covenanted Civilians competent to exercise the proposed jurisdiction; that the circumstances of mofussil life render the present privileges of Europeans in the Criminal Courts not a mere sentimental gratification but an important safeguard against a real danger: that the measure cannot be defended as contributing to the more effectual and impartial administration of justice—an object which the present law sufficiently attains, and which it is not pretended that the amended law would attain any better: that in this respect the present Bill differs from former measures of a like nature, which had for their object the removal of an acknowledged grievance: that the anomaly involved in the present state of the law is merely one instance of a state of things on which the entire structure of Indian society depends: that the right, which the proposed legislation will take away, ought not to be, and in fact is not generally regarded as invidious or oppressive: and finally that the Bill does not possess the elements of finality claimed for it, but on the contrary must, whatever be the wishes of the Government, be hereafter made the standing ground from which further innovations will be demanded. On these grounds the Judges feel bound to express their strong disapproval of the Bill.

34. I am directed to state that the Hon'ble Mr. Justice Mitter will record his opinions on the subject of the Bill in a separate minute.

No. 910, dated 1st June, 1883.

From—C. A. WILKINS, Esq., Officiating Registrar, High Court, Calcutta.

To—The Secretary to the Government of India, Legislative Dept.

In continuation of the High Court's letter No. 866 of the 23rd ultimo, communicating, for the information of His Excellency the Governor General in Council, the views of the Court on the Bill to amend the Code of Criminal Procedure, Act X of 1882, I am directed to forward, for the consideration of His Excellency in Council, the accompanying printed copy of a Minute, dated 25th ultimo, recorded by the Hon'ble Mr. Justice Mitter on the same subject

*Minute by the HON'BLE MR. JUSTICE MITTER upon the Criminal Procedure Amendment Bill, dated 25th May 1883.*

We have been asked to give our opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects. I think that, in submitting our opinion, it is not our province, as judicial officers, to discuss the principle of the Bill so far as it involves the general policy of the State.

I shall therefore confine myself to the consideration of the two following questions:—

- (1) To what extent the Bill in question proposes to take away from the European British subjects any right or privilege which they have hitherto enjoyed;
- (2) What would be the result of the proposed change in the Criminal Procedure Code on the administration of justice in the country.

With reference to the first question, it has been said that, as various sections of the community in India are allowed to enjoy their personal laws on various matters, the European British subjects should not be deprived of the privilege of being tried by a Judge who is himself a European British subject—a privilege hitherto secured to them by the personal laws which they have been allowed to retain in this country. So far as the criminal laws of the country are concerned, I am not aware of any distinction in their application to the people of the various races inhabiting British India. Whether a criminal be a Hindu, a Mahomedan, a Buddhist, a Sikh, or a Parsee, he is subject to the jurisdiction of the same tribunal and is amenable to the same criminal laws.

But, apart from this, it seems to me that there is hardly any foundation for the statement that the personal laws which a European British subject has been allowed to retain in this country confer upon him the privilege of being tried only by a Judge who is himself a European British subject.

A native subject of British India would not be considered an alien in Great Britain. Subject to certain qualifications, which have nothing to do with the country of his birth, he would



be, I imagine, eligible there to be appointed a Justice of the Peace or a Judge of the High Court of Judicature. He would be eligible to serve as a juror in a criminal trial, whatever might be the nationality of the accused person. If what I have stated above be in accordance with the provisions of the English Law, then there is no foundation for the contention that the personal laws, which a European British subject has been allowed to retain in this country confer upon him the right or privilege of being tried by a Judge who is also a European British subject.

Then it may be said that, whether a European British subject enjoys that right in England or not, he has enjoyed that right in India since the commencement of the British Rule. It seems to me that this proposition is equally untenable. It is true that European British subjects, at the commencement of the British Rule in India, were conceded the right of carrying with them the laws governing them in England both in civil and criminal matters. In both these matters the provisions of the English Law were administered in cases in which they were concerned.

In the Presidency of Bengal, a Supreme Court of Judicature was established at Fort William in Bengal under 13 Geo. III, Cap. 63; the 14th section of which provided that the jurisdiction of that Court should extend "to all British subjects," who were residents of any part of Bengal, Behar, and Orissa then under the protection of the East India Company. By section 38 of this Statute, "the Governor General in Council and the Judges of the Supreme Court" were vested with the powers of Justices of the Peace within the settlement of Fort William.

By section 29 of 26 Geo. III, Cap. 57, European British subjects were declared amenable "to the Courts of Oyer and Terminer and Gaol Delivery and Courts of General or Quarter Sessions of the Peace in any of the British settlements in India" for offences committed in India and other places mentioned therein.

By section 151 of 33 Geo. III, Cap. 52, power was given to the Governor General in Council to appoint any "Covenanted Servant" of the East India Company, or any "other British inhabitant," to act as a Justice of the Peace in any place in British India.

By section 19 of Regulation IX of 1793 and section 2 of Regulation II of 1796, it was declared that European British subjects were amenable only to the Supreme Court of Judicature at Calcutta, for offences committed in the interior of the country. Provisions were made in the latter Regulation and Regulation XV of 1806 for the commitment of such offenders to the Supreme Court at Calcutta.

By section 105 of 53 Geo. III, Cap. 155, a Magistrate of a District was empowered to take cognizance of certain defined petty offences committed by a European British subject against any "Native of India."

By section 1 of Act IV of 1843, provisions were made for appeals against the convictions of European British subjects by Magistrates and Justices of the Peace. This Act shows that a Magistrate of a District, although not a Justice of the Peace, was competent to take cognizance of complaints relating to offences mentioned in section 105 of 53 Geo. III, Cap. 155, committed by a European British subject.

The next legislation in India on this subject was Act No. VII of 1853. By section 1, the provisions of section 105 of 53 Geo. III, Cap. 155, and of Act IV of 1843, were extended to offences mentioned in it, committed "against the person or property of any person whatever." Under section 105, referred to above, it was restricted to such offences committed against a *Native of India*.

Section 2 of this Act says:—"The powers in such cases"—i.e., cases coming within the purview of section 105 of 53 Geo. III, Cap. 155—"given to the Magistrate of the Zillah or District may be lawfully exercised by any Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the district over which his authority extends."

Under section 3 of Act XV of 1843, a person, other than a European British subject, was eligible to be appointed a Deputy Magistrate exercising the full powers of a Magistrate. Under Act VII of 1853, therefore, a Deputy Magistrate, who was not a European British subject and who had not been appointed a Justice of the Peace, could, if vested with the full powers of a Magistrate, take cognizance of cases mentioned in section 105 of 53 Geo. III, Cap. 155. But the law on this subject was again altered by section 42 of Act XXV of 1861, which contained the proviso to the effect that the jurisdiction given by the aforesaid Statute and Act VII of 1853 should be exercised only by a Justice of the Peace.

The next legislation on the subject in question is Act II of 1869, by section 3 of which the Governor General of India in Council and the Local Governments were empowered to appoint Justices of the Peace "from the Covenanted Civil Servants of the Crown in India, or other British inhabitants." At that time, *viz.*, 1869, a native of this country was a member of the Covenanted Civil Service. This Act was followed by Act XXII of 1870, which confirmed certain laws affecting European British subjects, passed by the Governors of the Presidencies of Fort St. George and Bombay, and the Lieutenant-Governor of Bengal in Council. These laws were further confirmed by 34 and 35 Vic., Cap. XXXIV, the second section of which provides that a Magistrate, who is a Justice of the Peace, is competent to commit a European British subject to the Court of Sessions or to the High Court, if he be authorised on that behalf by an Act of the Indian Legislature.

It will be convenient here to notice briefly the Jury Rules which obtained in the Supreme

Court at Calcutta. Under Geo. III, Cap. 68, section 34, it was provided that in the Supreme Court at Calcutta "all offences and misdemeanours," *whether committed by a European British subject or not*, "should be tried by a Jury of British subjects, resident in the town of Calcutta, and not otherwise." But by 7 Geo. IV, Cap. 37, it was declared that "all good and sufficient persons resident within the limits of the several towns of Calcutta, Madras, and Bombay" should be deemed qualified as jurors. There was this further provision in this Statute, that the Grand Juries in all cases and all the Juries for the trial of persons professing the Christian religion should consist wholly of persons professing the Christian religion. But this latter restriction was abolished by 2 and 3 Will. 4, Cap. 117, section 2. By this last-mentioned Statute also, the Governor General in Council was authorised to appoint *any person*, resident within the territories in the possession and under the Government of the East India Company, and not being a subject of any foreign State, to act as a Justice of the Peace within the towns of Calcutta, Madras, and Bombay.

The above is a brief summary up to the year 1872 of the history of the laws relating to the exercise of jurisdiction in criminal matters over European British subjects residing in India. Now it seems to me that they do not establish the existence of the privilege which has been claimed for them. There was no disability arising from nationality to a British Indian subject to fill the office of a Judge of the Supreme Court at Calcutta; and although by section 87, 3 and 4 Will. IV, Cap. 85, it was declared that no native of British India should, by reason of his religion, place of birth, &c., be disabled to hold any office under the East India Company, I have not been able to find any previous Statute by which such disability had been declared or created. At any rate, it is beyond all dispute that, since the passing of the aforesaid Statute, a native of British India was not under any disability to enter the Covenanted Civil Service of the East India Company; and, as a member of the Covenanted Civil Service, he was eligible to be appointed a Justice of the Peace. It is true that unless he was a Covenanted Civil Servant, he could not act as a Justice of the Peace out of the limits of Calcutta, Madras, and Bombay. But his eligibility to be appointed a Justice of the Peace was declared in the year 1832, and the experience of the last fifty years, I believe, would warrant the proposed removal of this restriction as to the local jurisdiction.

In criminal trials, in the Supreme Court at Calcutta, all British Indian subjects residing within Calcutta were, as shown above, competent to act as Jurors whatever might be the nationality of the accused person.

From 1853 to 1861, a Native Deputy Magistrate, vested with the full powers of a Magistrate, could take cognizance of complaints against a European British subject for offences mentioned in section 105 of 53 Geo. III, Cap. 155. From 1861 to 1872, a native member of the Covenanted Civil Service, if vested with the powers of a Justice of the Peace and exercising the full powers of a Magistrate, could also deal with these cases.

Therefore it is clear that, since the commencement of the British Rule in India, a European British subject has not enjoyed *the privilege* of being tried by a Judge who is also a British subject.

This privilege or the right was, for the first time, conferred upon him under Act X of 1872, so far as the Criminal Courts in the interior of the country are concerned.

With reference to the second question stated above, it seems to me that the apprehensions entertained by those who oppose the proposed Bill are not founded on any tangible basis. They do not appeal or refer to any known fact or condition of things reasonably justifying their apprehension.

On the other hand, if the facts gathered from past experience be made the basis of our conclusion,—as legitimately they should be—it would at once appear that there exists no reasonable ground for the supposed apprehension.

The facts to which I refer here are—

- (1) That the jurisdiction has been exercised by Native Judges from 1836 in civil cases in which European British subjects are concerned, without any complaint from them.
- (2) That the jurisdiction in criminal cases against European British subjects has been exercised by Native Judges in the Presidency Towns for many years past, without any defect in the administration of justice.
- (3) That the administration of justice by European Judges in criminal cases in which natives are concerned has been regarded by the people as wholly satisfactory.
- (4) That the administration of justice by a Judge of one nationality or creed in a case in which one or both litigants happen to be of another nationality or creed has not been found to be productive of failure of justice.

I shall notice next some of the arguments which have been advanced against the force of these facts. It has been said that civil suits differ in many essential respects from criminal cases. The result of an erroneous decision in the former affects generally the property of the unsuccessful litigant, while the result of a similar error in the latter affects the personal liberty and the reputation of the unfortunate accused person.

No one can for a moment deny the existence of this distinction. But it does not in the least affect the force of the argument under consideration. That argument is that a Judge, who is proved to have successfully grappled with questions of law and fact in a given civil suit, may be fairly presumed to be competent to show the same result in a criminal case also. The

difference in the result of an error of decision in the two cases does not at all touch the force of this reasoning. Its force rests upon the ground that the facts to be investigated and the laws to be discussed are not of a different class, whether they arise in the decision of a civil suit or a criminal proceeding. The respective consequences of an erroneous decision have no sort of connection with this proposition.

The usual answer given to the argument drawn from the past administration of criminal justice by Native Magistrates in the presidency towns is, that there is a vast difference between the conditions of things existing there and those existing in the interior of the country. In the presidency towns, it is said, an accused person has the protection of a vigilant Press, a strong public opinion, and an easily available legal assistance, while such advantages do not exist in any appreciable degree in the mofussil. It is also said that the concoction of false cases is almost unknown in the presidency towns, while, in the interior of the country, trumping up of false charges is one of the commonest means of wreaking one's vengeance upon his enemy for a real or a supposed wrong.

It is certainly questionable whether, in the present state of things, it is correct to say that the advantages of a vigilant Press, a strong public opinion, and an efficient and easily available legal assistance are not enjoyed in an appreciable degree by the residents in the mofussil. But I shall not dilate upon this matter. I shall take it for granted that in these respects a Presidency Town differs from a mofussil station. Assuming that this difference exists between the two places, let us see what the argument really amounts to. Does it not amount to this—that in the presidency towns, being under the salutary check of the forces mentioned above, a Native Judge dare not go wrong willfully? This argument therefore casts an unjust aspersion on the character of the Native Judiciary—an aspersion which, if put to the test of actual facts, can be proved to be utterly groundless. In civil cases, in which European British subjects have been concerned, if the Native Judges have proved themselves to be fair, honest, efficient, and careful officers, is it not unjust to presume that in criminal cases they would prove themselves to be just the reverse? The argument drawn from the absence of a vigilant Press, &c., is, I presume, equally applicable to civil as well as to criminal cases.

I shall next notice the other alleged difference in the conditions of things between presidency towns and the interior of the country, *viz.*, the prevalence in the one, and the absence from the other, of the concoction of false cases against innocent persons. I shall assume, in this instance also, the existence of the difference. I suppose that those who advance this argument mean to say (although I have not seen it stated in so many words) that these cases are generally supported by perjured *native* witnesses. It would be no disparagement to the European Judges in this country (for whose ability I have the highest respect) to say that an honest Native Judge, by his superior knowledge of the character of the people, will be better fitted than his European colleagues to unravel the mazes of concoction and discover where the truth lies.

Then it has been said that the habits, manners and customs of the natives of this country are, in all respects, essentially different from those of Europeans. It cannot be expected from Native Judges, therefore, that, in cases in which European British subjects would be concerned, they would be able to form a correct opinion as to the real motives of an action of the accused person, if the motive of such action be a relevant matter for enquiry.

To this argument all the four facts, set forth above, afford a complete answer. I shall not further refer to Nos. 1 and 2, as their bearing has been sufficiently explained. But Nos. 3 and 4 contain, I believe, a more forcible refutation of this argument.

It may be safely asserted, without fear of contradiction, that the knowledge of European Judges of the habits, customs, and manners of the natives of this country is not in any degree superior to that of Native Judges, with fair English education, regarding European habits, customs, and manners.

The administration of criminal justice in the most important cases is now in the hands of European Judges. If the European Judges have been found to be successful in the administration of justice in the cases in which natives are concerned, there is every reason to hope that those Native Judges who would be entrusted with jurisdiction over European British subjects would acquit themselves with equal credit. I do not mean to say that the existence of a defect in the present system of administration of justice can justify the introduction of another defect of a similar nature. But what I mean to say is, that there is no ground for complaint against the present system, and it is therefore reasonable to hope that there would be no ground of complaint if the proposed change in the law be carried out.

Native Magistrates have hitherto exercised jurisdiction in criminal cases in which European British subjects are complainants. If they have given satisfaction in these cases, there is every reason to hope that there would be no failure of justice in cases in which European British subjects would be accused with the commission of an offence.

Of the European and Eurasian population in the interior of the country, I believe the descendants of the Europeans who do not come within the definition of European British subjects given in the Criminal Procedure Code form by no means an inconsiderable proportion. These persons in criminal cases have been, hitherto, subject to the jurisdiction of ordinary tribunals. No complaint has been made of any failure of justice in the hands of Native Magistrates, in cases in which persons of this class have been tried for offences alleged to have been committed by them. Their habits, manners, and customs are, in all essential respects, similar to those of the Europeans. This fact furnishes the most cogent refutation of the argument under consideration.

In conclusion, I desire to make one observation as to the provisions of the Bill itself. Under section 22 of the Code, as it stands now, any European British subject may be appointed a Justice of the Peace. Accordingly, a European British subject having the powers of a Magistrate of the first class, when appointed a Justice of the Peace, is competent to deal with cases in which European British subjects are accused with offences triable by a Magistrate. It is proposed to take away the power of the Government to appoint a judicial officer of this class to be a Justice of the Peace. The object stated for this proposed change is to remove judicial disqualification based merely on race distinctions. The same object may be gained, without taking away this power, by extending the operation of section 1 of the Bill. But, if it be thought inexpedient to extend its operation, I would venture to say that the object stated does not, in my opinion, warrant the proposed change so far as this class of officers is concerned.

*Memorial of the Anglo-Indian and European British Subjects of Jaunpore.*

[ This memorial is, *mutatis mutandis*, identical with that from Mirzapur.]

No. 1159 J.-D., dated 15th June, 1883.

From—F. B. PEACOCK, Esq., Secretary to the Government of Bengal,  
To—The Secretary to the Government of India, Legislative Department.

I am directed to submit the accompanying copy of a letter\* from the Honorary Secretary, European and Anglo-Indian Defence Association, with its enclosure in original, being a memorial addressed to His Excellency the Governor General in Council by certain European British subjects and others residing in India, in connection with the Bill to amend the Code of Criminal Procedure.

\* Dated the 9th instant.

No. 72, dated 9th June, 1883.

From—J. W. FURRELL, Esq., Honorary Secretary, European and Anglo-Indian Defence Association,  
To—The Secretary to the Government of Bengal.

On behalf of the European and Anglo-Indian Defence Association, I beg to forward, for submission to His Excellency the Viceroy, the accompanying memorial of certain European British subjects and others residing in India against the Criminal Procedure Code Amendment Bill.

The memorial bears 11,783 signatures.

Dated 9th June, 1883.

*To His Excellency the Viceroy and Governor General in Council.*

The humble memorial of the undersigned European British subjects and others, residents in India.

RESPECTFULLY SHEWETH,—That by the existing law for the administration of criminal justice in British India, European British subjects charged with the commission, without the local limits of jurisdiction of the High Courts of Judicature of Bengal, Madras, Bombay and Allahabad, and of the Chief Court of Judicature of the Punjab, of offences against the criminal law, are entitled to be tried on such charges in the above-named High Courts or Chief Court, in case of offences punishable with death or transportation for life, and by European Judges and Magistrates in case of offences not so punishable; subject, nevertheless, to the proviso that such Magistrates shall not have power to sentence European British offenders to imprisonment exceeding three months, and that such Judges shall not have power to sentence them to imprisonment exceeding one year, but that they shall transfer to the High Courts for trial all cases in which they consider one year's imprisonment to be an inadequate punishment.

2. The right of British subjects in India to be tried by Judges being themselves European British subjects is not of recent introduction, but coeval with the establishment in this country of British Courts of criminal judicature; criminal jurisdiction over all persons subject to their rule was conferred by the Charters of 1661 and 1669 on the Governors and Councils of Madras, Bengal, and Bombay, who were constituted Courts of Oyer and Terminer, and the territorial limits of whose jurisdiction were defined by the Charters of 1726 and 1753. The jurisdiction of the Governors' Courts was transferred, in Bengal, to the Supreme Court at Fort William, established in 1774 under Statute 13 Geo. III., c. 63, with criminal jurisdiction over all British subjects in Bengal, Behar and Orissa, and in Madras and Bombay to the Recorders' Courts established in those towns in 1797 under Statute 37 Geo. III., c. 142, with criminal jurisdiction over all British subjects residing within the factories subject to, or dependent upon, the Governments of those provinces. The last-mentioned Courts were themselves replaced by, and their criminal jurisdiction over British subjects was vested in, the Supreme Courts established at Madras in 1801, and at Bombay in 1823, under the Statutes 39 and 40 Geo. III. c. 79, and 4 Geo. IV, c. 71, respectively.



3. The criminal jurisdiction over British subjects of these several Courts, whose Judges were themselves British subjects, was extended by various enactments to the new territories acquired from time to time by the East India Company.

4. The Charter of 1726, and the Acts and Charters under which the Supreme Courts were created, constituted the Governors and Councils of Madras, Bengal, and Bombay, the Governor General and the Members of his Council, and the Judges of the Supreme Courts, Justices of the Peace; but as these provisions were found insufficient for the due administration of justice in regard to offences committed by British subjects at a distance from the Presidency-towns, and in order to facilitate the commitment of such offenders for trial, the Statute 33 Geo. III, c. 52, empowered the Governor General in Council to appoint Justices of the Peace "from the covenanted servants of the East India Company, or other British inhabitants," to act within the provinces and Presidencies of Bengal, Madras and Bombay, and places subordinate thereto, and a later Statute, 47 Geo. III, c. 68, conferred on the Governors in Council of Madras and Bombay similar powers within their respective Presidencies in supersession to that extent of the above-mentioned powers of the Governor General in Council, but with the like restrictions as to the persons who might be appointed to act as Justices of the Peace outside the Presidency-towns. The powers thus conferred have been confirmed and extended to the Local Governments established in India since the dates of these Statutes by various Acts of the Indian Legislature, the last of which, being the existing Code of Criminal Procedure, was passed on the 6th of March 1882. Every one of these Acts prescribed that only European British subjects should be appointed Justices of the Peace outside the Presidency-towns. Native members of the covenanted civil service have, it is true, been appointed Justices of the Peace in pursuance of powers supposed to be given by Act II of 1869, but such appointments, your Memorialists submit, are in violation of the express language of the Act, identical in this respect with the words of the Statutes above-mentioned, and which clearly indicates that the civil servants appointed thereunder shall themselves be British inhabitants. Down to the 6th of March, 1882, therefore, the Indian Legislature fully recognised the inexpediency, to use no stronger expression, of conferring on Natives outside the Presidency-towns even so limited a jurisdiction as that of committing European British subjects for trial. In the Presidency-towns, where such powers were exercised under the direct supervision of the British Government and the watchful control of a large European community, where the Supreme Court was a criminal Court of Oyer and Terminer and where immediate redress for a wrongful commitment was obtainable, the same necessity for Native disqualification did not appear to exist; and accordingly the Statute 2 and 3 Wm. IV, c. 71, authorised the appointment, as Justices of the Peace for such towns, of any persons resident within the Company's territories without distinction of race. Considerations of a similar character seem to have prevailed in the occasional appointment of Natives of India to the magistracy of the Presidency-towns. Such appointments, however, have by no means proved a success, even in Calcutta. One of the first Native Presidency Magistrates, appointed in 1856, was dismissed or removed for gross judicial misconduct in 1858. No Native was, in consequence, appointed for twenty-one years afterwards; and although within the last few years Natives have been again appointed, yet the Bengali Magistrates have in many respects failed to discharge their duties as satisfactorily in public opinion as the European British incumbents of the office.

5. The criminal jurisdiction of the Supreme Courts over European British subjects was transferred to the High Courts established at Calcutta, Madras and Bombay in 1862, and at Agra in 1865, under the Statutes 24 and 25 Vic., c. 104, and 28 Vic., c. 15, and, as regards the Punjab, to the Chief Court of that province created by Act IV of 1866. Natives of India are made eligible to the benches of these several Courts. But the policy of their appointment is in some measure safe-guarded by the fact that the judicial duties of such Native Judges are discharged subject to the immediate control of their British colleagues, the check of a large, independent and vigilant bar, the criticism of an able and enlightened European Press, and the powerful influence of the collective educated opinion of the numerous British residents in the Presidency-towns.

Moreover, no Native Judge has hitherto sat in any of the High Courts singly to exercise original criminal jurisdiction over Europeans, but Native Judges have only sat as members of a Court of Appeal with European colleagues. Under Act XXI of 1863, a Recorder's Court was established at Rangoon with criminal jurisdiction over European British subjects in British Burma in respect of all offences not punishable with death, jurisdiction in the case of capital offences being reserved to the Calcutta High Court. The only statutory qualification for the Recorder's office is that the Judge must be a barrister of not less than five years' standing. It must be remembered, however, that when this Act was passed there was no Native barrister in India, and only one practising in England. No Native, as a matter of fact, has ever been appointed Recorder, and your memorialists submit that it was not in the contemplation of the Legislature that such an appointment ever could be made, and that therefore no special provision was deemed necessary.

6. The exclusive criminal jurisdiction over British subjects of the Courts established by Royal Charter continued till 1812, when the Statute 53 Geo. III, c. 155, empowered Zilla Magistrates (who were Justices of the Peace and therefore Europeans) to try British subjects for petty assaults or injuries accompanied with force committed on Natives at a distance from the Presidency-towns, and to punish such offenders by fine not exceeding Rs. 500, or, in default

of payment of the fine, by simple imprisonment for a period not exceeding two months. The criminal jurisdiction of the Company's Courts over European British subjects outside the Presidency-towns was never further extended.

7. On the 24th of January, 1857, Mr. (now Sir) Barnes Peacock, then Legal Member of the Legislative Council of the Governor General, moved the first reading of four Bills (framed by the Indian Law Commissioners appointed under the Statute 3 & 4 Wm. IV, c. 85) "for extending the jurisdiction of the Courts of criminal jurisdiction of the East India Company in Bengal, Madras, Bombay, and the North-Western Provinces, for simplifying the procedure thereof, and for investing other Courts with criminal jurisdiction." These Bills provided that no person whatever should, by reason of place of birth, or by reason of descent, be in any criminal proceeding whatever excepted from the jurisdiction of any of the criminal Courts. The Select Committee, however, to whom these Bills were referred for consideration, were of opinion that the jurisdiction of the Mofussil Courts in regard to the trial of European British subjects ought not to be extended, an opinion in which the majority of the Council concurred. But the Council went still further, and, on the 3rd of September 1859, at the instance of Mr. Peacock himself, inserted a clause which provided that "no person should be empowered by Government to hold a preliminary enquiry into cases triable by any of the Supreme Courts of Judicature, or to arrest, hold to bail or commit any European British subject, unless the person so authorised be a covenanted servant of Government or a European British subject." It must be borne in mind that no Native of India had at that time been admitted as a covenanted servant of Government, the result, therefore, of this clause was to exclude Natives from all criminal jurisdiction over European British subjects. In consequence of the enactment of the Indian Penal Code, it became necessary to refer these Bills back to another Select Committee, but the principle of Native disqualification, which had been thus deliberately adopted, was in no wise abandoned in the measure which was ultimately passed into law as Act XXV of 1861. The criminal jurisdiction as regards European British subjects of the Courts established by Royal Charter was left untouched by this Act, and, save so far as it was affected by the creation of the Recorder's Court at Rangoon and of the Chief Court of the Punjab, that jurisdiction continued unchanged till 1872.

8. On the 17th of December 1870 a Bill to consolidate and amend the law relating to the procedure of Criminal Courts of Judicature not established by Royal Charter was introduced into the Legislative Council of India by Mr. J. F. Stephen, then Legal Member of Council, and was referred to a Select Committee. This Bill, as originally framed, did not touch the jurisdiction of the Charter Courts. On the 16th of December 1871, Mr. Stephen informed the Council that "the Select Committee had received a large number of opinions from the Local Governments and persons connected with the administration of justice in reference to the Bill, and amongst others they had received a most important paper from the Government of Bengal. That paper contained a suggestion that European British subjects should be made to a great degree amenable to the ordinary criminal Courts of the country." A reference to the paper alluded to shows that the Bengal Government advocated such an extension of jurisdiction to the Mofussil Courts on the express ground that these Courts were presided over by British officers. Upon a consideration of the suggestion so made, the Select Committee, after informally ascertaining the feeling of the non-official classes, recommended, with respect to the jurisdiction over European British subjects,—

"(a) The extension of the jurisdiction of Magistrates being Justices of the Peace, and, in the case of Mofussil Magistrates, European British subjects, to try European British subjects for offences which would be adequately punished by three months' imprisonment or fine of Rs. 1,000.

"(b) That Sessions Judges, being European British subjects, should be empowered to pass sentence on European British subjects of one year or fine, but that, in case of European British subjects pleading guilty or accepting the Sessions Judge's jurisdiction, the Court might pass any sentence provided by law for the offence in question.

"(c) That a European British subject convicted by a Justice of the Peace or a Magistrate should have the right of appeal either to the Court of Sessions or the High Court at his option.

"(d) That, in every case in which a European is in custody, he may apply to the High Court for a writ of *habeas corpus*, and the High Court shall thereupon examine the legality of his confinement and pass such orders as it thinks fit."

9. On the consideration by the Council of the Select Committee's Report, Sir Barrow Ellis moved that jurisdiction over European British subjects should be conferred on Native Magistrates of the first class being Justices of the Peace (that is to say, Native members of the covenanted civil service who had been admitted by competition in England, and whom he thought sufficiently Europeanised to be treated as Europeans); but the motion was negatived on a division of the Council after full and deliberate discussion, and the Bill modified according to the recommendations of the Select Committee, was passed on the 25th day of April 1872, as Act X of that year. The proposal to invest Native Magistrates with criminal jurisdiction over European British subjects evoked on every occasion strong opposition from the non-official European community; and the question of conferring such jurisdiction was not again raised in Council until the present year, notwithstanding the pregnant fact that Act X of 1872 was passed (? amended) in 1874, and that the whole law relating to the jurisdiction and procedure of the criminal Courts in India (including the Courts established by Royal Charter) was re-moulded by Act X of 1882. This last measure was framed in consultation with all the



Local Governments in India, and professed to embody the ripe conclusions of ten years' deliberation. While it was pending before the Legislative Council, officials interested in the administration of criminal law were invited to criticise and report upon it, and upwards of one hundred and fifty reports from officials, among whom were a number of Natives, besides criticisms from the different Local Governments, were received in answer to that invitation. Among these were fifteen reports from High Court Judges, thirty-two from Sessions, Additional and Assistant Sessions Judges, fifty-seven from District Magistrates, four from Presidency Magistrates, thirty-two from Commissioners of Divisions, seven from Judicial Commissioners, six from Chief Commissioners, five from Inspectors-General of Police, besides others from Deputy and Assistant Commissioners of Police, Small Cause Court Judges, Munsifs, Residents in Native States, and law officers of Government. Not one of these reports or criticisms, so far as your Memorialists have been able to ascertain, except one dated the 9th September 1879, from the then Officiating Chief Magistrate of Calcutta, a Native not belonging to the covenanted civil service, advocated the abolition of the existing rights and privileges of European British subjects. With these reports and criticisms before the Legislative Council, it was deliberately resolved in 1882 that it was neither just nor expedient that European British subjects should be rendered liable to the exercise of criminal jurisdiction by Native Magistrates outside the Presidency-towns.

10. Notwithstanding the fact that Act X of 1882, which purported to deal exhaustively with the amendment of the Criminal Procedure Code, came into force only on the 1st of January 1883, yet, on the 9th of February 1883, a Bill to confer criminal jurisdiction over European British subjects without the Presidency-towns upon Native Magistrates and Judges being members of the covenanted civil service of India or of the Native civil service constituted under Statute 33 Vic., c. 3, or being uncovenanted Session Judges, or uncovenanted Assistant Commissioners or Cantonment Magistrates, was introduced by the Legal Member, Mr. Ilbert, into Your Excellency's Council and is now under consideration by that Council.

11. That from the discussions which have already taken place in such Council on the said Bill, and from the published official papers relating thereto, it appears that sanction was obtained for the introduction of the Bill from the Secretary of State for India in Council, and that confidential opinions had been obtained from the Local Governments in favour of some criminal jurisdiction over European British subjects being conferred on Native members of the covenanted civil service. It further appears that the Chief Commissioner of Coorg and the two Senior Members out of the four who compose the Madras Council are opposed to such a measure, and that the Government of Bengal was not consulted on the subject; such omission being justified as in accordance with ordinary practice, the measure having originated in a suggestion made by Sir Ashley Eden, the late Lieutenant-Governor, shortly before his departure from India. In view of the fact that the European population of Bengal far exceeds that of any other Presidency, it is, your Memorialists venture to think, to be regretted that, before the introduction of so important a Bill, steps were not taken to ascertain the opinion of the present Lieutenant-Governor of Bengal and his judicial and magisterial officers, and also the opinions of the Chief Justice and Puisne Judges of the High Court of Bengal. It is, your Memorialists feel, matter for yet graver regret that no endeavour was made to ascertain the opinions and sentiments of the non-official European community, who were to be specially and peculiarly affected by the provisions of the Bill, with regard to a measure the principle of which that community had on all previous occasions condemned, and the re-introduction of which has led to a strong and general agitation and awakened profound feelings of indignation and distrust.

12. The effect of this Bill is to disqualify all Europeans not in the covenanted civil service and not being Assistant Commissioners or Cantonment Magistrates from being Justices of the Peace, that is, from trying or committing Europeans, and to render eligible in their place (a) Native members of the covenanted civil service chosen by competition in England (of whom there are only nine in all India); (b) members of the new Native civil service nominated in India without competition and without going to England; (c) Native uncovenanted District Judges; (d) Native uncovenanted Assistant Commissioners; and (e) Native Cantonment Magistrates (should any such be appointed).

13. Your Memorialists should observe that there is no statutory qualification for the office of Assistant Commissioner or Cantonment Magistrate, and nothing to prevent such offices from being filled entirely by Natives who are not covenanted civil servants; that almost all the tea grown in India is grown in districts under the criminal jurisdiction of Assistant Commissioners; and that there are more than one hundred of such officials in India.

14. Your Memorialists have been led to enquire into the origin of this astounding proposal, and find that it is the result of a compromise arising from differences of opinion of Your Excellency's Executive Council.

15. It appears from a despatch of the Government of India to the Secretary of State for India, dated the 9th September 1882, that a minority of the Council were in favour of the views expressed by Sir Charles Aitchison in a confidential communication, dated the 5th August 1882, that "the restriction introduced by the Code of Criminal Procedure upon the powers of Courts to enquire into and try charges against European British subjects, which (rest?) exclusively on race-distinctions, are invidious and unnecessary;" that is, that all exemption of Europeans in the interior or Mofussil should be swept away, that no person should be exempted from the jurisdiction of any criminal Court in India, and that any Native officer who has power

to try a Native for any offence and to pass any sentence upon him should have power to try a European for the same offence and to pass the same sentence upon him.

16. It appears from the same despatch that the majority of the Council declined to accept any such sweeping proposal.

17. It appears further that the Government of India did not think it worth while to legislate unless they could remove from the Statute-book all trace of what they term "race disqualification of Judges;" and, therefore, so far as your Memorialists can gather, as the majority of the Council refused to get rid of the "race disqualification" by qualifying the ordinary uncovenanted Native official, it seems to have been suggested that the desired symmetry in the Statute-book might be produced, and the anomaly got rid of, by disqualifying all the uncovenanted European officials (other than European Assistant Commissioners and Cantonment Magistrates), against whose efficiency and fitness there has never been any complaint, and who under the existing law are qualified to exercise criminal jurisdiction over European British subjects.

18. This curious compromise appears to have been adopted, and the present Bill seems to have been introduced to give effect to it, without the smallest attempt to ascertain the feelings of non-official Europeans, or to consider the outcome of this wholesale European disqualification.

19. The principle embodied in the measure is supported by arguments based on the so-called anomalous character of the present law, on the alleged invidiousness of the disqualification attaching to Native judicial officers, and, lastly, on certain administrative difficulties stated to have resulted, or as likely to result, from such disqualification.

20. It cannot be contended as a valid or reasonable argument that the right of European British subjects in India to be tried on criminal charges by Judges of their own race is open to any serious practical objection by reason of its special and limited character. In a country like India, subject by right of conquest to the dominion of an alien people, inhabited by numerous races of different origin and different creeds, swept as it has been by successive tides of foreign invasion, which have left behind them peculiar and exclusive privileges, as the hereditary rights of particular classes and special individuals,—where immutable laws of caste, surviving the shock of contending systems and accepted as divine by millions, have during countless ages circumscribed the sphere of individual action and defined gradations of rank dependent on birth alone, and which are neither to be won by merit nor purchased by wealth, until the very idea of equality has come to be regarded by a vast body of the population as a grave sin against the divine inheritance of birth, where too the avowed principle of British policy has hitherto been the conservation, so far as possible, of every existing right, whether founded on the fragmentary remains of ancient laws, or on the prejudices of religion, caste, or social customs,—in such a country and under such existing anomalous systems your Memorialists feel justified in urging that there is no special or unreasonable anomaly in the existence of the right now sought to be taken away, and that the anomaly, if such it can be called, must be sought for in the person of the Judge, and not in the conditions under which he is permitted to exercise jurisdiction. That a Native Magistrate, however much it is to be regretted, should ever have been invested with special jurisdiction over European British subjects within the Presidency towns, whilst he was excluded from the exercise of a like jurisdiction outside such Presidency-towns, is in no way anomalous to those who have even a limited experience of the social conditions, privileges, and prejudices existing in India, and can only appear anomalous to those who are ignorant of the distinctive circumstances under which these judicial and magisterial powers are exercised. All such anomalies, if such they be, must remain as inseparable constituents of the paramount anomaly of all, namely, the existence, in fact, of the supremacy of British rule in India.

21. The arguments based on the alleged injustice of the so-called judicial disqualification of Natives to try European British subjects on criminal charges are hardly worthy of serious consideration. They assume the existence of some right, inherent or conferred, which has been wrongfully invaded. Your Memorialists venture to submit that there cannot be a right to try Europeans existing in Natives, any more than there is a right in Englishmen in England to try peers of the realm for treason and felony.

22. Your Memorialists are at a loss to discover in which of the countless races of India this alleged right is supposed to exist. If in the heterogeneous mass of the Native races of India, then it may be well pointed out that their various social systems are entirely founded on the recognition of special rights and peculiar privileges. It can hardly be permitted, therefore, to any Native, of any race, creed or nationality, to argue that the existence of the right which the European British subject now enjoys in this respect is to be condemned because it is a peculiar race-protection. Your Memorialists would contend that, even were its maintenance claimed on no higher grounds than sentiment or prejudice, its existence could not afford a legitimate grievance to those whose personal laws have been expressly secured to them by British legislation, and in deference to whose social prejudices, allowed to override the requirements of impartial justice, their females who live or claim to live in seclusion, and their men of rank and position, are exempted from appearing in British courts of justice as witnesses. The special exemption of European British subjects has been recognized by the most thoughtful Natives as a requisite protection and as necessary for the employment of European capital in India. And your Memorialists confidently assert that the exclusion of European British subjects from the criminal jurisdiction of Natives has never formed a ground of complaint with the Native populations of India as a united body. The want of homogeneity amongst the Native inhabitants

of India, antipathies of creeds, inequalities of caste, the mutual distrust and jealousies of different tribes, the profound and unqualified contempt felt and expressed by the brave and hardy races of the North-West and of the Central Provinces for the Bengali, from whose ranks the Native covenanted civil servants are chiefly drawn, all combine to prevent the possibility of such a complaint.

23. The argument in this particular of invidious race-disqualification, which your Memorialists venture to think owed its origin entirely to European official inspiration, is confined to a few semi-Anglicised Natives and the limited class of youthful agitators whom they are enabled to influence. Even viewing, for the sake of argument, the subject of jurisdiction as a mere question of feeling, still your Memorialists venture to deny the justice of sacrificing the feelings of the whole European community in India to the vanity of a few Native officials, or to the aspirations of a small uninfluential class of the Native population of Lower Bengal. And since, in support of their supposed claim to criminal jurisdiction over European British subjects, it is urged that Native civil servants appointed by competition in England (a class which will form but a very small proportion of the entire Native covenanted civil service) by their education and by their residence in England have become thoroughly imbued with English ideas of justice, your Memorialists are justified in presuming that they have also arrived at a sufficient appreciation of the principles underlying the British system of trial by a man's own peers to regard their personal disqualification as no greater insult to their ability or integrity than a British juror would deem the demand of an accused alien to be tried by a mixed jury. The so-called disqualification of Native members of the covenanted civil service to try Europeans is really not a disqualification of the Judge, but a privilege of Europeans to insist on being tried in a Court presided over by a European, and it affects equally uncovenanted, as well as covenanted, Native officials. It would be as reasonable to speak of the privilege of Europeans to demand a jury composed one-half or more of Europeans as a disqualification of Native jurors.

24. So far as the alleged right is supposed to exist in the Native members of the covenanted civil service, its existence rests on the assumption that the admission of Natives to that service involves the promise that they shall be allowed to exercise every power which may be conferred on their European colleagues, and that their selection for any particular office necessarily implies their fitness to discharge all functions ordinarily appertaining thereto; and it has been urged that the continuance of race disqualification is repugnant to the spirit of Imperial legislation, which by Statute 3 & 4 Wm. IV, c. 85, declared that no Native subject should, by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any place, office or employment, under the East India Company, and also of Her Majesty's Gracious Proclamation in 1858, announcing Her will that, as far as may be, Her subjects, of whatever race or creed, should be impartially admitted to offices in the service of the Crown, the duties of which they might be qualified by their education, ability, and integrity duly to discharge. But the guarded language of the Statute and of the Proclamation reserved all questions of political expediency; and the admission of Natives to the covenanted civil service afforded no grounds for the assumption that in respect to the Natives so admitted no such questions could possibly arise.

25. The existing law sufficiently provides for the appointment of Natives to all offices of emolument, even to those of District Judge and District Magistrate, and obviates all inconvenience arising from the right of Europeans within their jurisdiction to be tried by a European Judge or Magistrate, by making provision for the transfer of such cases to another Court, or, as it is termed in England, for a change of the venue; and it should be borne in mind that these cases are admitted to be rare by the mover and the supporters of the Bill.

26. Your Memorialists crave permission to point out that, in admitting Natives to the new statutory civil service of India, the Government has evinced a tender anxiety to avoid wounding all alien susceptibilities, even such as exist between the various Asiatic races of India *inter se*. In the notification gazetted on the 22nd of August 1879, it is stated that each Local Government is empowered to nominate certain Natives of India for employment in the civil service within the territories subordinate to such Local Government. It is, however, specially provided that Natives so admitted to the civil service shall be ordinarily appointed only to office in that province where they were first appointed; thus affirming the wise principle that it would be unjust and inexpedient to subject the Natives of one province to the jurisdiction of Natives of a different province, save only under the pressure of some exceptionally (*sic* in orig.) State requirement. The wholly repugnant customs and prejudices of Western and Eastern races infinitely increase the danger and injustice of subjecting European British subjects to the criminal jurisdiction of Native judicial officers.

27. Your Memorialists would humbly urge upon Your Excellency the grave objections which exist to empowering Natives in the Mofussil to try Europeans, on the ground of their unfitness to exercise such power.

28. Your Memorialists would further urge upon the consideration of Your Excellency that serious discontent may be engendered among European troops by Natives being rendered eligible for appointment as Cantonment Magistrates, and that, even if it be assumed that the Government will never exercise the power of appointing Natives to act as Cantonment Magistrates, but will continue, as heretofore, to appoint Europeans only to such offices, still a Native District Magistrate would be entitled at any time, under section 528 of Act X

of 1882, to withdraw any case from any Cantonment Magistrate within his district and to try such case himself.

29. The social system of the Native inhabitants of India, the seclusion of Native ladies in the zenana, the backward state of Native female education, prejudices of caste which make the Hindu regard contact with the European as contamination, and the bigoted character of the Muhammadan creed, prevent all possibility of free and unreserved intercourse between the European and Native communities, and the consequent growth of any real sympathy between them. In the absence of such sympathy, the Native Judge, however honourable and high-minded he may be, cannot properly appreciate the motives of European conduct, and is therefore incapacitated from forming a correct judgment on the natural presumptions of European actions. Moreover, whereas the European inhabitants of India have some security for the just and honest discharge of judicial duties by a fellow-countryman whose character and modes of thought have been moulded under a religious and moral system and domestic and external influences identical with, or similar to, those under which they have themselves been reared, and whose present actions continued to be governed by influences of the same character, in the case of Native Magistrates no such guarantees exist. It is impossible to believe that a few years of early manhood passed in England, or the intellectual training which these Magistrates may have undergone, can possibly suffice to change their whole moral nature, or to eradicate the ideas of right and wrong in which their childhood was trained, and which regulate the actions and sentiments of that society to the influence of which they are again subjected on their return to India. It is contrary to experience to believe that in so short a period they can have succeeded in stifling every prejudice of caste or race, or in emancipating themselves from the subtle influences of domestic and popular sentiment by which they are surrounded, and to which they have been subjected from early youth.

30. The domestic and social institutions of the Natives of India, whether Muhammadans or Hindus, based as they are upon a system of polygamy combined with female seclusion, have been developed on lines so opposed in the most essential particulars to those of Europeans, and have engendered as their necessary and indissoluble correlates such opposite habits, feelings and ideas, especially in matters concerning the relations and mutual conduct of the sexes, and all the incidents of such relations and conduct, as to render Natives of India wholly incompetent to estimate correctly or even intelligently the significance of facts connected with them, and consequently incompetent to arrive at just conclusions regarding them. The effect of the proposed measure would, therefore, be to transfer criminal jurisdiction over European British subjects in an important class of cases affecting the domestic happiness and peace of the parties concerned, from men who, by community of institutions, feelings and ideas, are competent to form correct conclusions, to men who, however honest they may be, must necessarily, from the absence of such community of institutions, feelings and ideas, be incapacitated from arriving at even intelligent conclusions concerning them.

31. That not only would serious risk thus arise of great injustice and misery being inflicted on innocent persons, but grave scandal and injury to the reputation of European British subjects would be created.

32. Your Memorialists further desire to point out that, owing to the disgrace which attaches in Native estimation to the appearance of respectable women in open Court, a feeling from which your Memorialists believe no Native is entirely free, an Englishwoman placed for trial before a Native Judge would encounter an unavoidable prejudice in his eyes, and thus be placed at a serious disadvantage; while in the eyes of the more ignorant spectators of her disgrace she would be covered with obloquy, to the injury of her self-respect and of the esteem of the Natives around her.

33. So great is the contempt in which the Muhammadan and Hindu Natives of India hold the female sex, that an Englishwoman brought before a Judge of either of these races to be tried for a criminal offence would be thereby subjected to a special indignity of the most galling kind, and one to which it would be in a high degree inhuman, unjust, and impolitic to expose her. A knowledge of this circumstance would furnish a dangerous temptation to Native dependents and others to persecute Englishwomen with false charges for the purposes of extortion and intimidation.

34. Not only are Europeans in the interior of the country isolated in the sense of being solitary units in the midst of tens of thousands of an alien race, but, by reason of difference of language, habits and feelings, and the absence of common ties and sympathies, they are also morally and socially isolated from the Natives around them. In consequence of this isolation, they stand at an insuperable disadvantage in respect of the means of combating, or even ascertaining the existence of, conspiracies to bring false charges against them, or of rebutting the evidence brought forward in support of such charges; and the only counterpoise to this disadvantage which they possess is the right of being tried by European British subjects, of which right the Bill would deprive them.

35. That the necessary protection which the European British subject now has against false charges, which constitute the common weapon of offence and annoyance amongst the Natives of India, which protection partly depends upon the feeling which such charges inspire in the mind of the British Magistrate, and partly upon the just severity of the punishment he awards to the offender, will be materially impaired, if not completely destroyed, when such charges can be preferred with comparative impunity before a Native Magistrate, who would regard them as the ordinary incidents of legal warfare and the natural weapon of the weak



against the strong, reprehensible possibly, but still to be dealt with leniently and as of no great consequence, specially when directed against Europeans in the interior. It is well to remember, also, that the Native Press is for the most part antagonistic to Europeans, and generally takes a prejudiced view in all those cases in which there is a conflict, either criminal or civil, between members of the two races. It is only natural to suppose that Native Magistrates will in some degree be biased by the expressions of opinion published in these papers.

36. Moreover, throughout the greater portion of India where European British settlers gather no strength from numbers, but live isolated from their fellow-countrymen, their exemption from the criminal jurisdiction of Native Magistrates has invested them in the eyes of the Natives by whom they are surrounded with a certain prestige, which in itself affords no little protection against the danger of false accusation. But, as the foundations of such prestige become undermined, and Europeans are lowered to the same level as that on which their accusers stand, they will necessarily be deprived of this protection also, and will be subjected to still more frequent harassment in this manner; and not only will the danger to themselves be thus materially increased, but their influence for good on the Native population in whose midst they live will be proportionately weakened.

37. It has been stated that the jurisdiction which Native Judges have exercised for many years in civil cases in which European British subjects may be concerned affords a conclusive answer to those who oppose the investment of Native Magistrates with criminal jurisdiction over European British subjects, that the objections and fears which are now expressed are identical with those expressed in 1836, and that time has shown the apprehensions then entertained to have been groundless. As regards the two latter statements, your Memorialists would point out that the agitation of 1836 was an agitation against the extension of the jurisdiction of the Company's Courts over British subjects, and was not specially directed against the investment of Native judicial officers with such jurisdiction; on the contrary, the leaders of Native society in Calcutta allied themselves in 1836 with their British fellow-subjects in opposing the extension of jurisdiction which was then contemplated. The fears then expressed have been in a great measure justified by events, and, so far as they may have been falsified by time, this has resulted only in consequence of the whole constitution and system of the Company's Courts having been subsequently altered. Your Memorialists, moreover, while abstaining from entering on an examination of the merits and defects of Natives as Civil Judges, deny that the exercise of civil jurisdiction by Native Judges affords an adequate, or indeed any, guarantee that Native Magistrates will exercise criminal jurisdiction over Europeans in a satisfactory manner. The conditions under which the two kinds of jurisdiction are exercised differ in every material particular. The very nature of a criminal complaint, the police agency by which evidence in its support is so frequently obtained, the character of the evidence itself, and the difficulty in many cases of disproving it, the position of the accused on his trial, his imperfect acquaintance with the vernacular language, and the legal liabilities to which he is subject before as well as after trial, all tend to place criminal proceedings on a wholly different footing from a civil action, and to displace any arguments in favour of the Bill attempted to be founded on past experience of the manner in which civil jurisdiction has been exercised by Native Judges. It is to be remembered also that a system of bribery is rampant throughout India, that the Native police are in very many instances excessively venal and corrupt, and that the promotion of the Magistrates and the police is to some extent dependent upon their record of conviction.

38. The administrative difficulties anticipated from a continuance of the so-called disqualification of Native Covenanted Civil Servants are, as your memorialists allege, difficulties of a purely visionary and theoretical character. There are at present not more than nine Native members of the Covenanted Civil Service selected by competition in England. Only two of these are of sufficient standing to be affected by the measure, and for several years to come not more than four or five can possibly come within its operation. But, even were their numbers far larger, there are numerous districts in India without a European resident, where the judicial functions of the Native Magistrate can be utilised without danger or fear of offence to any member of the community, and where his official dignity will not be wounded by the exemption of a single individual from his jurisdiction. In addition to this consideration there remains the fact that there is no district in India without at least one European magisterial officer. Moreover, in Bengal, where the Bill must admittedly have the most extensive operation, your memorialists have the public assurance of the present Lieutenant-Governor that no administrative difficulty will be felt.

39. Somewhat inconsistently with arguments founded on such supposed administrative difficulties, it is urged that the Bill will confer criminal jurisdiction over European British subjects on only a few Native officials, and that the removal once for all of all judicial disqualification dependent on birth alone carries with it an element of finality, and surprise is accordingly affected at any opposition to a measure which is said to rest on principles of natural justice, which will effect so small a change, and which cannot be further extended. The alleged finality of the measure is delusive, and the arguments founded on natural justice find their logical conclusion in the abolition of every distinctive right and privilege which the European British subject now enjoys, and, amongst others, those which the Bill has advisedly left untouched, the Courts by which he can be tried, the punishments they may inflict upon him, the mode of trial, his right of appeal, and his right to be brought before the High Court if wrongfully detained in custody. The principle of perfect equality, once admitted as para-

mount to every other consideration of State, would gain its crowning result in a Native Viceroy and a Native Commander-in-Chief.

40. As to the disqualification of all Europeans not being Covenanted Civil Servants, Assistant Commissioners or Cantonment Magistrates, your memorialists would remark that, so far from conducing to the better administration of justice, it will produce great practical inconvenience. At present, there are in Lower Bengal alone forty Uncovenanted European Deputy Magistrates with first class powers who are Justices of the Peace and have power to try Europeans, which powers it is admitted that they exercise satisfactorily and efficiently. These forty will not be affected by the Bill. But there are a large number of Europeans in the Uncovenanted Service who, as they attained first class powers, would have been made Justices of the Peace, and would have been authorised to try, as a matter of course, Europeans charged with petty offences. The Local Governments, if this measure passes, will be debarred from using the services of these men in their respective sub-divisions for the prompt and speedy adjudication of European cases, and such cases will have to be transferred to some Court presided over by a covenanted civilian; thus creating an absolutely gratuitous inconvenience, having no shadow of justification except the removal of an alleged anomaly, which is only one of numerous anomalies of the same description which the Government have determined to retain.

41. Your memorialists would point out that the Native statutory civil service, which it is proposed to substitute for the disqualified Europeans, is comprised of a new and comparatively untried class; that it will be many years before any member of that service will be senior enough to be invested with first class powers or to be made a District Judge or District Magistrate, so as to be empowered to try Europeans; that its members are chosen by nomination in India, not by competition or in England; that they are usually selected on account of the social position or influence of their families; and that they have been described in one of the confidential communications to Government, by the Judicial Commissioner of Oudh, as often "saturated with caste and religious prejudices and ignorant of European modes of thought and feeling," and not to be trusted to "hold the scales fairly." Your memorialists humbly submit that it cannot be for the interests of justice to disqualify experienced European Uncovenanted Deputy Magistrates, who are admittedly fit and efficient, and to substitute for them as Criminal Judges over your memorialists such a class as this.

42. Your memorialists would further point out that European Master Attendants have hitherto been constituted Justices of Peace in various ports in India, and have been found of great use in dealing with English and foreign sailors; and that in the interior a large number of non-official Europeans have been appointed Honourary Magistrates and Justices of the Peace, and as such have rendered valuable assistance to the Government in the administration of justice. It is now proposed, with no cause assigned therefor, to disqualify all such Europeans from being appointed Justices of the Peace. The Bill, therefore, so far from being an enabling Bill, as it has been termed by its supporters, is practically a disabling Bill of a very sweeping character, and is entirely destructive of an important existing machinery of British administration in India.

43. The administrative working of the proposed measure, moreover, will lodge the Government of India in the following extraordinary and mischievous cross anomaly, that a large and increasing number of Europeans will be for the future unqualified to act as Justices of the Peace, and will therefore be incompetent to try European British subjects, although the Government will still have power to appoint them Honourary Magistrates with jurisdiction to try Native offenders; whilst, on the other hand, in the place of this disqualified class, Natives will be eligible to act as Justices of the Peace with the power of exercising criminal jurisdiction over European British subjects. If the Indian Government desire to remove any anomaly in the administration of criminal justice, it would surely have been wiser to have left to Europeans a criminal jurisdiction, naturally exercised over European British subjects, and to have confined Native Magistrates to a like jurisdiction over their Native fellow-subjects.

44. Your memorialists submit, moreover, that the right of European British subjects to be tried on criminal charges by European British Magistrates and Judges has infinitely stronger claims on justice than rest on sentiment alone, and is based on principles of policy which are inseparably bound up with the welfare of India and the prosperity of all classes of Her Majesty's subjects, Native as well as European. Your memorialists claim that the preservation of that right is essentially expedient; for in no country is confidence in the administration of justice, and especially of criminal justice, more essential to the well-being of the community than it is in India, which owes to British capital and energy the recent rapid development of her natural resources, as illustrated by the railway system and the abnormal growth of tea, jute, coal and other industries—industries which contribute in so important a manner to the marked prosperity of her people, and which in years of scarcity or famine support millions of her Native inhabitants, who but for such support would perish miserably. Your memorialists regard the right to be tried by European judicial officers as a safeguard which has been of the utmost value to them in the past while initiating enterprise in the mofussil, and which will be essential to them in the future for the prosecution of those enterprises by which India has so much benefited; and your memorialists are anxious to impress upon Your Excellency that the enormous European capital which is already invested, and which is about still further to be invested, will assuredly seek other channels if British capitalists and their employés are forced to lose confidence in the Criminal Courts of the land by which they have hitherto been, partially, at all events, protected from persecution and aggression.



45. Your memorialists desire to remind Your Excellency that the British Government has been always careful to protect British subjects in Oriental countries from trial by Oriental tribunals. They fail to understand why this protection, which has been so universally and invariably accorded hitherto, should now be withdrawn in India, and they desire, moreover, to impress upon Your Excellency that the right which they seek so jealously to maintain is simply a protective right, and is in no sense capable of being construed as an invasion of the rights and privileges enjoyed by the Native subjects of Her Majesty in India. The grievous loss which they will sustain will bring no kind of compensatory gain to their Native fellow-subjects.

Your memorialists therefore humbly pray that Your Excellency will take into consideration the facts and arguments set forth in this their humble memorial, and that upon such consideration Your Excellency will deem it inexpedient and hurtful to the prosperity and welfare of the Empire to deprive your memorialists of their existing rights and privileges, and be pleased to direct the withdrawal as soon as possible of the Bill now before Your Excellency's Council, by which it is proposed to take away such rights.

And your memorialists, as in duty bound, will ever pray.

No. 494, dated 21st June, 1883.

From—LIEUT.-COLONEL E. R. C. BRADFORD, Chief Commissioner, Ajmer-Merwara,

To—The Secretary to the Government of India, Legislative Department.

I have the honour to acknowledge the receipt of your letter No. 32C., dated 17th March, calling for opinions upon the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, and, in reply, beg to submit my own opinion on the subject, and with it appendices containing the opinions of the following officers serving in Ajmer-Merwara :—

Mr. L. S. Saunders, Commissioner of Ajmer-Merwara ;  
 Mr. J. R. Fitzgerald, Assistant Commissioner, Ajmer ;  
 Mr. E. J. Kitts, ditto ditto ;  
 Mr. T. C. Pears, ditto Merwara ;  
 Pandit Bhagam, Judicial Assistant Commissioner, Ajmer.

2. As the law now stands, except in the Presidency-towns, no European British subject is amenable to the jurisdiction of any Magistrate or Justice of the Peace or Sessions Judge who is not himself a European British subject. The Bill provides that the exemption shall be removed. It makes all Sessions Judges and District Magistrates *ex-officio* Justices of the Peace, and empowers the several Local Governments to appoint the last-mentioned office—

- (a) any member of the Covenanted Civil Service, European or Native ;
- (b) any member of the Native Civil Service instituted under the Statute 33 Vic., cap. 3 ;
- (c) Assistant Commissioners in Non-Regulation Provinces, European or Native ;
- (d) Cantonment Magistrates ;

provided that all persons so appointed shall have been previously invested with the powers of a Magistrate of the first class. Under the Bill, the Local Governments will no longer be competent to appoint to the office of Justice of the Peace any European British subject, unless he belongs to the Covenanted Civil Service, or is an Assistant Commissioner in a Non-Regulation Province, or a Cantonment Magistrate.

3. The object of the Bill, as described in the Statement of Objects and Reasons, is to remove all race distinctions. It is apparently designed to give full effect to the idea embodied in section 87 of the Act of William IV (3 & 4, chapter 85), which enacts that "no Native of the said territories (British India), nor any natural-born subject of His Majesty resident therein, shall, by reasons only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any office or employment" under the Government of India.

4. The Bill has met with very strong and general opposition from the English unofficial community in this country. It has been supported by some, indeed by the majority of the Local Governments, but it has been opposed by the present Lieutenant-Governor of Bengal and a few other officers of high standing. In the Legislative Council of the Governor General, the case against the Bill has been forcibly urged, not only by the non-official English members, but also in a very able speech by a Madras Revenue Officer and Magistrate of long experience ; and it is generally understood that the objections which have been urged against it by the leading representatives of non-official English opinion, both in the Council of the Governor General and at public meetings, and in the English Press, are shared in by a large majority of the English officials throughout the country. I have reason to believe that, amongst the officers employed in this Agency, the majority deprecate the proposed legislation.

5. Having given my best consideration to the Bill and to the correspondence and discussions which have taken place with reference to it, I feel bound to say that the arguments against the measure are full of force and difficult to controvert. It must, of course, be admitted that the Statute of William IV from which I have quoted, and of which the substance was repeated, though with a slight modification, in the Queen's Proclamation of 1858, raises an argument against maintaining in our laws any disabilities founded upon distinctions of race, which is theoretically very strong ; and the argument is strengthened in the case of the Native

members of the Covenanted Civil Service, who, having won their appointments at an open competition, have grounds for regarding themselves as eligible for any office or for any duty which is open to the English members of the Civil Service. The case of Native officials appointed under the Statute of 1870, and that of Native Assistant Commissioners in Non-Regulation Provinces, are, I think, less strong; but even in these cases, if the declaration embodied in the Statute of William IV were to be carried out to the full extent which the language used implies, there would doubtless be a difficulty in maintaining the distinctions which the Bill proposes to remove. But, as a matter of fact, the declaration in question cannot be acted on to the full extent of its literal significance. There will always be offices in India which, so long as British rule is maintained, must be reserved for members of the ruling race. It is not too much to affirm that under no conceivable circumstances will any Native of India, however eminent, be selected by Her Majesty's Government or by the Governor General for the chief administrative post in an Indian Presidency or Province, or as the chief representative of the Government of India at the Court of any of her principal Native feudatories.

6. It is perhaps to be regretted that this patent fact was not borne more carefully in mind by the framers of the statute; but, however this may be, the fact remains that, beyond a certain point, the language of the statute must be regulated quite as much by political considerations as by considerations based upon mere legal qualifications. This would seem to have been the view taken by the late Lord Lawrence when issuing the Resolution of the 19th August, 1867, where reference is made to the circumstance that "Natives entrusted with administrative duties have a difficulty in dealing with independent Europeans," and Local Administrations were required to frame their proposals for "opening up to Natives of ability and character a more important, dignified and lucrative sphere of employment" in the administration of British India, "with due regard to the expediency of providing English officials for all districts in which European settlers or travellers abound."

Again, in the despatch from the Duke of Argyll, under date the 8th April, 1869, the principle is emphatically asserted that "it is one of our first duties towards the people of India to guard the safety of our own dominion, and that for this purpose we must proceed gradually employing only such Natives as we can trust, and these only in such offices and in such places as, in the actual condition of things, the Government of India may determine to be really suited to them."

7. I must submit that these instructions have an important bearing upon the question involved in the Bill now under consideration. I should be disposed, however, to deal with that question from a somewhat different point of view, and to treat it rather as a question of retaining or withdrawing certain personal privileges and immunities hitherto enjoyed by persons of a particular class in their capacity as private individuals, than as a question of the rights and claims of officials; and, treating the question from this point of view, it appears to me that there is nothing invidious in continuing to European British subjects in the Provinces the exemptions from the jurisdiction of Native Magistrates and Judges in criminal cases, which has hitherto been accorded to them. In a country in which Native gentlemen of high rank are constantly exempted from appearing as witnesses before the Civil Courts, and in which a similar exemption is granted to Native women of certain classes not necessarily of high rank, I can perceive nothing invidious, nor indeed anomalous, in maintaining a law which continues to Englishmen and women a time-honoured exemption from the criminal jurisdiction of Courts presided over by Native Judges and Magistrates.

8. I would add that I do not believe that the exemption in question has been hitherto regarded by the great body of the Natives as a grievance; and I am persuaded that, if the Bill is passed, many very excellent Native judicial officers will regard the powers entrusted to them with dismay rather than satisfaction. It must not be forgotten that in some infusill stations the exercise of the jurisdiction of a European Justice of the Peace over Englishmen charged with offences against the criminal law, where none but Native constables are available, is not always free from difficulty. That difficulty will be greatly increased when the Justice of the Peace is a Native; and there are many Native gentlemen, whose opinions are valuable, who fully recognize this fact.

9. The excitement and agitation among the English community which the publication of the Bill has aroused have, it cannot but be feared, emphasized race jealousies and antipathies which it will take time to allay, and with these feelings has arisen a factitious demand, especially on the part of some of the Natives possessed with a certain degree of English education, and in the Native Press, for the concessions offered in the Bill; but I have no doubt that, if the Bill is withdrawn, and if it is seen that the Government are resolved to abide by the settlement of the question arrived at in 1872, any soreness which may have been produced by the heated discussions of the last few months will gradually pass away.

10. It has been argued, in support of the Bill, that, if not at once, in the course of a few years, when full effect shall have been given to the rules passed under the Statute of 1870, administrative convenience will require that Native Judges and Magistrates shall be invested with the powers it is now proposed to confer upon them. I cannot think that this argument is well-founded. It appears to me that, with the rapid extension of railways which has gone on of late years and is still proceeding, there will be no practical difficulty in arranging for the trial of the few European British subjects who come before the Criminal Courts in the Provinces, even when the full number, namely, one-sixth, of the appointments of those grades shall have been filled by Natives; provided always that the rule laid down by Lord Lawrence

in 1867, of providing English officials "for those districts in which European settlers or travellers abound," shall be observed.

11. On the important question of the fitness of Natives to exercise criminal jurisdiction over Englishmen, I do not doubt that, in many cases, perhaps in most, justice would be efficiently and impartially administered in ordinary times by Native Judges and Magistrates, but I apprehend that, in times of excitement and in cases where caste-prejudices or religious prejudices were concerned, it is not so certain that a Native judicial officer, serving in a remote district, might not be influenced by motives and sentiments which it is very inadvisable to call into action. In a case, for instance, in which the accused was a Christian missionary, I can conceive a state of things in which it would be difficult to repose implicit confidence in the impartial action of even the most eminent Native functionary. The argument advanced in the debate in Council with reference to the ignorance of Natives of English family life and of English ways and manners is also, I think, deserving of serious consideration. Should it, however, be decided to introduce the proposed change into our criminal procedure, I would recommend that the measure be partially and locally applied. There may be certain parts of India where the division of class-feeling will be less real than in others; and I would propose, therefore, that discretion be given to Local Governments to declare certain areas to be scheduled districts for the purposes of the proposed amendment. I think it possible that the discretion which the Bill already gives to Local Governments will be calculated to give rise to invidious distinctions. Every first class Native Magistrate will regard the powers of Justice of the Peace as the final test of his fitness; and, should these powers be not given from reasons quite sufficient in the eyes of the Local Government, there will nevertheless be the feeling among Native Magistrates that their qualifications are not cordially recognised. The discretion to which I have above referred should be given to the larger Local Administrations, while, for the purposes of a small Administration, like Ajmer-Merwara, it would be well if the Government of India declared it to be a scheduled district.

12. With regard to the effects of the measure on the people it will concern in Rajputana, I see reasons for recording my dissent from the proposed change. It seems to me that one of the primary duties of the British Government is to secure peace between the naturally conflicting races of India. We are, from time to time, met with the danger which is always present in the race-antipathies of Hindus and Mussulmans. We have here in Rajputana in the railway population a class which cherishes an ignorant antipathy to Natives generally,—an antipathy which is most warmly reciprocated. This most deplorable fact is due to many causes. The Europeans in the railway have no opportunities of mixing with superior Natives. Their lives bring them into contact with those of a low social standing and, I fear, of low morality. The European on the railway sees speculation rife, and sees the Native official hard and cruel towards Natives; "ex uno disce omnes" is the natural process of thought in the minds of Europeans in the class I refer to; and the European employé consequently regards the Native generally as separated from himself by a very sharp race distinction.

13. Though it may sound paradoxical, I believe that, until these two classes have been brought to a better understanding of one another's good qualities and inherent weaknesses, the removal by artificial means of this race-distinction will but give fresh activity and bitterness to the antipathies which already exist. It is true that European officials and Natives of position are fitfully brought together, sometimes with the happy result that prejudices and misunderstandings are removed; but up to the present no such attempt has been systematically made to bring Europeans of lower grades and Natives of a similar rank together, and, until this much-desired object is attained, I would recommend that legislation be postponed.

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*Opinion of L. S. SAUNDERS, Esq., Commissioner, Ajmer.*

In my opinion, the necessity for amending the Criminal Procedure Act, 1882, has not as yet been satisfactorily established; without such necessity there seems to be a general consensus of opinion that the Bill should be dropped. In that opinion I concur. Speaking of my own charge, however, it is true certainly that we have once or twice, for short periods, had only Native Magistrates in Merwara; but the ease with which travelling is now effected in India has never made it troublesome or difficult to arrange for cases in which Europeans are concerned to be tried before a European Magistrate, and I believe the time is far distant when any such practical difficulty will be seriously felt anywhere in India; for I hold it as extremely improbable that for many years to come we shall see any large tract of country entirely officered by Natives, for the following reasons.

2. There is scarcely a city or bazar in India, I believe, where there is not a latent element of serious discord existing between the factions of Hindus and Muhammadans; and, had not the utmost tact and impartiality been continuously employed in dealing with these cases, this discord might break any moment into a flame which would only be quenched by the exhibition of considerable power. This fact renders it essentially desirable, in my opinion, to keep a European officer at the head of the affairs of each district. Believing this to be an occasion on which an officer who has been many years in India (and has carefully watched Native society, and finds this feeling increasing as education spreads rather than diminishing) (*sic*), I feel bound openly to state my conviction, honestly and truthfully, however unpalatable it may be, so that there shall be no misunderstanding my meaning, and that our rulers, who are not

brought so directly in contact with Native society as we are, shall not blindly believe that these race and religious animosities are buried and forgotten, because they are so seldom allowed to break out and speak for themselves. Instances could easily be given which would show how soon an outbreak of this character would occur if either a Hindu or Muhammadan Magistrate was at the head of affairs. To ignore such cases is, I believe, as serious a political mistake as it is to make too much of them; but that they exist and are an ever threatening danger must, I think, be fully recognized and acknowledged.

3. The higher executive posts, such as Magistrates of the district, must, at all events in by far the majority of districts, therefore, I believe, be held by European officers; in fact, if a time ever comes when a large proportion of Natives are ready to step into these posts by right of their position or standing in the service, it will be found necessary to place some arbitrary limit on the number of districts in each province to be held by such persons; and, though I have always been an advocate for admitting Natives freely to all but the higher executive posts under our Government, I think we should act more honestly if we were at once to announce the fact that there are certain posts which we by right of our position (as aliens and conquerors of the country) declare a Native not to be eligible for. It is far better to do this now, when such posts are not asked for or claimed as a right by Natives, than to have to do it when some of these posts have been so held, than to wait till it has become apparent that this distinction between the races must be recognized.

4. Education has in the last 20 years made enormous strides, and these strides will doubtless be continued in mathematical proportion during the next 20 years, and it is essentially necessary that careers shall be opened out for this mass of educated men. An educated Native is, I believe, intellectually the equal, if not often the superior, of an ordinarily educated European, but an intellectual Native, however well educated he be, without the moral training and feelings inherent in most educated Europeans, is not well fitted to try even a male European criminally; but when it comes to be a question of trying a female European, can it be asserted that he is fitted to perform this duty properly and efficiently?

5. Any European in India who knows the estimation in which Natives hold the ladies of their own families cannot but answer this question in the negative; and I firmly believe that there is scarcely one Native Magistrate (even after he may have visited England) who could understand the position, and therefore do real justice to any European lady who might be so unfortunate as to be placed before him for trial. If, therefore, there was no other reason for considering the present amendment of the Code premature, I would submit that this alone would be sufficient reason to show that the time has not yet arrived, nor is it likely soon to arrive, when this Bill should be introduced, and can be accepted with safety to the general community.

6. That the Native Magistrates might, in all *ordinary* instances where men are concerned, be able to dispose of these cases satisfactorily, I will not deny. I know many Native Magistrates who would do so, and who would generally err on the side of leniency to Europeans I believe; but our law must be not only a fair weather law, and it is under extraordinary cases of class-feeling, where the weakness and instability of their character (owing to a want of thorough conscientiousness based on religious principles) would affect their judgment, and prove that the necessary discrimination, and unswerving honesty of purpose, which we look for in a judge as above all other requisites, is wanting, though it is undoubtedly true that the judicial branch of the service, as being the one in which rules and laws are most exactly laid down, is the branch of work in which the Native particularly excels.

7. If, notwithstanding all arguments that have been adduced by the opposers of this measure, it be still held that there is a practical necessity for proceeding with this Bill, I think a compromise should be sought for; and the only compromise which will be satisfactory to all concerned is that the prisoner should have the option of either being tried by the Native Magistrate or by an European officer. This is no novel proposal. Already the European on his trial before a Magistrate and Justice of the Peace has an option, under section 408 of the Criminal Procedure Code, to appeal either to the Sessions Judge or the High Court; and I would extend this option in cases of trial obliging the Native Magistrate to commit to a European Court, if trial before him were objected to; in petty cases, or where much inconvenience to witnesses, or detention of the prisoner, was likely to take place, the European prisoner would probably waive his right, and the trial could proceed before the Native Magistrate if he was a fit and capable man; otherwise the prisoner would demand to be committed to a higher Court, and this right should at least be secured to him.

Dated 17th April, 1883.

From—J. R. FITZGERALD, Esq., Assistant Commissioner, Ajmer.

To—The Commissioner, Ajmer.

If there is one principle which more than another has characterized our Government of India during the past ten years, and which must be further developed in the future, it is the more extended employment of the Natives of the country in almost every branch of the public service. I do not purpose to discuss whether the policy is a wise one. Personally I believe it to be so, but I wish to lay stress on its existence, and on the fact that its adoption has materially affected the question of giving Natives of India jurisdiction over European British subjects



since the matter came up for discussion in 1872. In that year proposals similar to those in the present Bill were rejected in the Council of His Excellency the Governor General by a bare majority. Since then the doors of both the Covenanted and the Uncovenanted Services have been opened wider to the Natives of India. It is probably not too much to say that, where there was one in 1872, there are now five Natives of India who have a reasonable expectation of rising to the position of District Magistrate or Sessions Judge, and this number must constantly and steadily increase. It can hardly be doubted that, in a few years, the introduction of some such Bill as that now before us will become not merely a matter of justice and policy but an absolute and imperative necessity.

Were it not for remarks which have been lately common in the Press and on the platform, it would seem hardly necessary to refer to the question whether carefully selected Natives of India are qualified to exercise the exceedingly limited and well-guarded powers with which it is proposed to invest them. We have seen them filling with ability and credit the high position of a High Court Judge; in every district in India they are deciding civil cases which involve property of large extent, or rights and privileges which are held dearer still than property. But I am not aware that they have ever been accused of any race partialities in cases where Europeans and Natives are antagonists.

It is still harder to believe that a Native Judge is less qualified than an Englishman to pronounce on the value of Native evidence or to detect perjury in Native witnesses.

To put the case on the lowest and most unworthy grounds, I believe that those who will be invested with these powers, being men of education and intelligence, will thoroughly recognise that they are on their trial, and, knowing that in these days of improved communications there is no corner of the Indian Empire so remote as to prevent an unjust decision prejudicial to an Englishman being brought into the fierce light of public opinion, will not dare to yield to any temptation of corruption or race bias.

The experience of the Presidency-towns strengthens the belief that Native Magistrates will exercise the proposed powers with discretion, and that miscarriage of justice is not more likely to become more common than it is at present.

The one direction in which they may be expected to fail is (as has lately been observed by a distinguished writer in the English Press) that possibly their decisions may be characterised by a want of courage.

The present measure has been framed with caution, and may be regarded as, in a great degree, tentative. If the worst apprehensions of the opponents of the Bill are fulfilled, it will be open to the Government to cease appointing Natives to the office of Justice of the Peace. If, on the other hand, the measure is now dropped, the time will assuredly come when it will not be possible to further delay the settlement of this question. Native opinion will almost certainly demand measures more extended than the present proposals, and as certainly they will be more fiercely opposed. If the measure could be quietly and permanently shelved, it would not be easy to advise proceeding further with it in the face of an opposition which, however exaggerated, unreasoning and deplorable, is without doubt real and widely spread. If we disregard the future, then I admit that the necessity for the alteration in the law is not urgent, but I have tried to show that, if the question be now laid aside, it must recur in a few years under circumstances which will make it far more difficult to deal with.

Although I believe that the passing of the proposed Bill into law is to be recommended on the lower grounds of political expediency, I think a few words should be said from the point of view of justice and consistency. Can it be right that we should do all we can to encourage higher education in the Natives of India and induce them to study the latest phases of modern thought and intellectual development, offer them responsible posts in the service of the State and make them Collectors, Sessions Judges, Judges of the High Courts, giving them, in a word, powers of life and death over their countrymen of full blood, and yet deny them the right to fine a drunken Eurasian? The desire to remove this blot appears to me to be something more than the weak sentimentality which it is represented to be by the opponents of the Bill.

Macaulay wrote in 1837 of the Sadr Court: "If it is fit to administer justice to the great body of the people, why should we exempt a mere handful of settlers from its jurisdiction? That distinction seems to indicate a notion that the Natives of India may well put up with something less than justice, or that Englishmen in India have a title to something more than justice. We proclaim to the Indian people that there are two sorts of justice—a coarse one which we think good enough for them, and another of superior quality which we keep for ourselves."

These words appear to me to apply *mutatis mutandis* with much force to the present situation.

No. 128 C., dated 9th April, 1883.

From—LIEUT. T. C. PEARS, Assistant Commissioner, Merwara,  
To -The Commissioner, Ajmer-Merwara.

My opinion is that no amendment of the Code of Criminal Procedure, 1882, is at present required, so far as it relates to the exercise of jurisdiction over European British subjects.

No. 567, dated 12th June, 1883.

From—E. J. KITTS, Esq., Assistant Commissioner, Ajmer,  
To—The Commissioner, Ajmer-Merwara.

I have the honour to acknowledge your No. 683G., forwarding for opinion a Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. I have known tolerably intimately several Native gentlemen who might be affected by section 1 (c) of the Bill, and from their relations with official and non-official European subjects who were their neighbours and with whom they were brought into frequent contact. I believe that the Bill, if passed, would work well, and that any apprehensions which at present exist would soon be allayed. At the same time I admit that, with all the non-official European British subjects referred to, the Bill was unpopular.

3. It seems, however, to me evident that the Bill may suit one part of India or one part of a Presidency or even one part of a district and not necessarily suit another, at any rate until some years later. I would prefer, therefore, to increase the discretion allowed to Local Governments in such a way as to empower them to restrict the local area within which the powers conferred under section 22, Criminal Procedure Code, can be exercised; an appointment might then be made with reference to a single town or a single taluq.

*Note by BHAG-RAM, Judicial Assistant Commissioner, Ajmer, dated 27th April, 1883.*

So much has already been said in newspapers, and in the *Gazette of India*, on the subject, that I hardly think an elaborate opinion is required.

The Bill has undergone a thorough criticism, and has given rise to a controversy between Anglo-Indians and Natives which is very much to be regretted.

The principal objections urged against the measure may be briefly summarized as the following:—

I.—That the Bill at once deprives Anglo-Indians of a privilege which they have enjoyed since the advent of British rule in India.

II.—That it subjects them to the jurisdiction of the members of a conquered race, whose status and social position are inferior to those of the conquerors.

III.—That Native Magistrates are not properly qualified, by reason of their defective knowledge of English and their ignorance of European habits and manners, to try cases against European British subjects.

On the other hand, it is alleged in favour of the Bill that it removes at once, and completely, every judicial disqualification which is based merely on race distinctions.

Any opinion expressed by a Native of India on the provisions of the Bill must naturally be a vindictive one, and place the writer in the anomalous position of an adversary attempting to disprove the disqualifications and imputations alleged against the race to which he belongs.

I have no intention of assuming that position, and would content myself with the remark that, irrespective of any statements made by either party, the British members of Indian administration are the only judges competent to determine this unfortunate question. They can, without any great amount of trouble or inconvenience, ascertain from their personal experience whether the Bill is likely to do any good or mischief, and whether race distinctions in these days of mental and social development should be allowed to form a barrier against the eligibility of Natives, otherwise qualified and competent, to discharge the important duty which they are intended to discharge.

An opinion coming from that quarter would be the best and most valuable opinion, affording ample materials for a sound judgment on the suitability or otherwise of the measure.

There is no doubt that India has undergone a material change for the better under the benign influence of British rule.

Recall the times of Muhammadan rule, when, suffering under a foreign yoke, the rigours of laws framed and exercised by an unprincipled and tyrannical class of rulers, the people of India were reduced to a state of utter demoralisation, ignorance and imbecility; and compare them with the results brought about by British rule.

No one can deny that the conquest of India by the British was not a conquest for the sake of plunder and devastation. It was admittedly a conquest in the cause of humanity—a conquest which had for its main objects the development of trade and the natural resources of the country, and the raising of the status of its people to a point more elevated than that sung by the Indian bards of antiquity.

How England has performed its mission does not require any great amount of investigation or research.

Under the paternal and fostering care of the British Government, the people of India have enjoyed all the benefits of a wise and impartial administration, their moral and intellectual powers have fully developed under the influence of Western science and thought, and they, who in Muhammadan rule were labouring under a long list of disqualifications and legal disabilities, are now eligible for important and high offices in the administration.



It is one of the moral principles of British law—nay, it is the pride of the British nation—that in the eye of the law all are equal. Disqualifications based merely on race distinctions are legally no disqualifications; and, if at one time they were allowed as a matter of political or administrative necessity, they must as a natural consequence cease when that necessity no longer exists.

If I am not mistaken, I am only quoting what has been emphatically declared by competent judges of Native character and ability, that at the present moment, when Natives are eligible for the appointment of High Court Judge, Sessions Judge and District Magistrate, the anomaly of excluding at particular class from this jurisdiction should undoubtedly be done away with.

I fail to understand why Anglo-Indians should vehemently oppose the measure, which is a natural outcome of English magnanimity and generosity.

If England had used the people of India like slaves, denied to them the boons of administration on a par with Anglo-Indians and effected all that was necessary to check their moral, physical and intellectual development, there would have been no occasion for the measure now brought forward; but, when, to all intents and purposes, it has acted generously and magnanimously, it should congratulate itself on the occasion when the people of India are just enabled to reap the harvest which, by the fostering care and industry of the ruling Power, has been brought to perfection.

Coming to the general question of ability, and an honest discharge of duty by Native Magistrates in the disposal of cases against Europeans, it may be safely asserted that the fears entertained by the opponents of the Bill are entirely groundless. Native Presidency Magistrates have not in any instance abused the exercise of their jurisdiction over European British subjects. Civil cases by and against Europeans are daily decided by Native Judges, without affording the least cause for complaints. Criminal cases, in which the complainants and witnesses are Europeans, are tried by Native Magistrates, and I have not heard of any miscarriage of justice brought about by a spirit of race antagonism, or by the incapacity of the Magistrate to sift the evidence or form a judgment regarding the demeanour and credibility of the witnesses produced before him. A Judge or Magistrate who fails to discharge his legal functions is not qualified to sit on the bench at all. Why, then, should fears be entertained regarding the conduct and capability of Native District Magistrates and Native Sessions Judges in the most trifling cases not sufficiently clear?

Considering the limited scope of the Bill, there is every reason to hope that only the most competent and qualified Native gentlemen will be called on to try European British subjects, and there is no doubt they will acquit themselves honourably and creditably.

No. 884, dated 19th June, 1883.

From—C. J. LYALL, Esq., C.I.E., Officiating Secretary to the Chief Commissioner, Assam,  
To—The Secretary to the Government of India, LEGISLATIVE DEPARTMENT.

On receipt of your Circular No. 30C., dated 17th March 1883, copies of the Bill to amend the Criminal Procedure Code were forwarded to the Judges of the Assam Valley and Sylhet, and to all Deputy Commissioners of the Province, with a Circular letter, a copy of which is enclosed. The replies of all officers thus consulted have now been received, and I am desirous to submit copies of them to the Government of India, together with an expression of the Chief Commissioner's opinion regarding the Bill.

2. The Provincial Officers are, it will be found, in every case opposed to the Bill, and unanimously recommend its withdrawal. As their replies will, no doubt, be perused in their entirety, it is not necessary to enter on any elaborate summary of their contents, but it will be convenient to indicate as briefly as possible the nature of the arguments recorded.

- (1.) Mr. Ward, Commissioner and Judge of the Assam Valley Districts, would not have opposed the conferment of the powers of Justice of the Peace on Native Covenanted Civilians when they rose to the rank of District Magistrate or Judge, and does not think such a proposal would have excited much opposition at first, though it cannot be adopted now in the present state of public feeling. But he objects to the Bill on the ground that the privilege hitherto enjoyed and highly valued by Europeans should not be taken away without grave reason, whereas no serious inconvenience can be alleged to arise anywhere from the present state of the law, and no inconvenience at all is felt in Assam. He holds that no strong Native feeling exists on the subject outside the Native official class, and they have no reason to feel slighted; and, further, he objects to the power given to Local Governments to appoint, because it would be exercised in very different ways—sparsely here, liberally there.
- (2.) Mr. Muspratt, Judge of Sylhet, opposes the Bill on the grounds—(a) that in removing one anomaly it creates another by its circumscribed application to particular classes, and its disqualification of European Deputy Magistrates and non-officials; (b) that Europeans, who are the persons most affected, are convinced that they would not get justice from Natives, and their feelings should be respected; (c) that it is inopportune in time, because of the mental disturbance caused by the Local Self-government Scheme, and other important measures now pending,

and because the European and Native races are not yet amalgamated in feeling or on a par in intelligence.

- (3.) Mr. Johnson, Deputy Commissioner of Sylhet, objects both to the details of the Bill,—*i.e.*, the distinction drawn between Covenanted and other classes, and the disqualification of European Uncovenanted Officers,—and to its principle, on the ground that race-distinctions cannot be ignored and that the conquered cannot love the conquering race. He considers the arguments for and against equally feeble, and, that being so, thinks the Bill should be withdrawn.
- (4.) Mr. Wight, Deputy Commissioner of Cachar, holds that the powers of a Justice of the Peace might gracefully be given to Covenanted Civilians and to any Native who had reached the grade of District Magistrate, but that it would be inopportune to do so now; that all Natives, other than these, are unfit by prejudice and want of education to try Europeans; that it would be inexpedient to bring European ladies into the Court of a Native Magistrate, either as witnesses or otherwise; that Native Magistrates do not wish for these powers, and would be afraid to convict Europeans if they had to try them, so that the result of the measure would not tend towards justice; that no administrative difficulty is caused by the present law; and that an anomaly is not necessarily objectionable in India, which swarms with anomalies.
- (5.) Mr. Driberg, Deputy Commissioner of Goalpara, thinks the Bill good in principle, but desires its withdrawal on account of the hostility with which it has been greeted.
- (6.) Mr. Campbell, Deputy Commissioner of Kamrup, holds that there are no sufficient grounds for introducing the Bill, which is met by universal hostility; and that the privileges of Europeans should be respected as much as if they were Hindus or Muhammadans, who would resent the withdrawal of any of their present privileges.
- (7.) Mr. Williams, Deputy Commissioner of Darrang, objects to the conferment of the powers on Classes (b), (c), and (d) of the Bill, but not to their conferment on Class (a),—at any rate as far as the persons hitherto appointed to that class are concerned. But he thinks the Bill, generally speaking, to be unnecessary and bad, and as it is bitterly opposed, he recommends its withdrawal.
- (8.) Colonel Lamb, Deputy Commissioner of Nowgong, thinks the hostile tone of the Native Press proves that the class to whom the new powers would be given are not fit to receive them; that Europeans would be overwhelmed with false accusations; and that it does not follow that because Natives have been found able to try Natives, they should be able to try Europeans.
- (9.) Colonel Campbell, Deputy Commissioner of Sibsagar, holds that a Native Magistrate cannot understand the feelings, or in many cases the speech, of Europeans, and that Europeans would be worried by false cases. Race distinctions cannot be ignored as long they exist.
- (10.) Major Peet, Deputy Commissioner of Lakhimpur, is opposed to the whole line of policy of which the Bill is a part, *i.e.*, the tendency to put the races on an equality by levelling up or levelling down; and further holds that, whether bad or good, the Bill should be abandoned on account of the unprecedented excitement it has awakened.
- (11.) Mr. McCabe, Deputy Commissioner, Naga Hills, approves only the extension of powers to Class (a) of the Bill. He objects to it as unimportant, and states that non-official Europeans feel hostile to Natives and think all Native Magistrates dishonest.
- (12.) Colonel Clarke, Deputy Commissioner, Khasi and Jaintia Hills, thinks the Bill impolitic and unnecessary. Anomalies must exist in India; and this one can only be remedied some time hence, when the two races have been amalgamated in thought and feeling.
- (13.) Captain Maxwell, Deputy Commissioner, Garo Hills, opposes the Bill on the ground that Englishmen are better capable than Natives of judging Europeans, and this is a substitution of the worse for the better. He thinks that Europeans will not, after the agitation of the last few months, submit to be tried by Natives.

3. These replies are written with the frankness and independence which the Chief Commissioner anticipated, and which become the character of the gentlemen who have written them. Much as he disagrees with some of the opinions, the Chief Commissioner would not have wished them to be in any respect modified, or to be anything but the genuine expression of the views of the writers; and he is satisfied that the Government of India will share this feeling. Something has been said in the course of the controversy which has raged over the Bill, about the subservience of Government officers to the known wishes of the head of the Government. Mr. Elliott is glad to record his belief that he has not an officer serving under him who, when asked for his opinion on any subject, would not give free and unbiassed expression to it regardless of the views entertained, or supposed to be entertained, by higher authority; and who, if that opinion was overruled and the question decided against him, would not loyally and cheerfully carry out the orders he might receive.

4. I am now to submit the Chief Commissioner's own opinion about the Bill.

5. First, with regard to the details of the Bill. It will be remembered that the proposal originally circulated was to give the power of trying European British subjects to Covenanted Native Civilians, either before or when they have attained the position of a District Magistrate or Judge; and Mr. Elliott, in my reply, recommended that such powers should be given to Native Covenanted Civil Servants on the same terms as to their English compeers, and to Statutory Native Civilians when they had attained the rank of District Magistrate or Judge, but dissuaded the Government from abolishing altogether the race-distinction between European and Native Magistrates, as a step for which the time is not yet ripe. The Bill has gone far beyond that recommendation. It would make it possible for Statutory Native Civilians to try European British subjects when they have attained the powers of a First-class Magistrate, and it would give the same authority to Native Assistant Commissioners in Non-Regulation Provinces. (I omit all mention of Cantonment Magistrates, because there is no probability of a Native Cantonment Magistrate ever being appointed except as a coadjutor to a European Cantonment Magistrate; in which case the latter, and not the former, would receive the powers of a Justice of the Peace.) The Bill further disqualifies European non-officials and Uncovenanted European officials from receiving these powers. Mr. Elliott could not support any of these modifications. In the case of the Statutory Native Civilian he does not think that the test of having received the powers of a First-class Magistrate is sufficient: these powers are ordinarily given after a comparatively short term of service, and an officer's worth hardly begins to be known till it is seen how he exercises them: a much longer and severer test should be applied before powers are given, the misuse of which would cause so serious a scandal and would discredit the class to which such an officer belongs: and Mr. Elliott would certainly postpone their conferment till the Local Government, by appointing the Civilian to the post of District Magistrate or Judge, had asserted its complete confidence in his capacity, honesty, and discretion. Again, with regard to Native Assistant Commissioners, there are none in Assam; but from his acquaintance with some of those in Berar and Mysore, the Chief Commissioner has come to the conclusion that the same rule should apply to them as to the Statutory Civilians, and that they should not receive powers to try European British subjects unless the Government has a sufficiently high opinion of them to appoint them Deputy Commissioners of districts. Lastly, with regard to the disqualification of European Extra Assistants and Deputy Magistrates, Mr. Elliott would regret to see such a change. There are five such officers in this Province who have powers of a Justice of the Peace, and they have exercised the powers with credit and discretion. It would be an administrative inconvenience if, for the sake of a scientific classification, such officers were debarred in future from exercising these powers.

6. If, therefore, in May 1882 the Chief Commissioner had had this Bill before him, he would have been obliged to dissent from the details to which exception has been taken; he would have recommended the omission from the Statement of Objects and Reasons of the passage about removing at once and completely every judicial disqualification which is based merely on race-distinctions; but he would have advised that, if the power of trying European British subjects were confined to Natives being—

- (a) Covenanted Civilians invested with the powers of a First-class Magistrate,
- (b) Statutory Civilians appointed to be District Magistrates or Judges,

the Bill so amended should pass into law. Many things have happened since May 1882, and in the face of those events it does not necessarily follow that the same advice should be given now which would have been given then.

7. It will be in the recollection of the Government of India that the Chief Commissioner, in May 1882, drew attention to the race antagonism and to the prejudice which is still felt by non-official Europeans against Native Magistrates, but expressed his belief that the prejudice was dying out and that the measure then under discussion would not excite any great opposition. He admits now that he was mistaken in this prognostication, and that the feelings of mutual distrust appear to be as active as ever. Whether the storm of hostility with which the Bill has been met is entirely due to the Bill itself, or whether any such hostility would have been awakened had the Bill been confined to the provisions previously circulated to Local Governments, is open to question. But whatever may have been the origin of the excitement, there can be little doubt that the opposition now embraces all and every provision of the Bill, and that no compromise, such as a return to the proposals originally circulated, would satisfy the European public or lead them to look on the Bill with favour.

8. The question which the Government of India have to decide is, how much weight should be attributed to this opposition, and how far they would be justified in compelling one section of the community to submit to an enactment which they vehemently dislike, for the sake of improving the administration or raising the status of another section. And, in deciding this question, they must take into consideration not only the arguments for and against the Bill, but also the weight and volume of the opposition and its possible effects on the course of Government.

9. As to the arguments against the Bill, Mr. Elliott holds that they are for the most part based on an inaccurate appreciation of the facts, and are tinged by prejudice rather than by reason. He repudiates altogether the assertion that natives of the class who would be selected for such office are unfit, by reason of the difference of race, to understand the motives or argu-

ments of an accused person of European birth, or that there is the slightest reasonable probability of their misusing their power through malice. The whole history of the working of the Civil Courts in Assam seems to him a refutation of such arguments. These Courts have largely to deal with the interests and quarrels of European tea-planters and landowners; they are resorted to with no apparent disinclination; the results of appeals from their decisions show that the Native Judges of these Courts exercise their functions, and hold the balance between European and Native, with discretion and justice. No doubt a Civil Court has not the same powers over the person as a Criminal Court: it cannot order immediate arrest: the consequences of a miscarriage of justice in it are not so serious to the individual as they would be in a Criminal Court. But still the powers of a Civil Court are considerable: it can mulct a man of his property; it can brand him as untruthful or dishonest; it can commit him for contempt of court or imprison him for insolvency. If, then, there are no complaints about the conduct of these Civil Courts, but the comparatively inferior Native officials who preside over them are admittedly efficient and independent, it is not reasonable to suppose that the few men who might be selected from these on account of their special ability and high character would, when sitting in a Criminal Court, misconduct themselves in cases where Europeans are concerned. It seems to the Chief Commissioner that the matters which come up for decision in a Civil Court, such as questions of trading custom, of bonds, of loans, and of contracts are, as a rule, more intricate, and require more knowledge of the habits and feelings of the litigant class, than the questions which are raised in a criminal trial; and therefore the whole series of objections which are based on the supposed inferior ability of Native Magistrates to try such cases seem to Mr. Elliott to be wholly mistaken. He does not accept as probable the idea that Criminal Courts would be flooded with false charges, when Civil Courts are not so flooded. Indeed, he has no hesitation in adopting the opinion expressed by Mr. Johnson that the decisions of an able and experienced Native Magistrate would probably be much more sound and accurate than those of a young English Civilian during the first few years of his service in the country.

10. But though the arguments against the Bill seem weak, there remains the weight and volume of the opposition to it, and that appears to Mr. Elliott a much more serious matter. There is probably no Province in India in which it is as serious as in Assam. There are perhaps more European settlers in Bengal (outside of Calcutta) than in Assam, but they bear a smaller proportion to the mass of the population, and their interests, important as they are, are rivalled or overshadowed by other interests. In Assam they form a larger number, relatively to the population, than in any other part of India, and their interest in the country is more influential and important than the interest of any other class. They are the one intelligent, energetic, improving class in the Province; they are the natural allies and assistants of the District Officers; and any event which should set them in determined opposition to the Government would be in a high degree disastrous. The Deputy Commissioner, who should be on bad terms with his tea-planters, would probably deserve to be condemned for want of tact and managing power, and would find himself hampered at every turn, in Court and out of Court. Already since this Bill was introduced, the Chief Commissioner has painfully felt the estrangement it has produced, and the delay it has caused in carrying out useful reforms and improvements which were in progress. He thinks, therefore, that it would require a very strong case to justify any enactment which should exacerbate and perpetuate the alienation which at present exists.

11. No such case can, in his opinion, be made out for the Bill under discussion. The argument from administrative inconvenience is allowed to be a weak one: it does not exist in Assam at all, and nowhere can it become serious for several years. The Chief Commissioner's view is that the Bill, if modified as he has suggested, is a good one, and one which it was right to introduce; but that it is not one of much practical importance, and events have shown that it had better be withdrawn. The step was a step in advance, but not a great one; and it is not worth while to take it, when we see the injurious effects which it has produced, and is likely to go on producing, in other unexpected directions.

12. This recommendation to abandon the Bill is not made without regret; for the necessity of making any concession to overpowering hostility—any retreat in a course of policy which has hitherto been a continuous and successful advance—is a regrettable incident. But the Chief Commissioner feels that much larger issues are at stake than the success or failure of this particular Bill. The most painful part, to him, in all this bitter ebullition of feeling, has been the conviction that it has not been evoked by the Bill alone, but is the expression of a determined hostility on the part of non-official Europeans to the general scheme of raising the natives of India to a political equality with ourselves, and to a fair share in the Government of the country. He fears that it is the principle of local self-government that is being struck at under the guise of the "Ilbert Bill;" and if that is so, it is a cause for poignant regret that any provisions in the Bill should have been so drawn as to awaken opposition to the principle on which the morality of our tenure of the Government of India is based. Mr. Elliott believes he is in harmony with the feelings of most of his District Officers when he declares that, in recommending the abandonment of this Bill, he does not mean that the Government of India should in the smallest degree retreat from the general lines of policy on which the Bill was based. No one can hold more emphatically than he that our *raison d'être* in India rests on the gradual elevation of the natives of the country to share its government with us, and to take a larger and still larger share in that government as time goes on. He



has no sympathy with the argument about the conquering and the conquered race: no permanent Government can possibly rest on such a basis; if the conquest of India was guided by Providence for the good of the country, it can only have been in order that we might introduce a system of government which shall by degrees obliterate the memories of the conquest. The only postulate is that reforms should be gradual and tentative, and that nothing should be done which, on a general survey of the whole, seems likely to produce more harm than good. It is Mr. Elliott's opinion that the measure under discussion will on the whole produce more harm than good, and he advises its withdrawal. He has seen, during his service in India, many measures of reform taken, and a general advance all along the line; in every case these measures have been successful, and the worst thing that could be said of them is that they might have been stronger or have been taken earlier. It need be no cause of shame to the Government of India, to admit that one step in advance has been proposed too soon, and should be receded from; nor need it be taken as an indication of any change in the general policy, or any relaxation of the desire to govern the country through and for the people of the country, as soon as it can be safely and conveniently done.

Circular No. 21, dated 5th April 1883.

From—W. C. MACPHERSON, Esq., C.S., Asst. Secy. to the Chief Commissioner of Assam,  
To—The Judges, Assam Valley Districts and Sylhet, and all Deputy Commissioners, Assam.

I am desired to forward a copy of the Bill to amend the Criminal Procedure Code, and to ask for an expression of your opinion on its provisions. As the Bill has been and is vehemently opposed by the influential body of non-official Europeans in the country, it is desirable that you should take especial care to state your views with precision, in order that the Government may thoroughly understand on what grounds you do or do not recommend that they should persevere with the Bill.

2. The following are the principal lines of thought which may be followed on this subject: you may hold that the Bill is a good Bill, and that the opposition to it is either so mistaken or so factitious that it will subside when sound reason resumes its sway; or you may hold that the Bill is bad in principle and should not be adopted, even if it were not unpopular; or you may hold that the Bill, though sound in principle, is not of much importance, and that it would be unwise to proceed with it in the face of the genuine hostility which it has elicited. And, besides these main lines of thought, you may think it necessary to criticise the details of the Bill, and the classes to which it is proposed to extend the powers of a Justice of the Peace.

3. These suggestions are made, not to influence the expression of your opinion, which should be as frank and independent as possible, but to indicate the chief points to which your reply should be directed. It is necessary that your answer should be received by the end of May, as the Chief Commissioner is directed to submit the provincial report by the end of June.

No. 829G., dated 26th May, 1883.

From—W. E. WARD, Esq., Commissioner, Assam Valley Districts,  
To—The Secretary to the Chief Commissioner, Assam.

I have the honour to reply to your circular letter No. 21, dated the 5th April 1883, in which my opinion is called for upon the proposed amendment of the Criminal Procedure Code.

2. It is difficult to say anything on this subject which has not been said before by others whose opinions are entitled to more weight than any that I can give; but, as I am decidedly opposed to the Bill, I think I am bound to state fully the grounds upon which my opposition is based.

3. The effect of the proposed amendment, if carried, may be stated thus. By the law as it now stands, no Mufassal Magistrate or Judge, who is not himself a European British subject, can be appointed a Justice of the Peace; and no one but a Justice of the Peace can try a European British subject on a criminal charge. In other words, no one but a European British subject can try a European British subject on a criminal charge. The Bill proposes—(1) to give Local Governments the power, if they think fit, to appoint any Covenanted Civilian, Assistant Commissioner or Cantonment Magistrate, who has first class Magistrate's powers, to be a Justice of the Peace without any regard to their nationality; (2) to make all Sessions Judges and District Magistrates *ex officio* Justices of the Peace, whether European British subjects or not, and without regard to their fitness to try European British subjects.

All Native Sessions Judges, therefore, and Native District Magistrates *ex officio*, as well as all Covenanted Civilians, Assistant Commissioners and Cantonment Magistrates, who have first class powers, and whom the Local Governments think fit to appoint Justices of the Peace, will have the following powers conferred upon them with respect to the trial of European British subjects, over whom hitherto they have exercised no jurisdiction whatever:—

- (a) If a Judge, the accused may be sentenced to one year's imprisonment or fine, or both.
- (b) If a District Magistrate or a Mufassal Magistrate of the first class, the accused can be sentenced to three months' imprisonment or Rs. 1,000 fine, or both.

4. It is scarcely necessary for me to refer to the strong European public feeling which has been excited all over India, and in this Province in particular, against this proposed change in the law; and, although I by no means adopt the view that, in India, Government measures should be made subservient to public feeling, I think it must be admitted that the European public have in the present instance some ground for alarm. I would recommend, therefore, that, in deference to the strong and not altogether unreasonable feeling that exists against the Bill, it should not be proceeded with, at any rate in its present shape, unless it can be shown that strong administrative grounds exist for doing so.

5. With reference to the question of administrative necessity as a ground for proceeding with the Bill, I do not think it can be said that any such necessity at present exists in any part of India. It certainly does not exist in this Province. Whatever inconveniences may arise 20 years hence may be considered when they do arise; but I do not think we need legislate now for possible inconveniences that may arise in the next generation.

The sole question to be considered now should be whether, having regard to public feeling on the subject, any such serious inconvenience exists at present, or is likely to arise in the next four or five years, from the present state of the law as would justify the Legislature in altering the law. I think it cannot be disputed that this question must be answered in the negative. In the first place, it will be a long time before any appreciable number of Natives will have risen to be District Magistrates or Sessions Judges; secondly, I do not anticipate any appreciable inconvenience even when the maximum proportion of one-sixth of the Civil Service is composed of Natives; for, long before that maximum is reached, it must be borne in mind that our communications throughout India will be considerably improved, and thus the inconveniences to parties and witnesses arising out of transfers of cases from one district to another will be considerably lessened. It is, moreover, very seldom that a Mufassal Judge is called upon to try a European (I have had only one such case in this division during the seven years I have been here); and, with regard to District Magistrates, it can always be arranged that, where the District Magistrate is a Native, the Joint Magistrate or Senior Assistant Commissioner at the head-quarters of the district shall be a European British subject and a Justice of the Peace with first class powers. In cases, therefore, against European British subjects with which a Magistrate is competent to deal, there is no reason to anticipate that any inconvenience whatever to witnesses and parties will ever arise by maintaining the law as it now stands. Thus, the inconveniences, which I understand it is one of the objects of the Bill to remove, seem to me to be inappreciable, and do not, I think, afford sufficient ground for proceeding with the Bill in face of the very strong public feeling which has been excited against it.

6. In speaking of public feeling, I refer, of course, solely to European public feeling. Native feeling I leave altogether out of consideration, because I do not think that in a matter of this kind it has any claim upon our consideration. The mass of the people certainly have no feeling whatever on the subject, one way or the other; and with regard to the upper non-official class of Natives, I do not think there is any ground for supposing that they ever wanted a change in the law until the present Bill was published. Even now they do not pretend that the Bill will do them any good. Many respectable Natives are against the proposed change; others only support it, because they think it affords another manifestation of the present benevolent policy of Government in granting them extended powers of local self-government. These latter have also taken up the view (which I think has rather been suggested to them by the discussions that have taken place on the Bill than by any original feelings entertained by themselves on the subject) that the privilege which the European now enjoys of being tried by his own peers is invidious and casts a stigma on the character and qualifications of Native Magistrates.

7. This brings me to the feelings of the Native official class upon the subject. As regards these, I must say that, if, before the Bill was published, they ever felt (which I very much doubt) the invidiousness of the distinction which prevents their trying Europeans, I cannot understand the feeling. I can conceive nothing more natural than that a European should prefer to be tried by one of his own race. Rightly or wrongly, he distrusts the Native Magistrate, whether we call the latter a Covenanted Civilian or by any other name. He has had practically no experience of the Covenanted Native Civilian, still less of the Statutory Civilian (a Native Cantonment Magistrate has, I understand, never been seen); and, as regards the Native Assistant Commissioners, it cannot, I think, be said that they are entitled as a class to any special confidence on the part of the European public, although no one will deny that there are many able officers to be found belonging to that class. Seeing, then, what European public feeling is in the matter, I cannot understand the desire of any Native Magistrate or Judge which prompts him to move the Government to disregard and crush that feeling. I cannot conceive any Native of education and right feeling, or possessed of any pride in his constitution, claiming the right to try a man who, with or without reason, does not expect justice from him? Indeed, I refuse to believe for a moment that any such Native feels in the least degree slighted at the thought that he can only try a man of his own race. It would be as reasonable to suppose that I feel slighted because the Criminal Procedure Code gives a Judge of my experience, with power to sentence a Native to death subject to confirmation by the High Court, and to transportation without such confirmation, power only to sentence a European British subject to one year's rigorous imprisonment and a fine. No doubt, there may be a few Native Magistrates whose vanity prompts them to think they should be empowered to try



Europeans. The feeling, however, is a bad one; and it is not towards gratifying the vanity of the few that legislation should be directed.

Then, again, I have not yet found any answer to the argument that, in the matter now under discussion, it is not the feelings of the Judge that we should consult but those of the people whom it is proposed to place under his jurisdiction. I see that one Hon'ble Member in the Council of His Excellency the Governor General, replying to this argument, said that he saw no reason why that which did not hurt the feelings of Europeans in Presidency towns should hurt them in the Mufassal; but I would submit that, whether we appreciate or not the reasons on which public feeling is based, we must, when legislating for the good of the people, recognize the fact that the feeling does exist.

8. I do not lose sight of the fact that, except in the case of Judges and District Magistrates whom the Bill declares to be *ex officio* fit to try Europeans, it is not proposed to give jurisdiction over Europeans to any but selected Native Magistrates. The Bill, however, gives unlimited discretion to Local Governments to select; and I do not think that public confidence in a Magistrate is likely to be enhanced by the fact that a Local Government has selected him; and any Bill which renders it possible for a European to be subjected to the criminal jurisdiction of a Native in whom the European public have no confidence is, I think, wrong in principle, and will, I fear, if passed into law, be not only productive of much bad feeling between Europeans and Natives all over India, but will probably also lead to many scandalous scenes in Courts presided over by Native Magistrates. It must also be remembered that a Local Government is a very variable abstraction. It possesses no very fixed ideas as to the fitness of persons or things. The head of a Local Government to-day may think that its powers of selection under this Bill ought to be rarely exercised; his successor to-morrow will think that they ought to be rarely withheld. In short, the action of Local Governments under the special powers conferred upon them by the Bill will, I am afraid, vary very much according to the individual views of the Governor, Lieutenant-Governor or Chief Commissioner upon the general question now under discussion. The practical effect of the Bill, therefore, if passed, will simply be to shift the responsibility of deciding the general question from the shoulders of the Government of India to those of the Local Governments. This, I think, the European public are entitled to object to. The subject under discussion is of sufficient importance, I think, to require that the Imperial Legislature shall settle it one way or the other, and not leave it to less responsible shoulders. Moreover, the decision of the general question is one which should affect all European British subjects in India alike, and should not be left to be decided by Local Governments in such a way that the Europeans of one Province may find themselves deprived of privileges of which those in a neighbouring Province are in full enjoyment.

9. It is unnecessary to go into the question as to whether the European can claim the *right* to be tried by his own peers; it is sufficient to find that he has enjoyed the privilege of being so tried for many years and in many countries, and that he values that privilege highly. We, as rulers, cannot fail to appreciate this feeling, nor can we disregard it, even though we may think that it is based more on sentiment than on reason; for we know full well that many of our existing institutions continue to exist mainly by reason of the sentiment which attaches to them. This privilege, then, which the European values so highly, should not, I think, be taken away from him on any other ground than that of administrative necessity. When the matter is looked at in this light, it seems to me that the stigma theory has nothing to support it.

10. Upon the question as to whether Native Civilians and Assistant Commissioners can ever be trusted with the powers it is proposed to give them, I do not wish to give any decided opinion. I should be sorry to say that none are to be trusted, and, so long as there are any fit to exercise these powers, it can, of course, be said that Local Governments may very well be trusted to find out these men. I have myself never yet seen a Native Covenanted Civilian who has been to England, and I have only come across one Statutory Civilian, without seeing any of his work. I am scarcely, therefore, in a position to judge of the powers and qualifications of a Native Civilian. I would deprecate, however, any *a priori* theory that supposes that a Native who has been to England and competed for the Civil Service is, by reason of this fact alone, competent to try a European. Much more than this is required before any Native can enter into our feelings and motives, and appreciate or even understand our family and social relations. That he does not understand these things no Native would, I venture to think, attempt to deny; and I think the European may well ask, without being necessarily accused of stigmatizing the Native character or raising invidious distinctions, "Is any man fit to try me, whose entire habits of life, thoughts, feelings, opinions, are so entirely distinct from my own, and who may therefore frequently be led to pronounce a wrong judgment upon me by reason of his want of sympathy with me or a proper understanding of the real merits of the case against me?" Of course, if the validity of this argument is admitted with respect to the Covenanted Civilian proper, it applies with greater force to the Statutory Civilian and the Native Assistant Commissioner, who have never visited England at all.

11. No doubt, it may be said that the present Bill can do no harm if the number of cases in which a European will be tried by a Native will, as is anticipated, be so small; but I think legislative action should have something stronger to support it than the mere allegation that it is harmless. Moreover, I think the Bill, if carried into law, will do much harm; for, as already stated, it will, I have no doubt, produce an amount of bad feeling between Natives

and Europeans, especially among the lower classes, which it will take many years to eradicate. Nor do I think the fact that the punishing powers of Judges and Magistrates over Europeans convicted by them of a criminal offence are small any ground for giving those powers. This, of course, is merely another form of the argument that the Bill may be supported on the ground that it can do little or no harm.

12. A good deal has been written and said to the effect that, if the Bill is carried, European capital and enterprise will be driven out of the country, or, at any rate, will receive a severe check. I do not believe this for a moment, for the simple reason that cases will, I am sure, whatever happens to this Bill, be exceedingly rare in which a Native will ever sit in judgment upon a European; and European enterprise and capital are not so easily frightened from a country where such large profits are to be found as in India.

13. In conclusion, I would only add that, had the Bill confined itself to carrying out what Mr. Gupta originally proposed, namely, that Covenanted Civilians (excluding the Statutory Civilian) who rose to the position of a District Judge or Chief Magistrate of a district (Deputy Commissioner, as he is here called) should have *ex officio* powers to try Europeans, I do not think any one would have seriously objected; and, were it not that the present Bill has excited so much bad feeling, I should have been inclined to propose that it be modified to meet Mr. Gupta's proposal, and nothing more; but, in view of the present state of public feeling, and seeing what little real necessity there is for such a modified Bill, I should prefer seeing the present Bill withdrawn altogether without anything being offered in substitution for it. As an alternative proposal, however, I would suggest that the privilege which the European now enjoys of being tried by his own peers be continued to him, but that he be allowed to waive the privilege and submit himself to the jurisdiction of any Native Magistrate of the first class, whether he be a Covenanted Civilian or Assistant Commissioner, Extra Assistant Commissioner, Honorary Magistrate, or Deputy or even Sub-Deputy Magistrate. I am quite certain that, if a Bill of this kind were passed, many Europeans would, for their own convenience, waive their privileges in many cases, and assert them only in cases of difficulty or importance. It would be well also if, at the same time, Europeans were, by an amendment of the Code, allowed to submit themselves to the jurisdiction of European Judges and Magistrates in cases which, under the present law, these latter cannot now try. It is a serious thing for a European planter in Assam, and also for witnesses here, to feel that in a certain class of cases they must all, whether the accused or complainant wishes it or not, be sent up for trial and examination to the High Court at Calcutta, because the Judge has no power to pass a sentence exceeding one year's imprisonment and fine.

14. I notice that the Bill excludes Extra Assistant Commissioners, the Deputy Magistrates of Bengal and Honorary Magistrates, and this, too, whether they be European or Native, from being selected by Local Governments as fit to try Europeans. I do not understand why they should be excluded. If it be held that there must be some Assistant Commissioners with first class magisterial powers who are fit for selection to try Europeans, the same, I think, may certainly be said of any class of Magistrates who have first class powers.

15. I enclose the opinion of the only district officer who, up to date, has reported on the Bill. The Deputy Commissioner of Darrang has, I understand, reported to you direct.

No. 172 A., dated 4th May, 1883.

From—H. MUSPRATT, Esq., Judge of Silhet,

To—The Secretary to the Chief Commissioner, Assam.

I have the honour to acknowledge the receipt of Circular No. 21 of 5th ultimo, giving cover to a copy of the Bill to amend the Criminal Procedure Code.

2. I beg to tender my sincere thanks to the Chief Commissioner for permitting me to express my opinions on the said Bill frankly and independently.

3. (1) I think the Bill should never have been drawn up in its present form, as it is very circumscribed in its application, and is totally opposed to the views given in the second ground of Objects and Reasons.

4. (2) I think the Bill was a mistake, as it is proposed to remove an anomaly and to confer new powers on some ten Government officials, without any consideration being given to the feelings of the thousands who will be affected by the amended law.

5. (3) I hold that the Bill has been introduced at a most inopportune time. The minds of the people are in a very unsettled state in consequence of the introduction of local self-government throughout India, by the proposed law of landlord and tenant in Bengal, and by the proposed Land Regulation in Assam.

6. (4) The proper time has not arrived for introducing a Bill to do away with race-distinctions. Very startling changes are proposed before the masses of the Native population are sufficiently advanced to understand that the object of the Bill was to raise the status of the Native Civilians, and not to lower the status of all European officials, whether covenanted or uncovenanted.

7. With reference to my first ground of objection, I notice that the Bill proposes to give jurisdiction over European British subjects to—(a) members of the Covenanted Civil Service, (b) members of the Native Civil Service, (c) Assistant Commissioners, and (d) Cantonment magistrates. The Bill thus excludes all the Subordinate Magistrates, whether European

British subjects or Asiatics, as though they were not only inferior in position, but also in judicial acumen.

8. It would, I consider, be most unjust to debar European Subordinate Magistrates altogether from holding jurisdiction over European British subjects. Numbers of those officers have for many years held such powers, and no one has ever charged them with acting unjustly when their fellow-countrymen have been tried in their Courts.

9. It may not be intended to deprive those already entrusted with the powers of Justices of the Peace; but why, I would ask, should not those that come after them (if fitted) be invested with similar powers? They must surely be quite as experienced, able, and trustworthy as the members of classes (b), (c), and (d).

10. If it is the desire of the Government of India to remove from the Code at once, and completely, every judicial disqualification which is based on race-distinctions, why should a new anomaly be created, and the powers already held by a large number of officers be taken away, in order to give more powers to a very small number not holding similar powers outside the Presidency towns?

11. It appears to me that the proposed change in the law would, in a very short time, create many instances of administrative inconvenience, and injured parties would have to travel to the *sadr* stations to prosecute petty charges that might, as hitherto, be tried by fully qualified European Deputy Magistrates at the sub-divisions.

12. I propose, in the next place, to consider why (2) the Bill was a *mistake*.

13. In the Statement of Objects and Reasons it is stated—"It was thought anomalous that Natives of India should be deemed incompetent to exercise jurisdiction over European British subjects outside the Presidency towns."

14. It appears to me that the greatest anomaly was in the granting of such powers to Natives of India in the Presidency-towns. I do not remember to have heard that the appointment of non-Europeans in Calcutta was ever considered a success. No Member of the Council in the debate on the proposed Bill named any one of them as a proof that the powers granted to Natives in Calcutta should be extended to the Mofussil.

15. The Government of India calls the proposed change the removal of every judicial disqualification based merely on race-distinctions, and asserts that it is an anomaly that Natives of India competent to discharge the highest judicial duties should be incompetent to be Justices of the Peace. Why, then, would the Government give the powers to Natives holding certain posts, and debar others of the same race who have long sat in the Courts as Magistrates, and have earned the confidence of the Governors of Provinces by their integrity and upright conduct?

16. When the English obtained possession of each portion of the Indian Empire, the Courts of the country were found to be so venal and corrupt that it was found imperatively necessary to legislate that European British subjects should only be tried by their fellow countrymen. They have continued to try them. Why, then, should that power now be withheld from them unless they are members of classes (a), (c), and (d)?

17. I consider that the distinction raised in the selection of officers to be empowered to try Europeans is a great mistake.

18. Mr. Elliott states in the circular that the proposed Bill has been, and is, vehemently opposed by the influential body of non-official Europeans in the country.

19. I maintain that they have just grounds for their opposition to the Bill, and their assertions clearly prove that the time is not yet arrived for the proposed change.

20. European British subjects are convinced that they should not be tried by Natives of India, who do not understand their manners, customs, and feelings; who do not entertain any respect for their own women; and who would prefer to have their women steeped in ignorance.

21. It cannot possibly cast any slur on those Native gentlemen who have won high positions in the Covenanted and Uncovenanted Services that they should not be asked or compelled to try charges brought against European British subjects. I have been a member of the Bengal Civil Service for 33 years, and I never heard such an assertion made before I read the speech of the Hon'ble Durga Churn Lahā.

22. I can point out a stranger anomaly than the one that has led to the introduction of the present Bill, but I do not consider that it imposes any disparagement or casts any slur on me as a judicial officer. The present Deputy Commissioner of Cachar is under 11 years' service, and had not even arrived in the country when I was appointed Sessions Judge at Cachar; yet he is empowered, under section 30, Criminal Procedure Code, to sit *alone* to try any offence not punishable with death, while I have to try similar cases with the assistance of assessors.

23. Europeans are truly afraid of being tried in the Courts of Natives, whose fellow countrymen daily prove that their chief weapon of offence against a rival or an enemy is to bring against him a false charge backed up by perjured witnesses. Both Hindus and Muhammadans institute false charges, and it is not confined to the poor and ignorant of those two races.

24. In Assam, 2,336 false cases were detected in 1880, and 2,105 in 1881, or nearly ten per cent. of the cases instituted in each year, and over 25 per cent. of the charges brought were rejected. Of persons brought to trial, the numbers acquitted in 1880 and 1881 were respectively 4,862 and 4,956.

25. How, I would ask, can the Government expect that any European (man or woman)

would consent to be tried by a Court when the prosecutor, witnesses, investigating officer, Magistrate, mukhtars, and vakils are all aliens to him or her in race, feelings, and religion, &c. ?

26. It is very unfortunate that the Government of India did not consult some of the officials who are daily hearing cases, and who could have understood both sides of the question, and would not have treated it as a matter solely of State policy and convenience.

27. This is the first time that the feelings of any class of officials have been consulted. It is a great mistake to pander to such sensitiveness. Government should rather have considered the feelings and antipathies of those who would be affected by the proposed Bill.

28. I cannot but feel that the determined opinion of Government, stated in their Objects and Reasons, has given rise to much of the strong language used in discussing the proposed changes in the law.

29. I next proceed to consider whether the Bill should have been introduced at the present time, and what effect it is likely to have on the Native races in Lower Bengal and Assam.

30. In 1882, the Government of India decided that local self-government should be started throughout the length and breadth of India.

31. It is unnecessary for me to specify what great changes were thus introduced, and how it has given importance to many things, many places, and many people. The majority of the people formerly took no interest in the matter of roads, education, &c.

32. Government are now desirous that the masses should think for themselves on the subject of self-government, and they have been called on to assist in the election of the members of the committees. The laws for carrying out self-government were only under discussion when this amendment of Criminal Procedure was notified.

33. The Code of Criminal Procedure was passed in March last year, and came into force on the 1st of January of the present year. The introduction in February of a radical change in selecting the officers to be appointed to try European British subjects by an amending Bill must arouse feelings in the Natives of India that the Code contained a very glaring error, which should not have occurred while the Code was before the Council of India. They would naturally enquire what changes were proposed; and what must they think of the announcement that Government had determined at once, and completely, to remove from the Code every judicial disqualification based merely on race-distinctions?

34. The only conclusion they could arrive at would be this. Government have held incorrect views, and have assigned a higher status to European Magistrates and Judges than they were entitled to hold, and that henceforth those officials were to be reduced to the same level as the Native Magistrates and Judges.

35. The Natives of India will learn that the proposed amendments disqualify all Uncovenanted European Magistrates, and place in their stead certain Native officials about whose fitness or abilities very few of them know anything.

36. What, then, can the masses think of the proposed changes and the hurry with which an amending Bill has been introduced before the Council?

37. This amending Bill, to my mind, strikes a heavy blow at the foundation of the structure of the Criminal Courts in India, and lowers all Magistrates and Judges in the eyes of the masses. No longer will they respect those officials. The administration of justice will be carried on under considerable difficulties (signs of these are already cropping up), and the hitherto smooth working of the Government officials in their intercourse with the masses of the people will be seriously affected.

38. The people do not feel respect for the Civil Courts. They pay heavily for the privilege of using them, and they consider that those Courts have been created for their convenience, to enable them to recover their rights, and in many cases to injure their enemies.

39. But the Criminal Courts have been revered, as they are backed up by enormous powers, namely, by the police and by the terrors of the jail and of transportation across the black waters. It is impossible at the present time to convince a villager that he will get the same justice before a fellow-countryman as before a "saheb;" and, until the mass of the people feel assured they will get equal justice before Asiatic and European Magistrates, the time has not arrived to introduce the proposed changes into the Code of Criminal Procedure.

40. In the present year, a Bill affecting landlords and tenants in Bengal has been discussed in the Council. It has given rise to very conflicting opinions, and the landlords are as deeply moved by that Bill as the Europeans by this amending Bill. Silhat is convulsed by the proposed Land Regulation for Assam.

41. Heretofore the Government of India have felt their way, and have introduced changes in the law singly and cautiously. But now no less than three laws making vital changes are being started at one time in Lower Bengal and also in Assam.

42. I maintain that the present was a most inopportune time for the introduction of a law that must bring to the surface race-antipathies that were slumbering, but which might have ceased to exist in process of time.

43. In conclusion, I would most respectfully urge that this amending Bill should be withdrawn, and I sincerely trust that the hostility which it has elicited may be calmed down, and friendly feelings between all classes and races be restored.



No. 1005, dated 28th April, 1883

From—H. L. JOHNSON, Esq., Deputy Commissioner, Silhat,  
To—The Secretary to the Chief Commissioner, Assam.

I had not intended expressing an opinion on the subject of the Criminal Procedure Amendment Bill, with reference to your Judicial Department Circular No. 21, dated the 5th April, 1883. I thought I might leave the discussion of the measure to my successor; and I felt that my opinion, to be of use, should have been submitted a year ago. But, having learned that the Chief Commissioner wishes me to leave my opinion behind me, I submit a note on the subject. I am inclined to think the Bill wrong in principle. But I am sure that the time has not yet arrived for such a measure.

*Note by H. L. JOHNSON, Esq., Deputy Commissioner, Silhat.*

The advocates of the measure do not state what its principle is. They refer to some principle, but they do not give its shape. Mr. Gupta talks of an invidious race distinction; but race distinctions are not necessarily invidious. A man cannot help being a Bengali; and, if they were, you could not on that account abolish them, and therefore you must recognise them. Nobody has suggested (or *had* suggested till this proposal was brought forward) that Mr. Gupta is unfit to exercise the powers in question. Lord Ripon speaks of the Bill following necessarily from the admission of Natives to the Civil Service. But we admitted Natives to the Civil Service on the same principle that we opened it to competition, because we hate artificial privileges and monopolies. If we had suspected we were depriving the English race of any race-privilege by it, we would not have taken this step.

It cannot be that the advocates of the Bill disapprove of all recognition of status in our laws, (status is but another word for distinction of race). In this country, status still rules supreme, and our efforts to supersede it by contact have not been very successful. To this day we recognise the status of Mainpuris even in our jails.

I sympathise with those who say that we came here by an unfortunate accident; that it is doubtful if we do any good and that we should go as soon as we can. I think we should frame all our measures with a view to going. I therefore disapprove of the admission to high posts by competition (which appears to be a part of the principle of the Bill), because that system brings Bengalis to the front; and I am doubtful if they are the race who are destined to succeed us in the government of this great Indian Empire.

Then it is not suggested that we can settle down and amalgamate with the peoples of India—become a force leavening the whole mass, as we have done in Ireland. If we could do this, then our special status as a superior race is an obstacle, and should be swept away as wrong in principle. If we cannot do this, then we can only remain here as a superior and conquering race. It is on this fact that I hold that, opportunity offering, we should go.

It is hardly possible to discuss the principle of a measure the advocates of which are apparently not clear about it themselves—veil it in such phrases as “the more liberal view.” But the opponents of the Bill have a clear and recognised principle of very respectable and ancient lineage; indeed, of scriptural authority. *Ciris Romanus sum* has been in all ages a cry to conjure with, and in time and place is no doubt a highly admirable principle. Since the struggle for life and survival of the fittest theory came to be applied to politics, the part which race-distinction plays in the world is better appreciated scientifically, but before the days of science race was revered instinctively. When the Englishman says “I will not be tried by a Bengali,” he has history, science, even the Apostle Paul, on his side. And, in the case before us, his assertion of his race superiority is specially justified by the fact that the Bengali belongs to a race he has conquered. His assertion of his race in the face of Egyptians, Chinese, Japanese, &c., looks like mere pride, but in the case of the races of India it is much more.

He has a feeling that a conquered race must necessarily dislike the conquering race. His experience of the Irish, whom he has admitted to equal laws, even to representation in his Supreme Council confirms the feeling. His experience in India, where he sees Natives carefully excluded from place and influence in the army, and even in the police, confirms the feeling. But he should at the same time remember that he submits to be tried by Irishmen, who are overtly more disloyal than the Bengalis, and probably hate their conquerors more. I make another objection to the principle of the Bill. It recognises a distinction between the Covenanted Civil Servants and other persons. Now whatever objection there may be to the recognition by the law of a difference of status which actually exists is natural, is indeed the most prominent fact in Indian history, past and present. The recognition for the first time in the Codes of a wholly artificial distinction is simply, from a liberal point of view, detestable. This objection is so obvious that I am surprised that a Government calling itself liberal should have proposed such a measure. I believe I am right in saying that the unrepealed laws and regulations of all the Presidencies may be searched through, and no case will be found in which members of the Covenanted Service are invested with judicial powers as such members. A proposal to abolish the Civil Service would not surprise me; a proposal to endow it, for the first time in the history of our rule, with special magisterial powers is in the highest degree retrograde.

Supposing these objections to the principle of the Bill to have been disposed of, I have only to consider whether the present is a convenient time for divesting ourselves of our status

as conquerors. I use a general phrase, because, if one condition of that status is admitted to be anomalous, other conditions are so too. Thus, if we submit to be tried by Natives of the country, we cannot refuse to allow Natives of the country to form volunteer corps; we can no longer reserve certain of the superior grades of officers in the army to the conquering race, and so on. Much has been made of the argument that Europeans have already submitted to be tried by Natives; that Judges of High Courts and Presidency Magistrates may try Europeans. One writer, an ex-Lieutenant-Governor and Member of Parliament, says, "How very small the change of practice is. As Judges of the High Court, Natives have unlimited criminal jurisdiction; every day Native Magistrates try Europeans in the Presidency towns." But I am informed that the Judges of the High Courts do not, as a matter of fact, hold criminal sessions; that in the last 100 years there has never been a Native Magistrate in the European quarter of Calcutta, and only in six or seven years in the Native quarter. I am informed that at Bombay the Native Magistrates are Parsis, to whom, I presume, the objection that they belong to a conquered race or races does not apply. The strength of this argument depends on the extent to which Europeans have submitted to be tried by Natives. And the answer to it is obvious. The anomaly between town and country law may be most simply removed by withdrawing from High Court Judges and Presidency Magistrates the obnoxious powers. This argument that he has submitted himself is peculiarly offensive to the Englishman. He had allowed a Native to be appointed a Magistrate of the Northern Division of Calcutta, and other Natives to be appointed High Court Judges, in the belief that these measures did not practically injure his status. European cases are few in the Northern Division, and he thought the Native Judge would not be deputed to hold criminal sessions. He had no intention whatever of surrendering his status. When, therefore, his, as he thinks, unfortunate carelessness or good nature in these two cases is quoted as a reason for going further, he feels that he has been "jockeyed," as it were, out of his rights.

Then it has been said the present system is inconvenient. One instance is quoted from Dhaka. But no inconvenience actually occurred—some one admitted it might occur. I know Dhaka very well, and I state that the inconvenience mentioned is wholly imaginary. You may make the whole district staff Native, and you will find plenty of European gentlemen ready to do a petty Magistrate's duties for nothing. Another instance is quoted from Bombay, but here the inconvenience is stated to have occurred in connection with a railway which, I am told, has never been commenced. In some respects, I think, the change would prove inconvenient. The privilege of trial by his own race follows the Englishman into the Native States of India. Englishmen take service under Natives in Mysore, Haidarabad and other Native States, and, though there are occasional difficulties, the reversal of the natural relation is not so injurious as might be expected. The reason probably is, that the Englishman retains his privilege of trial by his own race. If he had not that privilege, the Native States would probably not obtain his services, or would have to pay a higher rate for them. So I think that unless Europeans retain this privilege, the appointment of Natives to districts where there are many European settlers (and they are daily increasing in number) will be practically impossible.

Against the Bill, in its practical application, arguments have been brought forward, not much better than those above-quoted in its favour. I am quite sure that the average experienced Deputy Magistrate would be as good a Judge in the case of a European accused as he is in the case of a Native. I am not sure about a young man just out from England. I think I would allow him time to sow his wild oats before giving him much authority. But, speaking generally, Natives make as good, or better, Magistrates than Europeans.

The only argument against the Bill to which I attach any importance is that it stigmatises a very worthy and highly useful body of men—Native Magistrates, not members of the Covenanted Civil Service—as unfit to exercise certain powers. The blot can easily be remedied by giving powers indiscriminately, and dropping the wholly illiberal distinction between Covenanted and Uncovenanted Magistrates.

It seems to me that the advocates of the Bill have failed most signally in making out a case, and that the opponents of the Bill have failed equally signally. It seems to me to be a question of sentiment on both sides.

The advocates of the Bill think it looks well for the conqueror to submit himself to the conquered; it is a magnanimous thing to do. The opponents, I believe, honestly think that a Native is an abominable creature, not at all fit to rule over them.

In the absence of any conclusive or strong argument, one way or the other, we should, I think, follow the liberal course of consulting the persons interested in the matter. They have given an almost unanimous vote against the measure: that they disapprove of it is, of course, itself a strong argument against it. It never does to legislate against, without, above or beyond the people for whose benefit you legislate, as we have so often proved in our administration of India.

When the word "Native" is no longer used by the Europeans; when the Native no longer describes his conquerors as the "*sahib log*;" when there is no longer a natural distinction between Natives and their foreign conquerors—then we may expunge all recognition of that distinction from the Statute-book. At present, the measure is premature. Indeed, I personally think that, as long as we remain here, the necessity for such a measure will not—indeed cannot—arise, but then I hope for a speedy departure. If the Government of India is determined to take a step in the direction indicated, I would suggest throwing all Cantonment



**Magistracies open to Natives.** There is much analogy between Cantonments and Presidency towns. The European element is so strong that they cannot indulge in the fears (as I think fantastic) for which his isolated position gives the European in the Mofussil some excuse. Then we have the precedent of the Presidency towns. Let us now extend the principle established in the Presidency towns to Cantonments, hill stations and other places where Europeans are most predominant.

No. 1381, dated 11th May, 1883.

From—H. L. JOHNSON, Esq., Deputy Commissioner, Silhat,

To—The Secretary to the Chief Commissioner, Assam.

Under my letter No. 1005, dated 28th April 1883, I forwarded some observations on the proposed Criminal Procedure Amendment Bill. The proposal to make all non-official Europeans incapable of service as Justices of the Peace escaped my notice. As the Chief Commissioner is aware, I would, if possible, get all petty magisterial work done for nothing. There seems no good reason for imposing this special disability on European British subjects. It is anomalous that a man who holds and exercises such powers in England should be disabled by changing his domicile to India.

No. 840 J., dated 31st May, 1883.

From—J. K. WRIGHT, Esq., Officiating Deputy Commissioner, Cachar,

To—The Secretary to the Chief Commissioner, Assam.

In reply to your Circular No. 21, dated 5th April 1883, calling for an expression of opinion on the provisions of the Bill to amend the Criminal Procedure Code, I have the honour to submit the following report.

In my humble opinion, the provisions of the Bill as they stand are altogether bad. The result of section 1 would be to disqualify the future European British Magistrates, even of proved competence and fitness, from being appointed Justices of the Peace, unless such Magistrates were either Cantonment Magistrates, Covenanted Civil Servants or Assistant Commissioners in the Non-Regulation Provinces. Now, there are scores of Magistrates, not belonging to any of these classes, who have been appointed Justices of the Peace, and who have fulfilled the duties of their office with credit. Why should such be debarred in future from being made Justices of the Peace? The Punjab Government has recorded its opinion that "the powers and jurisdiction to be exercised by judicial officers should depend entirely upon personal fitness." Again, the North-Western Provinces Government desire to appoint Native members who have proved their fitness. If, then, Europeans not belonging to any of the four classes above mentioned be personally fit, why should they not be appointed Justices of the Peace?

The second objection I bring against section 1 is that it enables Local Governments to appoint certain Natives as Justices of the Peace, and these, if first class Magistrates, will have the power to try Europeans.

I would consider this objection under different heads.

I fully admit that it would be a graceful concession to allow Natives belonging to the Covenanted Civil Service to become Justices of the Peace and to try Europeans. I use the word "concession" advisedly. To talk of their "claim" to such power is to misuse words. Claims they can have none. When they entered the service, they did so being well aware of the fact that, under the law, they could not try Europeans. Moreover, it appears to me to be ridiculous for a subject race to talk of their "claim" to try members of the conquering race. To talk of "justice" in demanding the concession is, in my view, equally ridiculous. "Justice" is obtained by the due and impartial administration of the existing laws of the land. What would be considered "justice" in one country is not considered so in another country, simply because the standard whereby to test the "justice" of any act differs in the two countries. If it is meant that the present laws are not justly and impartially administered by Europeans, then a case of injustice arises, and it becomes essential that other persons should be appointed who will administer the laws without partiality. But, before such a statement can be accepted, it is necessary to adduce proof, and up to date such proof has not been adduced. I am unable to believe that the Government is of opinion that the law is not justly administered by Europeans. Still less can I believe that the view of the Government is that the law will be administered with more impartiality by Natives than by Europeans. Hence all talk of "claim" and "justice" on the subject is, in my opinion, unwarrantable.

I say it would, under ordinary circumstances, be a graceful concession to extend the jurisdiction of Covenanted Native Civil Servants over Europeans; but, in the face of the violent opposition raised against such concession, I think it would be politically expedient to conclude that the time for making it had not yet arrived. Had the experiment been confined to this much only, I doubt whether any storm of opposition would have arisen. Had it arisen, I think the Government should have withdrawn the Bill, however much it lamented the prejudices of its European subjects. I draw a distinction between Covenanted Native Civil Servants and other Natives, because, in the case of the former, they have lived in Europe; they have mixed with Europeans; they have

learnt the peculiarities and idiosyncrasies of English people (at least to some extent); they have necessarily become acquainted in a way with their methods of action and habits of thought; they are partially competent to draw deductions from their behaviour; and they are not so apt to draw false conclusions from actions not understood. There is in every way a wide difference between them and those Natives—"saturated with caste and religious prejudices, ignorant of European modes of thought and feeling." Of course, I assume that Government has no intention of appointing outcasted Hindus exclusively in the Civil Service. On the contrary, those who will be appointed under the Statute 33 Vic., cap. 3, will belong to the highest families, and so, no doubt, will be Native Assistant Commissioners in the Non-Regulation Provinces. Such gentlemen will be strict Hindus, and will be bound by their religious code. Now, are such persons competent to try Europeans, or to understand their actions? I do not believe in the use of abstract assertions, and so I will briefly give a few concrete instances. Take a charge of adultery. In this country a chaste woman is she who is supposed never to behold the face of any man but her husband and relatives. She dare not go out. To speak to, or be seen with, a stranger would involve the most fearful penalties. I have too often heard Native opinion—I mean the opinions of the educated Natives—on this subject. They are absolutely incapable of believing that the freedom of women is compatible with chastity. They attribute the grossest irregularities to all ladies, Native or European, who mix frequently and openly with the other sex. The published accounts of two Bengalis who visited England (and they may be assumed to be educated) prove conclusively what the judgment of Natives is about them. The most innocent action would be misconstrued by an orthodox Hindu, who would discover vice where the most perfect innocence existed. Any case in which there arises a question connected, however remotely, with the relations between the two sexes would be completely beyond the power and ability of an orthodox Hindu to comprehend. Thus, all questions of offences against marriage could not be tried by Natives.

Again, take the case of assault under provocation. Can a Native born and bred in the *zanána*, who has not mixed with Europeans, understand what is, and what is not, provocation? I have heard in open Court the most respectable persons tell each other "they lie." In Native society "you lie" is freely interchanged. At *pancháyats* I have heard it myself. The most foul abuse is occasionally interchanged by persons who ought to know better, yet there is apparently no resentment. There certainly is never an interchange of blows, nor the thought of any. Can a Hindu realise the grave provocation which the word "lie" raises to a European? Would he hold such a remark as any justification for a blow?

Again, take the case of mischief. A cow is a sacred animal to the orthodox Hindus, and it is as grievous a sin (if not more so) to take the life of a cow as to take the life of one's parents. According to the religious books, each hair of a cow is the seat of a god. So he who kills a cow commits a similar offence to killing a god. Suppose a European to kill a cow and to be tried by an orthodox Bráhman. Is the latter qualified to pass sentence? Will he not be influenced in his estimate of the accused's guilt by his own religious belief? Why, the *Sástrás* actually enjoin on all good Hindus the absolute necessity of committing *perjury* in order to save the life of a cow. Are men of this stamp competent to try Europeans? I say most certainly not. We know that the Lieutenant-Governor of Bengal himself challenges "most strongly the competence of Native Magistrates to try Europeans." I think, therefore, I may be excused for holding the same opinion, and for shewing on what grounds I challenge their competence. Those Hindus who have shewn their contempt for the monstrous absurdities above mentioned, who have so far shewn their superiority above caste-prejudices to cross the *kulápani* and receive an English education, should be treated on a different footing. The extension of the proposed jurisdiction to them might be defended, but certainly not to the others. What would be the result? A constant heart-burning. Suppose cases of the sort above described to be laid before a Native, and suppose the Magistrate of the district to be a European, would not an accused European apply at once for a transfer? The law permits the District Magistrate to transfer cases. Why should he not do so? If he did so, he would incur odium among the Natives, and would be reflecting on the Native Magistrate. If he did not do so, he would incur greater odium among his own people, and, moreover, would be acting probably against the dictates of his own judgment. Most certainly in any case where European ladies were concerned (as witnesses or otherwise), the Magistrate of the district would invariably transfer the case to his own file. This would be a wanton reflection on the Native Magistrate, and yet a necessity. The indignity of a European lady being taken before a Native Magistrate, surrounded by Native *ámlá* and Native police, would be simply an intolerable scandal. Why the wife of the commonest *ámlá* in the Court could only be produced in a *palkí* or behind a *pardá*. What respect would the Natives have for such a lady, or for her husband, the latter perhaps a high official? The mere knowledge that it was possible to drag a European lady before the Criminal Courts would be an incentive for any evilly-disposed person to bribe a servant to bring a false charge. I would strongly deprecate a law that rendered the occurrence of so grave a scandal possible. False charges are notoriously very common in India, and are very easily got up.

I would point out that it is incorrect to talk of the disqualifications of the Natives in connection with this question of jurisdiction. The right of Englishmen to be tried by men of their own race and colour is a personal privilege (if the term privilege may be used). It is a possession of no recent date: no reflection is cast upon the Natives at all. If the Natives were Dutch, it would be the same thing. It is absolutely incorrect to talk of the disquali-

fiction of the Natives as the leading principle. It is nothing of the sort. An Englishman has a much cherished right of long standing. If this right (privilege be it) interfere with the exercise of certain powers by the Natives, it is an accident. But let the correct order of things be maintained. It is not the case that Natives were ever disqualified directly, and then certain privileges were given to Europeans. It is the accidental fact that the privilege has been enjoyed so long by Europeans that the Natives are indirectly disqualified.

Is it seriously meant that the Natives who practise polygamy, who treat their wives as caged birds, kept in the dark chiefly for the creation of sons, to perform the necessary shraddh or funeral ceremonies for the repose of souls, who immolate infants of tender age to marriage, who compel infant widows to remain widows till death—are such competent to try European men and women? Is no account to be taken of the wide gap which lies between the feelings of Europeans and of Natives, of the caste-prejudices of the latter, of the low estimate they have of women?

No; I maintain that the Natives are not competent to try Europeans, and therefore section 1 of the Bill is bad altogether in principle. Why should the Judge's feelings be taken into consideration? Surely the person to consult is the accused.

The present orders are that Native Civil Servants to be appointed under the Statute 33 Vic., cap. 3, shall be ordinarily appointed only to office in that Province where they were first appointed. Does not this recognise the fact that men ought to be tried by men of their own Province, who can best understand their actions? Is not this, too, the foundation of section 275, Criminal Procedure Code? This section enacts that "In a trial by jury before the Court of Session of a person not being a European or an American, a majority of the jury shall, if he so desire it, consist of persons neither European nor American." That is to say, the ruling race of the country are declared to be incompetent to form a majority of the jury to try a Native. Why? Because the Natives can understand a Native better. If, then, to try a Native the majority of a jury cannot consist of Europeans, why should a Native alone be allowed to try a European? It is a right he never possessed, and therefore it has not been taken away from him; and I know of no law of Nature or God which makes the right to try Europeans inherent in the Native. If the right is conferred, it is a concession, and a concession only. But this question was never raised by the Natives themselves; there was never any clamour for such a Bill; there was no movement of any kind made in favour of such a Bill until the present one was introduced. It was founded on the sentimental grievance of an individual. It is not desired by the mass of Natives.

If Government proposed to pay a monthly salary of Rs. 100 to every English-speaking Babu, no doubt there would be thousands in favour of such a Bill; or if Government proposed that any European convicted of assaulting a Native should be sent to jail without the option of a fine, no doubt thousands would welcome such a Bill. Where the Natives are to be benefited at the expense of the European by any particular Bill, it is not surprising that they should clamour for it.

When Government abolished *sati* and prohibited hook-swinging, and when it legalised widow remarriages, there was an outcry among the educated Natives; but what did this prove? Not that the mass of the people were with them, for they were not; so it is in this case. I maintain that the general public never wanted such a Bill. If a boon (so considered) is thrown at a man, it can hardly be expected that he will not accept it, even though he never dreamt of it. The *law* as it stands is the same for *all*. The privilege of administering it against a European is confined to Europeans. But I object to the Bill on other grounds. If the privileges of the ruling race be thus cast aside, what will happen to the numerous personal laws of the Hindus and Muhammadans? Will they not be threatened with abolition? Can Government confine itself to abolishing privileges of Europeans only? The turn of the Natives must come, and the present Bill will be used as a weapon against them. What opposition will they be able to offer when it is proposed to abolish their anomalies? And this brings me to the consideration of the grounds on which this Bill is brought forward. As far as I can make out, they are three—(1) to abolish an anomaly; (2) to abolish the invidiousness of the disqualifications (so-called) of Natives; (3) to remove administrative difficulties. These I would discuss one by one, taking them in inverse order.

The Provinces in which the largest number of Europeans live are undoubtedly Bengal and Assam. Yet what do these two Governments, which are the most intimately concerned with the Bill, say? His Honour the Lieutenant-Governor of Bengal said in Council—"There is practically and really no administrative difficulty in connection with this matter." The Chief Commissioner of Assam appears to be of the same opinion, for he objected to any extensive conferment of jurisdiction over Europeans upon Native judicial officers at present. He advocated the claims only of Native *Covenanted* Civil Servants, and of Natives who may become District Magistrates or Sessions Judges. Now, as there is not a single Native in Assam belonging to either category, the conclusion is most obvious, namely, that in Assam there is no administrative difficulty which requires to be overcome. Moreover, the sole ground of the Chief Commissioner's advocacy was "the desire to make progress in the direction of *equality* between Native *Covenanted* Civil Servants and their British-born brothers." Every reasonable person will, I think, admit the necessity of this. It is inevitable in the march of progress that every year should see Europeans and Natives brought more and more on terms of absolute equality. But the Assam Government never advocated the Bill on the ground that it would remove administrative difficulties, for these do not exist.

In Burma, too, where there are many Europeans, there is no question of administrative difficulty. Thus, one of the chief grounds of the Bill is absolutely non-existent. Moreover, do the provisions of the Bill create "equality." No; they take away the privilege of becoming a Justice of the Peace from fit and competent Europeans in the Uncovenanted Service (unless they happen to be Cantonment Magistrates or Assistant Commissioners in Non-Regulation Provinces), and confer it on certain Natives. The double process, therefore, of levelling down and levelling up is performed at the same time, with the difference that the former is practised on the European, the latter on the Native. If my views be correct, there would seem to have been an error made by Mr. Quinton in Council when he said that Burma and Assam advocated the Bill on the ground of "administrative" convenience.

Next, as to the invidiousness of the disqualification of Natives. I have before pointed out that it is not a direct disqualification of Natives so much as a special privilege of Europeans. I would here take the liberty of commenting on certain views expressed in Council.

Mr. Quinton said:—"It is difficult to find any intelligible reason why an officer of sufficient judicial ability to be appointed a Presidency Magistrate should, when promoted or even transferred to a district beyond the Presidency, forfeit powers which he had been found to exercise in a satisfactory manner."

Again, the North-Western Government wrote:—"If a Native Civilian as Magistrate of the district may be trusted to exercise the powers of a Justice of the Peace, he should retain them when, his charge of a district being temporary, he reverts to a subordinate post." I would venture to point out that, in Non-Regulation Provinces, the Deputy Commissioner has very extensive powers; he can imprison up to seven years. If the same officer is transferred to a regulation district, he at once forfeits his powers: nor can the Government of India itself make him retain them.

Under section 30 of the Code, the North-Western Provinces and the Bengal regulation districts are excluded. Now, in Assam, Deputy Commissioners have for years been exercising the powers conferred under section 34. I am a Covenanted Civilian myself, and have exercised these powers. Nevertheless, when I am "promoted or transferred" to a Bengal regulation district, I shall at once forfeit my powers; nor will the Government itself be able to continue them on me. Is not this an exactly similar case? Have Europeans ever objected to this provision of the law? Does any one consider it a reflection on his fitness? Again, when a Joint Magistrate acts as Judge, he has certain powers. When he reverts to his jointship, does he retain them? It is not his *fitness* that ceases, but it is his cessation to hold a certain office; so it is with a Presidency Magistrate. Certain powers are attached to the office; any one holding the office enjoys them. On ceasing to hold it, he forfeits them, though his fitness remains the same. With all respect, therefore, to the high authorities quoted, I am unable to see what force there is in their argument.

Lastly, I would refer to the third objection, namely, that the privilege at present enjoyed by Europeans is an anomaly. The numerous personal laws and privileges of the Hindus and Muhammadans are surely greater anomalies. Is it not an anomaly that Native men should be exempted from personal appearance in a Civil Court, a privilege not enjoyed by the very highest European official or nobleman? Is it not an anomaly that, as mentioned by Sir Louis Jackson, a *vakil* who had practised 30 years in the Civil Courts should on his retirement be exempted from personal appearance in such Courts? Is it not an anomaly that Native women should be so exempt when not the highest English European lady in the land possesses that privilege? Is it not an anomaly that a Court should be debarred from seeing the demeanour of a witness, considering the express provisions of the law (section 363 of the Code), which enacts that the Judge or Magistrate *shall* record such remarks as he thinks material respecting the demeanour of a witness?

• Is it not an anomaly that the highest European cannot hold land in the same *Province* in which he is serving, whereas a Native is permitted to hold land in the same *district* in which he is serving, even though he may be Settlement Officer or Deputy Collector? Is it not an anomaly that infants should be permitted to marry? Is it not worse than an anomaly—nay, almost a crime—that a girl, if she is not under 10 years of age, may be sacrificed to marriage? Was not a child killed in this way in Silhat, and the husband was acquitted, because it could not be proved whether the child was just under 10 or not? Is not this barbarity sanctioned by section 375 of the Penal Code, while at the same time for persons not husbands it is criminal to let to hire, &c., a girl under 16 (*vide* sections 372-373, Indian Penal Code)?

Is it not an anomaly that favour should be shown to pure Natives at the Roorkee College to the prejudice of Eurasians, who should combine in themselves the united privileges of the Europeans and the Natives from whom they originally sprung?

Is it not an anomaly that the commonest Native, should he happen to be a sepoy, should enjoy the privilege of being tried by a first class Magistrate, whereas the highest and most respectable Native in the land is liable to be tried by a third class Magistrate?

But it would be an endless job to record all the anomalies existing; and, if common Natives, who are sepoys, are to be so tenderly treated and the best trial secured to them, is it unreasonable that Europeans should make the same claims and be privileged to get the best trial, namely, that by a person of their own race and colour and habits of thought and feeling?

But what object is to be gained by removing one anomaly and leaving numberless others? Europeans will still have special Courts; they will still be liable to diminished punishments by Courts other than High Courts; they will still be able to appeal from a fine of one



anna, although a Native, punished on summary trial, will not be able to appeal from a sentence of three months' rigorous imprisonment.

Next, as to section 2. There is no doubt a great deal to be said in favour of allowing Sessions Judges and District Magistrates who are Natives to try Europeans. I am myself of opinion that there would be no serious objection to this. But here again I would say that it would be a pure "concession," reasonable enough, no doubt; still I doubt whether the step is actually *necessary* at the present moment. We have the authority of His Honour the Lieutenant-Governor of Bengal for saying that, "in all his experience in India, the present is unmistakeably the strongest, most united and unanimous expression of popular discontent that he has ever witnessed." In the face of the deep and universal current of feeling disclosed by the agitation, I think it would be most inexpedient to grant even this concession just now, although I admit it is justifiable in more ways than one. What is the counterbalancing advantage contemplated? None. Will any reasonable person contend that the alteration in the law will, in the remotest conceivable degree, improve the moral, social or material prosperity of the Natives? We know on the highest authority that the moral, intellectual and political advance of the Natives depends upon the existence of harmonious relations between the two races. Is the success of the local self-government scheme to be imperilled by the creation of race-antagonism? Are the endless evils already caused, and those which may be caused in the future, counterbalanced by the removal of a sentimental grievance? Surely it must be evident to all what mischief has already been caused by the mere prospect of a change in the law.

I cannot conclude without making one point clear, as I do not desire to be misunderstood. What I wish to bring into prominent notice is that Natives are, from circumstances over which they have no control, incompetent and unfit to try Europeans in all cases (of course, in many cases there may be no difficulty of the sort). I do not for a moment insinuate that the Natives would *wilfully* pass improper judgments. They may be as just and as impartial as Europeans, but their unfitness is caused by their ignorance of European manners and customs. Natives may be as trustworthy and as honourable as Europeans, but it is no fault of theirs that they cannot understand Europeans. The fact, however, is undeniable, and this difficulty cannot be got over. And another point for consideration is this. The conferment of jurisdiction over Europeans on Natives will be a doubtful boon even for the latter. If a Native had to try a European of high standing, would he not be nervously anxious to acquit? The orders of Magistrates are upset by Judges, and those of Judges by High Courts, while those of the last are upset by the Privy Council. If a Native knew that his conviction of a European might possibly be upset on appeal, would he not be gravely apprehensive of being charged with a race-feeling, and of convicting on this account an innocent European? If the High Court or Judge were to upset such a conviction, would there not be a fearful outcry that an innocent European had been sacrificed to the animosity of the Natives? In the notorious Meres' case, would a Native, in the face of the conflicting testimony, have ventured to convict? In truth, whenever the conviction of a European by a Native was upset, on each occasion there would arise ill-feeling and animosity; and a few such cases occurring would be enough to produce grave political disturbances. It is the knowledge of these facts which would render a Native nervous, and so prevent him from convicting a European whom another European would not hesitate to punish. The European Judge would know that *he* was not exposed to evil insinuation; his action (if mistaken) would not at least be misconstrued. It is on these grounds also, I think, that the proposed jurisdiction of the Natives is objectionable.

In conclusion, I beg to apologise for any expression in this letter which may be deemed unbecoming or intemperate. The question at issue is one of the gravest and deepest political significance, and it may be that I have written in stronger terms than are necessary. But the instructions in your circular are that the "expression of my opinion should be as frank and as independent as possible." I have accordingly written without any reserve whatever.

No. 344, dated 21th April, 1883.

From—J. J. S. DRIBERG, Esq., Officiating Deputy Commissioner, Goalpara,  
To—The Commissioner, Assam Valley Districts.

I have the honour to acknowledge receipt of Mr. Macpherson's circular No. 21 of the 5th April, 1883, Judicial Department, forwarding for an expression of opinion a copy of the Bill to amend the Criminal Procedure Code.

2. It is a difficult matter to say anything for or against the Bill without going over old ground, and reiterating what has been written over and over again in the various newspapers, both by its supporters and its opponents.

3. I have no objection to urge to the principle of the Bill. I think it is a good one, and is the natural consequence of Natives of India receiving a high class education and obtaining high offices under the States. Before long Native members of the Civil Service must in the ordinary course become Magistrates of districts; and, as such, they must be entrusted with powers to try all classes of cases and all classes of offenders. It would be invidious to hold that a Native District Magistrate should not try certain persons, but that his assistant should have that power, because he is a European British subject. I do not think that the former would be

more liable to commit an error of judgment than the latter in ordinary cases that come before Magistrates. I know that all this has been said before, but, to my mind, it is the one and only argument in favour of the Bill. I allow it is a strong one too; but, in the face of the hostility it has elicited, I do not think the Government should proceed with the Bill. At any rate, if the Bill is to be read again, I think it should be limited to Native Civil Servants who are or may be District Magistrates or Sessions Judges, and should not be extended to Native Civil Servants generally or the other persons mentioned in paragraph 1. I suggest this in case it is proposed to press the Bill; but, as I have said, I would not advise this course on account of its unpopularity.

4. I enclose copy of report from Mr. Metcalfe, the Sub-divisional Officer of Goalpara.

No. 25, dated 13th April, 1883.

From—H. H. METCALFE, Esq., Sub-divisional Officer, Goalpara,  
To—The Deputy Commissioner, Goalpara.

With reference to your memorandum No. 289 of the 9th instant, asking me for my opinion on the Criminal Procedure Amendment Bill, I have the honour to say that I consider the Bill a good Bill in principle, but I do not think it ought to be adopted in face of the hostility it has excited between the European and the Native. Race-feeling is running high at present, and it might possibly affect a Native Magistrate's mind in his judicial dealing with Europeans.

No. 191 J., dated 22nd May, 1883.

From—A. C. CAMPBELL, Esq., Deputy Commissioner, Kamrup,  
To—The Secretary to the Chief Commissioner, Assam.

I have the honour to acknowledge the receipt of your Circular No. 21, dated 5th April 1883, Judicial Department, forwarding for an expression of opinion a copy of the Bill for the amendment of the Criminal Procedure Code.

2. The Statement of Objects and Reasons appended to the Bill fails to show any adequate reason for its introduction. After reciting that it was thought anomalous that Natives of India admitted to the Covenanted Service and held competent to discharge the highest judicial duties should be deemed incompetent to be Justices of the Peace, the Statement proceeds to declare the intention of the Government of India to remove the present bar upon the investment of Native Magistrates in the interior with power over European British subjects, and abolish completely every disqualification which is based on race-distinctions. The Statement does not show that any administrative necessity has arisen calling for so wide a change in the law. There has been no failure or miscarriage of justice demanding a remedy, neither was the measure sought for by any section of the Native community. The proposal emanated from a single Native Civilian, and the disqualification which he proposed to do away with is one of which he was fully cognisant when he entered the service.

The importance of this disqualification has been greatly exaggerated, for, arising, as it does, from social reasons, it throws no slight whatever on the persons disqualified.

3. In declaring its intention to place European British subjects under the jurisdiction of Natives in the Mofussil, the Government of India appears to have overlooked the fact that it could only do so by depriving them of a right which they have long enjoyed; and I may venture to say that, if such a right had been enjoyed by Mahomedans or Hindus, so important a declaration of spoliation on the part of the State would have been likely to cause the greatest commotion throughout India among the members of the nationality affected. The Government of India do not appear to have anticipated the widespread opposition which the proposed measure would excite—an opposition which is all the more entitled to consideration, because it proceeds from the most law-abiding and intelligent section of the community. That opposition does not appear to me either mistaken or fictitious. The chief grounds alleged by the European community against the Bill appear to me reasonable and deserving of the most careful consideration of Government.

I would beg to call special attention to the fact that the opposition to the present Bill is not confined to the class principally affected by it, but extends to all those communities and nationalities, who were conspicuous by loyal support of our rule during the mutiny. Armenians, Greeks, domiciled Europeans of other nationalities, all seem keenly sensitive to the importance of the present measure as affecting the prestige of British supremacy in India.

4. Considering the mischief the proposal has already caused, and the great excitement which prevails while it remains nominally pending in Council, I should be prepared to recommend its formal withdrawal at an early date.

No. 49 G., dated 18th April, 1883.

From—H. C. WILLIAMS, Esq., Deputy Commissioner, Darrang,  
To—The Secretary to the Chief Commissioner, Assam.

With reference to your Circular No. 21 of the 5th April, asking for an opinion on the provisions of the Bill to amend the Criminal Procedure Code, I have the honour to reply that



I consider the Bill to be bad in many respects, and to be also very unnecessary. In the first place, I fail certainly to see what changes have taken place since the Bill for the new Criminal Procedure Code was introduced in 1881. If the Government of India then thought it so necessary and so advisable to give to Native Magistrates the power to try Europeans, why was it not included then, and not deferred to this year? If it was not then necessary, whence has the necessity arisen now? Personally I fail to see the necessity, either then or now, of a Bill like the present, which will practically give Local Governments authority to invest any officer with power to try Europeans. It is quite true that there is an apparent anomaly in the fact that Mr. Gupta as Presidency Magistrate may try Europeans, while his compeer Mr. Dutt, though in charge of a district, may not; and I quite sympathise with the few gentlemen who, having passed the same examination as European Magistrates, find themselves not invested with the same magisterial powers, though in the matter of their civil funds they have acquired the same advantages as their European compeers. But, allowing this to be a hardship, there can be no possible reason why what may be possibly a sweeping change should be introduced, as is now proposed in the amendment. If the Government of India consider that the five or six Covenanted Civilians who have passed in England should be given power to try Europeans, a Bill might have been especially introduced for them, on the understanding that such powers should not be given to others hereafter in the same way. If I remember correctly, special rules have been made in the Bengal Civil Fund to prevent other Native Civilians acquiring all the possible advantages the earlier Civilians may do.

In this case there would have been some opposition, but it would have been recognised as a special case, and there would not have been the steady determined opposition to the Bill which there now is. Admitting, therefore, that, *primâ facie*, there are some grounds for giving the Native Covenanted Civilians the powers now proposed, there is no possible reason why the classes (b), (c) and (d) should be included in the Bill. At present, the possible persons are very few, one of those affected being an intimate friend of mine, and on whom I should have no objection to see the powers conferred; but there is always the danger that some future Government may pass an amendment that Assistant Commissioners are to include Extra Assistant Commissioners. And there is no doubt that, as far as the Province of Assam is concerned, it is this feeling which has led in fact to the opposition shown.

There are many Extra Assistants who, I am confident, would make good use of those powers; but there are most certainly a good many who would do the very reverse, while possibly acting quite within the law. In fact, I fail to see the slightest possible excuse for including classes (b), (c) and (d) in the Bill. To return to class (a), the next point to consider is whether to oblige a certain small number, it is fair to the European community to deprive them of a long-standing and almost world-existing privilege.

There is undoubtedly a great deal of sentiment in the opposition to the Bill; but is there also not a great deal of false sentiment, arising from the radical theories of the quality of all men, on the part of those who hold that these powers should be given? At the time these gentlemen went to England, they knew then there was no probability of the powers now asked for being bestowed upon them, and therefore the disabilities they now lie under are not new or not unexpected. I quite admit that there may be cases in which it will be found very inconvenient for Collectors and Sessions Judges not to have powers to try Europeans; but the time has hardly arrived, and the character of the present Bill, and the opposition which it has created, will make it now more difficult than ever to legislate when occasion requires; for there is no doubt that the opposition is not temporary or factious, but steady and determined. No body can doubt that a large majority of officials sympathise with their non-official Europeans in their protests against the Bill, and perhaps, had they been consulted, the Government of India would not have now found itself in the dilemma it now is.

I have heard the objection taken that, as Native Judges try civil cases in which Europeans are concerned with satisfaction to all concerned, there would be no harm in extending the same power in criminal cases; but those who bring forward these objections entirely forget that, in civil cases, arrest can always be avoided for a time at least, while in criminal cases it follows at once on the case being decided, or even in its being instituted: there is no possible analogy between the two.

As regards the Native population generally, it is quite certain they take no interest in the Bill. A respectable Native in nine cases out of ten prefers to be tried by a European to a Native Magistrate.

In conclusion, therefore, I respectfully beg to enter a protest against the Bill on the grounds that, as far as classes (b), (c) and (d) are concerned, it is quite unnecessary, while, with regard to class (a), the claims of the individual officers and the advantages to be derived from investing them with powers are outweighed by the disadvantages arising from the ignoring of what is esteemed by the majority of Englishmen a long-standing and valued right of trial by their fellow-countrymen. I forward the reply of the Sub-divisional Officer of Mangaldai in original.

No. 230, dated 13th April, 1883.

From—A. J. PRIMROSE, Esq., Assistant Commissioner, Mangaldai,  
To—The Deputy Commissioner, Darrang.

With reference to your memorandum No. 27 I., forwarding copy of Circular No. 21 of 5th April, asking for criticism on the Bill to amend the Criminal Procedure Code, I have the honour

to state that I consider the Bill as bad in principle and one which should not be adopted even if it were not unpopular. In all the discussion excited by the Bill I have not as yet discovered any reply to negative Sir Fitzjames Stephen's maxim, that, in deciding the Court for the trial of an accused, the feelings of the accused and not those of the Judge should be kept in view. As I feel certain that an Englishman would strongly object to his being put on trial before a Native Magistrate, I have no hesitation in condemning the Bill without reserve, as likely to cause infinite disgust to the persons who are affected by it, without any counterbalancing advantage either to Europeans or to Natives. In my opinion, the better class of Natives neither wished for the Bill to be introduced, nor care to see it passed through the Council.

Dated 4th June, 1883.

From—COLONEL T. LAMB, Deputy Commissioner, Nowgong,  
To—The Commissioner, Assam Valley Districts.

With reference to the Chief Commissioner's Circular No. 21, dated 3rd ultimo, calling for a frank and independent opinion on the provisions of the Bill to amend the Criminal Procedure Code, so far as it relates to the exercise of jurisdiction by Natives over European British subjects, which has been vehemently opposed by the influential body of non-official Europeans throughout the country. Since the introduction of the Bill, the Native Press has shown such a violent race-antagonism to exist amongst that class of Natives from whom the Covenanted Civil Service is likely to be largely recruited, that the impolicy of the measure is placed beyond doubt, and would, of itself, justify the withdrawal of the measure, the Council not being aware of such a deep-seated hostility at the time the Bill was laid before it. So long as false cases can be easily trumped up, and as easily supported by false evidence, Europeans living, as they do, isolated in the Mufassal would be menaced with serious danger at every turn. They could not condescend to the same unscrupulous methods by which such cases are conducted by Natives; it would be like putting a man with a walking-cane to defend himself against a well-armed and experienced swordsman. To expose our fellow-countrymen and women to trial by the class of Natives alluded to would be unjust in the extreme.

3. During my experience of some 30 years, I have found European British subjects to have such a scrupulous regard for the rights of the Natives, that it would be unjust to deprive them of the much-cherished right of trial by their own countrymen, more especially as no inconvenience has been experienced owing to Native Magistrates not exercising the power which the Bill proposes to confer on them. The few Europeans who may commit offences can be easily dealt with by European Magistrates, in whom the Natives themselves have full confidence.

4. With regard to the "Objects and Reasons" of the Bill, I do not think it follows necessarily that, because Natives have been found qualified to exercise the highest judicial functions among their own countrymen, they are also qualified to be vested with the powers of a Justice of the Peace, and to exercise such powers over European British subjects. It might as well be argued that, because a bucolic can drive a plough, he is also qualified to mount a drag and drive a team of thorough-breds.

No. 441E., dated 30th April, 1883.

From—COLONEL A. E. CAMPBELL, Deputy Commissioner, Sibsagar,  
To—The Secretary to the Chief Commissioner, Assam.

I have the honour to acknowledge the receipt of your Circular No. 21, dated 5th instant, in which you ask for my opinion on the provisions of the Bill to amend the Criminal Procedure Code.

2. The introduction of the Bill was, in my opinion, an unwise measure; for, although it may be the wish of Parliament (I say Parliament, because the Bill is the outcome of the Government policy admitting Natives of India to the Civil Service) to remove from the Code every judicial disqualification based merely on race-distinctions, yet the hostility evinced towards it, and which has appeared in the public prints, shows conclusively that race antagonism is only dormant, and that it only requires a measure of this kind to open old wounds and produce friction between the races.

In this district, there have been two largely attended meetings of the planters, and the resolutions condemning the Bill passed at these meetings have been published in the *Englishman*.

I cannot but think that those who are in favour of the Bill look at it from a Presidency town point of view, and ignore, or are ignorant of, the life of a European British subject in the Mufassal.

Any one acquainted with Mufassal life knows how easily and how often false charges are got up, and a solitary European is sometimes at the mercy of false witnesses. Now, with all due respect for the Native members of the Covenanted Civil Service, I would submit that their early training, their short residence in Europe and their mode of life in this country do not fit them to sit in judgment on an Anglo-Saxon in the Mufassal; and I do not think they could enter into or understand the feelings and motives of such a measure.

4. My remarks above refer only to Covenanted Native Civilians who have been to Europe, but they apply with still greater force to those members of the Native Civil Service who have not been to Europe, and who are included in the Bill.

5. There are European British subjects to be found in the Mufassal, both Irish, Scotch and English, whose speech would hardly be understood by the Native Civilian, who in the course of his life has never met with such but gauges all Englishmen by the standard of those he has met with in the course of his studies. I need hardly say that, if such British subjects were tried in the Mufassal by a Native Magistrate, although they did belong to the lower orders, yet their feelings ought to be understood and consulted, and this the presiding Magistrate could not do, and the result might be the judicial bench would be brought into contempt.

6. As far as my experience goes, all Englishmen are most jealous of their privilege to be judged by their peers; and in a country like this, where the Natives are of different races, and filled with every prejudice caste and religion can create, the introduction of the Bill is fraught with much future embarrassment and danger; and I therefore think it ought to be withdrawn.

Dated 3rd May, 1883.

From—MAJOR H. J. PEET, Deputy Commissioner, Lakhimpur,

To—The Assistant Secretary to the Chief Commissioner, Assam.

I have the honour to acknowledge the receipt of your Circular No. 21, dated 5th April 1883, calling on me for a frank expression of my views on the provisions of the Criminal Code Amendment Bill.

2. You have indicated three lines on which the matter might be discussed—*1st*, that the Bill is good, and therefore must be passed *coûte que coûte*; *2nd*, that is bad, and therefore must not be passed; *3rd*, that, though good, it is unnecessary, and therefore should be withdrawn. I think there is a fourth view, which may and ought to be considered, and that is that, whether bad or good, the Bill must now, for political reasons, be withdrawn as speedily as possible.

3. It is simply impossible to exaggerate the ill that the introduction of this Bill has caused in an outlying district like this. I came out to India in 1860, when the old mutiny feeling was still strong. I learned my drill in the ruins of a bungalow at Agra, from which one of my elder brother officers and his family had escaped with difficulty from the mutineers. Natives were treated with scant courtesy in those days, but still there was no such feeling of intense bitterness as there is now between us and them, not even at Agra, Lucknow, nor Cawnpore. The feeling then was—I remember it well—that the natives had struck a blow for themselves, and had failed, and there was something of admiration for them in spite of the atrocities committed here and there. Gradually all feelings of bitterness expired, as things resumed their quiet course, and men began to half laugh at the ebullition of 1857-58, after the manner of Englishmen who have fought and done with it, or shook hands with our late enemies, and were perhaps better friends than before. Of late years, however, the policy of Government has been such as to put a stop to all *rapprochement* between the races. Quietly, insidiously but steadily, the so-called liberal policy has been introduced. I say *so-called*, because this is a matter which has nothing whatever to do with the party politics of England, which country of course bears no resemblance whatever to India. It is a policy expressly invented for India. Its base is empiricism, pure and simple; its avowed object, economy and removal of anomalies. Mistaken ideas of philanthropy have taken the place of sound statesmanship. Parsimony has been substituted for judicious economy. Who is likely to be the better carpenter—he who buys the best tools procurable, or he who provides himself with cheap makeshifts? It has been declared in deed, if not in word, that all men in this country of diverse nationalities (of all places in the world) are equal—than which perhaps no more foolish proposition was ever enunciated. I would hold that no two men are equal—certainly no two races; and if the question lie between the Natives of India and Englishmen, the matter of superiority, physical, mental and moral, is simply not worth the arguing. Bengalis may be superficially more clever, more apt in picking up the rudiments of a subject, but I never in the 23 years I have been in this country saw a really clever Bengali. Some of the warlike races may be as strong physically as our people, but they lack real intellect. And as for morals, what can be expected from an Asiatic cult? Ignoring all this, the Government have gradually ruled that Natives should replace Europeans in as many posts as it is at present safe to entrust to them. I wonder that the very fact of their having to make this reservation was not sufficient to deter the Government from pursuing their suicidal course. Where lies the danger of entrusting posts of authority to Natives? Honestly answered, the reply is *rebellion*, nothing less nor more. Then, if it is unsafe now to trust Natives, how much more unsafe will it not be when we have educated them and trained them to combined actions? Every one must know this, conceal the knowledge how he may; and year by year every one has felt this sensation of insecurity more and more; year by year more concessions have been made to Natives; year by year the prestige of the Englishman has been lowered—that prestige by which and by our bayonets alone we hold the country, till at last we have Natives on the High Court Benches, and in the Legislative Council, and elsewhere. All this was done silently, or nearly so, though we who live amongst non-officials know something of the spirit in which these signs of the times have been taken and read. The Native Races, though at the present time, should not be

could not believe to be our generosity, but thought to be our pusillanimity. The English Press as a rule maintained a dignified silence; the English papers, in fact, "behaved very well," as a member of Council puts it. Still the breach between the people was widening every day, and now at last comes a distinct cause of quarrel—a battle-gage thrown down. There can be no mistake whatever about the English having picked up the glove. As for the Natives, I do not believe that one in ten thousand, or perhaps in a hundred thousand, knows anything *at present* about the quarrel, but those who do are no less eager for the fray than the English. It is a question not of Bábú this or that having the power to try Europeans; it is a question of "izzat—" the question on which the typical Native will beggar himself and his family rather than give in. The Government have flattered and petted and promised all things to the Native; they educate him almost gratis; they retain all his old privileges and give him more; they surrounded him with all kinds of protective laws against the rapacity and brutality of the European, until at last he really thinks *he is* the European's superior, and that he is within a reasonable distance of seeing India in the hands of the Indians. On the other hand, Englishmen have at last awakened to all these facts. Men who have sunk their fortunes and spent their lives in this country see now to what we are tending, and they have put their feet down and said—"Thus far shall this policy go and no farther."

4. But it is no use saying, as I see some of the journals say, that this a question only between Europeans and the Government. It is distinctly a question (as the Native papers readily recognise) between Europeans and Natives.

5. I hold that it is a question which should never have been raised, but, whether I am right or wrong in this view, I think there cannot be two opinions as to the necessity for *the speedy* withdrawal of the Bill. Be it in its inception good or bad, it has roused, and its countenance before the public is rousing, such hostile feelings between the races that the sooner it is consigned to oblivion the better.

6. By saying this I do not wish it to be inferred that I have no arguments against the Bill. I could adduce what I consider the very strongest argument to show that it is bad, and that, even if good, it is utterly unnecessary. But arguments of this kind can be found in almost all the papers in this country and in England, and in the speeches of some of the members of the legislature, and they have been put forward much more forcibly and eloquently than I could propound them, and therefore I consider that it would be mere waste of time to enter further on the subject. The only argument in its favour that now seems to be pressed is the "administrative convenience" one. One hardly knows whether to smile at the audacity which produces such an argument as applicable to the present state of things (every one of course knowing perfectly well that there is absolutely no inconvenience whatever), or to weep at the shortsightedness of the policy which is quoted in favour of the argument, namely, that in the course of years a large proportion—one-sixth—of the Civil Service must be Natives. I would most respectfully reply that "I do not see the necessity." I know this is the line laid down by Her Majesty's Government; but it does not follow that it may not be rescinded. The Government will not, I suppose, deny that it can raise the percentage to two-sixths or more. Can it not also reduce it one-twelfth or to *nil*? If it is shown, as it undeniably has been shown, that Englishmen will not have this amendment, and if the benevolent but mistaken policy of the Home Government will cause administrative inconvenience, the remedy is obvious—let the policy be changed.

Dated 30th April, 1883.

From—COLONEL W. S. CLARKE, Deputy Commissioner, Khási and Jaintia Hills,

To—The Secretary to Chief Commissioner, Assam.

I have the honour to acknowledge the receipt of your Circular No. 21, dated 5th April 1883, Judicial Department, forwarding a copy of the Bill to amend the Code of Criminal Procedure, and requesting an expression of opinion on its provisions.

The Bill is strongly opposed, it is stated, by the influential body of non-official Europeans in the country, and it is desired that the views taken may be stated with precision in order that the Government may thoroughly understand on what grounds it is recommended that the Bill should or should not be persevered with.

2. Three principal lines of thought, it is suggested, may be followed in considering the merits or demerits of the Bill,—one, that the Bill is a good one, and the opposition to it so mistaken or factitious, that it will subside when sound reason resumes its sway; the second, that the Bill is bad in principle, and should not be adopted even if it were not unpopular; and the third, that the Bill, though sound in principle, is not of much importance, and that it would be unwise to proceed with it in the face of the genuine hostility which it has elicited. Further, it is suggested that, if thought necessary, the details of the Bill itself may be criticised.

In the third paragraph of your letter it is requested that the expression of opinion should be as frank and independent as possible.

These instructions allow of full liberty in dealing with the subject.

3. As a fact, not only are the influential body of Europeans opposed to the Bill, *but the entire population of non-officials throughout India*; and, if my experience and knowledge serves me to good purpose, I think it will be found that the majority of the official classes are equally strongly opposed to its introduction; it is a national, not a class, question at all.



4. I cannot conceive that the present opposition is of a description which will be overcome by time and the passing away of the excitement which has been caused. It cannot be supposed that it is either mistaken or factitious; indeed, it is very real, and there can be no mistake as to their opinions on the part of those who have been prominent in leading public opinion on the matter—men of education, experience and long residence in the country, who know well what they think, and why they think it. There is no reason to suppose the feeling will pass away; indeed, there is, on the contrary, every reason to suppose it will be increased until the European public are satisfied that the Bill is to be withdrawn; and then, it is to be feared, a feeling of distrust, which is very much to be deplored, will remain.

5. I do not think it would be good in principle to allow that the Bill is not of much importance; it is a measure affecting very closely the interest of the whole body of Europeans in India, and every European individually; and to decide whether it is, or is not, to become law by simply attributing unimportance to it, would be practically to beg the question. It should be now, once and for all, settled whether the principles inculcated by this Bill are applicable under the circumstances of our rule and the position of Europeans in India, so that the latter may rest for ever satisfied that the Government of India will not again, in any time which can at present be foreseen, urge the adoption of a measure which will make Europeans in India triable before Native Magistrates and Judges in the Mufassal.

6. In generations to come, when, by education, morality, character and civilisation, the Natives of India, *men and women*, become equals of Englishmen and women; when England and India are united as practically one nation; when the two peoples live together; when the existing hatred of the Christian religion and caste-prejudices disappear; when the lives of the two peoples, their modes of thought, their manners and their morality conform more to each other—such a result might be deemed natural; but this is a question of the remote future—a future so distant as not in the present time to make the question worthy of serious discussion.

7. I would not argue in respect of the Bill on the point of principle at all, or, at all events, not solely. Good policy as well as principles must necessarily be considered in connection with the introduction of all important legislative measures in India; and on the score of good policy the Bill most certainly cannot, it seems to me, recommend itself to Europeans of experience and knowledge and long residence in the country.

There is, in the first place, no necessity calling for an amendment of the law in this direction. Theoretically, there would be greater administrative convenience; theoretically and on principle, it appears right that no disqualification should exist on the part of the Native Judge or Magistrate. But are the natural feelings of the European to be entirely overlooked? Is the fact of the isolated position of the European in the Mufassal, and the special protection which is his due under the circumstances, necessary indeed to permit him to exist out here in safety, and to work for his subsistence, after having laid out his capital in the country, perhaps expecting to stay a lifetime in it, is the privilege heretofore enjoyed, of being subject to trial only before his own countrymen, not to be considered, and considered seriously? Is the *prestige* of the European, a very important factor in the discussion, to be lowered? For no one of experience can say that, in truth and reality, it will not be lowered, and that the Natives themselves will not consider it to be so. The *prestige* of the European is a very valuable aid and strength to the Government in India, and any measure which tends to lower that *prestige* tends to weaken the Government and its hold on the country and the people. It will be argued probably that such a measure will not humiliate the European; will not lower him in the eyes of the Natives of India. To this I reply that no person who has had a sufficiently long experience in the country, and been closely and for years in contact with its people, and has a knowledge of their character and habits, and knows how they have hitherto regarded the Europeans as belonging to a vastly superior race,—a race strong, humane, just and honest,—and how they regard their own people as wanting in all these qualities, would argue in such a strain; and the fact is, that persons wanting in the kind of experience required are totally unfit to judge in such a matter. They have no knowledge of conditions as they really exist, no appreciation of the position, and cannot understand why principles applicable to a wholly different state of affairs should not apply to the state of affairs in India.

8. The particular reasons given for bringing forward the amendment are the removal of an anomaly, administrative convenience and the impartial administration of justice. But anomalies must exist; they exist in India in every direction; they exist at home in England; they exist throughout the world.

Similarly, administrative inconveniences exist in almost every department, but such inconveniences are suffered, unless serious and calling for speedy removal. Urgency cannot be pleaded in this case most certainly; for many years to come Native Civilians might profitably be employed in districts where there are no Europeans, and there must be a very large number of such districts, and the appointment of Natives to districts especially suitable on this ground for their employment would be a much more reasonable mode of meeting the difficulty than amending a law which has after years of preparation only just come into force, and investing Natives with the power to try Europeans.

The impartial administration of justice is in no way affected by the Bill, and why any such reason was urged in the deliberation on the Bill in Council is inconceivable.

The desire to have this power on the part of a few Native Civilians, or the desire on the

part of the Government in recognition of their education and general qualifications and position to confer it, are no good reasons. The whole question of the position of the European in India; the character not of the Native Judge, but of the Natives of the country generally, and the dangers and injustice to which a European would be liable to be exposed, must be considered; and lastly, the question of good policy, considering and acknowledging the truth as regards the basis on which British rule in India rests. England governs India by force of arms; and, however beneficent our rule, and however much we may wish the contrary were the case, this cogent fact must not, until it shall cease to be a fact, fail to be regarded. So long as England holds India by the sword, so long it is useless and unprofitable to talk of doing away with race-distinctions; the maintenance of race-distinction would be the more consistent policy.

No. 420, dated 28th May, 1883.

From—CAPTAIN H. ST. P. MAXWELL, Officiating Deputy Commissioner, Garo Hills,  
To—The Secretary to the Chief Commissioner, Assam.

I have the honour to acknowledge receipt of your circular No. 21 of 5th ultimo, asking for an expression of opinion on the provisions of the Bill to amend the Code of Criminal Procedure, introduced into the Council of the Governor General of India in February last.

2. In reply, I would state that, unless a very serious administrative difficulty arises, I would not recommend the adoption of the Bill. It stands to reason that an Englishman must understand an Englishman's ways of acting and thinking better than a Native of India, even if that Native of India was born and bred in England: the advantages become greatly enhanced when the latter has only resided in the foreigner's country for a far shorter period.

3. The Government of India, as is the case with the Government of any country where the governors and governed are of a different race and colour, is entirely dependent on the strength of its right arm. The word "loyalty," when referring to two peoples of this kind, has a different meaning: in the case of an European British subject, it means a fond heart towards the rulers of his own flesh and blood, whether they are in the ascendant or down in the mire; but the Natives of India can only be loyal to the Government of Great Britain so long as that Government is in power; overthrow that Government by a Government of their own, and I think he would be a coward indeed who would twit a man for transferring his affection to his own kith and kin.

4. However unpalatable may be the admission, the Government of India is the sword tempered by justice and mercy to the inhabitants of whatever colour or creed; it is impossible to suppose, with the agitation of the past four months before us, that the European British subject considers justice will be gained by permitting the Natives of India to hold criminal jurisdiction over him anywhere in the country; he fears greatly the result, for he knows that the tendency of a certain political creed is to level up, which in the present instance is to level down; and he also is aware that it is not possible for the Government in power to-day to bind its successors to-morrow. If the power to try the leading race is given to the few Natives to-day, it will be allowed to the many to-morrow, and the end of it will be that the non-official European will flee the country.

5. If the Natives of India are anxious to be tried by their own countrymen, by all means let them have their wish; but, as far as my experience goes of this country, the right of holding criminal jurisdiction over the conquering race is not desired by the Natives of India as a body, but is asked for by a few persons, who are of a people the reverse of brave, who are disloyal to the core, and who would be driven into the sea to-morrow if India was ruled as a colony.

6. I hope I may be forgiven for writing so plainly, but the Chief Commissioner in his circular advocates frank and independent comment; and I do so feeling confident that, if the amendment to the Bill is carried and the Bill passes into law, a great blow will be given to our *prestige* in India, and the hearts of 99 per cent. of the Europeans in the country will be filled with the utmost horror and dread.

No. 95, dated 9th May, 1883.

From—R. B. McCABE, Esq., Deputy Commissioner, Naga Hills,  
To—The Assistant Secretary to the Chief Commissioner, Assam.

I have the honour to acknowledge the receipt of your circular No. 21, dated the 5th ultimo, forwarding copy of the Bill to amend the Criminal Procedure Code, and in reply I beg to express my opinion on its provisions as follows:—

2. The Bill, in my opinion, is of too wide and sweeping a nature. Had the proposed change been limited, in the first instance, to the investment of Native members of the Covenanted Civil Service only with powers over European British subjects, I believe that very little opposition would have been raised. The formidable array of four classes whom it is proposed to create Justices of the Peace has caused European non-officials to see a future Judge in every subordinate Native official, and has engendered the bitter hostility to the Bill evinced by the tea-planters of Assam.

3. I have had five years' experience in two of the most important tea-districts of the



Assam Valley, namely, Lakhimpur and Sibsagar; and during the whole of that period I mixed freely with the European planters. The one idea is that no Native can be an honest man, and that no decision at which he arrives is uninfluenced by bribery or personal considerations. Their opposition to the Bill, however much mistaken it may be, is not factitious, and, in my opinion, will strengthen with time.

The conditions of a planter's life tend materially to the creation of the spirit of hostility displayed against the Bill. Alone in an outlying garden, with none but Natives around him, he becomes dogmatical, and to a certain extent tyrannical. Underlying his confidence to his own powers there is always a latent fear that a false charge may at any time be brought against him.

This fear has hitherto been minimised by his knowledge that he would have a fellow-countryman for Judge, but now he sees looming in the future false charges preferred before a truculent and alien Magistrate incapable of entering into his habits and mode of thought.

4. The Bill has elicited genuine hostility, and the advantages to be derived from passing it will be more than counterbalanced by the irritation which it will engender.

5. Considered as a link in the chain of measures for the progressive advance of the government of this country, the Bill may be important, but I consider that the advantages to be derived from it independently are so insignificant that I would strongly urge that it be withdrawn.

No. 100, dated 23rd June, 1883.

From—SHIVRAM HARY SATHE and S. T. T. CHITLUNKAR, Secretaries, Puna Sarvajanic Sabha,

To—The Secretary to the Government of India, Legislative Department.

We are directed by the Managing Committee of the Puna Sarvajanic Sabha to forward to you the accompanying memorial to His Excellency the Right Honourable the Viceroy and Governor General of India in Council on the subject of the Criminal Procedure Code Amendment Bill, and to request you to lay the same before His Excellency in Council for his favourable consideration.

Dated 23rd June, 1883.

To—His Excellency the Most Noble the MARQUIS OF RIPON, *K.G., G.M.S.I.*,  
Viceroy and Governor General of India in Council.

The Humble Memorial of the Native Inhabitants of the  
City and Cantonment of Puna in public meeting  
assembled

**MOST RESPECTFULLY SHEWETH,**—That your memorialists have watched with great interest the progress of the Native Magistrates' Jurisdiction Bill, which was introduced in the Supreme Legislative Council in February last, and which was on the 9th of March last referred to the Local Governments for the detailed consideration of the provisions of the Bill.

Your memorialists do not regret the delay which this further reference has caused in the final passage of the Bill through the Council. As several provisions of the Bill have provoked a violent panic and opposition in an important section of the community, this further reference is in consonance with the declared policy of Your Excellency's Government to allow a full hearing to all parties concerned in any proposed legislative measure. As the Local Governments have already approved of the principle of the Bill, your memorialists feel a just confidence that they will re-affirm the wisdom and justice of the proposed legislation, and suggest such improvements as will consistently carry out the traditional policy of Her Majesty's Government in India. Your Excellency has declared from your seat in the Council that no violence, misrepresentation or menace will ever induce Government to swerve from the path of duty, and this noble assurance satisfies your memorialists that, notwithstanding the violent agitation in certain quarters, the proposed amendment of the Code of Criminal Procedure will ere long become the law of the land.

The present opposition to the measure has had its counterpart on previous occasions whenever the Government proposed any change in the law by which the invidious distinctions of race and colour were likely to be curtailed, and a practical equality of rights and privileges was sought to be established between all classes of Her Majesty's subjects. The opposition is virtually founded upon a claim for the recognition of European British-born subjects as a superior caste with exceptional privileges. This claim, however, has been invariably negatived by Her Majesty's Government whenever it was advanced. The Court of Directors laid down the policy that there shall not be a governing caste in India, and this policy was affirmed by Parliament in 1833, and by the Indian Legislature in 1837, when Europeans were subjected to the civil jurisdiction of the Company's Courts. It was again re-affirmed in 1853, when the Civil Service was opened to all classes of Her Majesty's subjects, and in the proclamation of 1858, when a similar declaration was vouchsafed by Her Most Gracious Majesty.

The change now sought to be made was first proposed by the highest authorities in 1849, during the administration of the Marquis of Dalhousie, and again in 1857. The same proposal was again made in 1872, on the occasion of the passing of the Criminal Procedure Code, and, though it was lost by a small minority at the time, the subject could not finally rest on the basis

then adopted, as it was inconsistent with the foundations of British supremacy in India, and the declared policy of the Crown and Parliament. The violent opposition that has been raised in certain quarters only furnishes an additional argument for abolishing all invidious distinctions which, so long as they are retained, demoralise the European section, and create uneasiness and discontent among Her Majesty's Native subjects.

The opposition in the present case is confessedly not so much against the particular measure under consideration as against the general policy followed by the Government of India during the last three years. That policy seeks to improve the political condition of the Native races and to promote their material prosperity. The opponents cling to the idea that several of the measures recently carried out will affect the vested interest and the monopoly of power they claim, and it is this circumstance which has aggravated the ill-feeling displayed by them. It, therefore, becomes more than ever necessary that Your Excellency's Government should persevere in its firm resolve to secure the final success of its noble policy.

Your memorialists will now briefly address themselves to the consideration of some of the principal grounds on which the present opposition is sought to be justified. The first of these grounds is that the privilege of being tried by Magistrates and Judges who are themselves European British subjects is a personal law with Europeans in this country, and that, as the Hindu, Muhammadan and Parsi communities have their own personal laws left intact, they have no reason to complain of the European community continuing to enjoy their privileges under a similar personal law. Your memorialists respectfully submit that such a special pleading is based upon an altogether misconceived notion. The Hindu and Muhammadan and Parsi communities do not, as is taken for granted, enjoy any special privileges whatever so far as criminal jurisdiction is concerned. In civil matters only, where the interests of other classes are in no way concerned, the Hindus and Muhammadans have their own laws, such as matrimonial laws and laws of inheritance and succession; but so do European subjects in India. No one asks for the repeal of the personal laws of inheritance, succession and marriage affecting Europeans as a community. It is to be remembered further that, while the Hindu and Muhammadan and Parsi communities have their own personal laws in common with the European and other communities for the adjudication of certain civil matters affecting them, they enjoy no privilege whatever as to who shall administer those laws. It is one thing to claim the benefits of a personal law, and quite another to claim that persons of a particular birth or nationality, and none other, shall administer that law.

Another ground which is urged against the proposed alteration in the Criminal Procedure Code is that it threatens with extinction the alleged inalienable birthright of Europeans of being tried by their peers. This contention is, your memorialists humbly submit, quite groundless, for this alleged birthright has reference to the trial by jury and not to the race or colour of the presiding Judge or Magistrate. The analogy attempted to be shown in favour of this contention from the practice followed in Turkey, Egypt, China, Japan and other foreign countries, where European subjects enjoy the privilege of being tried by special tribunals presided over by British Consuls, &c., is incorrect and not applicable to the Courts of this country, for the obvious reason that India, governed as she is by England, is not a foreign country with laws of her own. In Ceylon, which is circumstanced exactly as India is, the European settlers enjoy no such special privileges, which fact militates against the alleged inalienable character of the supposed birthright of Europeans. Another circumstance which proves the hollowness and absurdity of the extravagant theory is that, in the presidency-towns, European British subjects enjoy no such privilege, being subject along with their Native fellow-subjects to the criminal jurisdiction of the existing tribunals, no matter whether the presiding Magistrate or Judge be a Native or European. If the right were really inalienable, how can it be alienable in the presidency-towns and inalienable in the mufassal. Moreover, when European British subjects were allowed to settle in India, they were told that they should be subject to the same laws and institutions by which the Natives of the country were governed. Your Excellency's unequivocal declaration from your seat in the Council on the 9th March last, that it will not be your duty to listen to any arguments which were at variance with the declared policy of the British Crown and successive Parliaments, fills your memorialists with hopes that Your Excellency's Government will not swerve from the path of strict duty, but will, on the contrary, stand firm in giving effect to a policy laid down authoritatively and periodically re-affirmed by the Imperial Parliament.

The next argument of the opponents of the measure is that, if the proposed Bill is passed into law, it will deter Europeans from settling in the country, and thereby prevent not only the further investment of British capital in the mufassal, but will even tend to the withdrawal of that already invested. The utter collapse of all attempts to rouse English public opinion against the proposed legislative measure through the English Chambers of Commerce is a clear proof of the untenable character of this argument. As representing British investors of capital in India, these bodies, when appealed to, would not have declined to point out the evil tendencies of the proposed measure in this direction, if there had existed reasonable grounds for that apprehension. Similarly, wild fears were entertained when, nearly half a century ago, the European settlers in this country were subjected for the first time to the civil jurisdiction of the mufassal Courts, but the experience of the last fifty years has practically proved the extravagant character of those fears. Now, throughout the country the entire subordinate judicial service is, as a general rule, recruited from the educated Natives of the country, who

exercise original civil jurisdiction over European as well as Native subjects living within their local jurisdiction. And no suspicion has ever been breathed regarding the character of the administration of justice by these tribunals. Your memorialists, therefore, confidently trust that the same beneficial results will follow from the enactment of the proposed measure, the wisdom of which will be acknowledged not only by posterity but even by the present generation, and the present agitation will cease with the passing of the final decision.

Another argument relied upon by the opponents of the proposed measure is that, if it became law, Native Magistrates and Judges would be swayed by race prejudices in trying European British subjects, and that false charges would be very frequently brought against Europeans by the Natives, who are alleged to be perjurers. It is with the utmost pain that your memorialists refer to this point. It serves to show the evil results of allowing special caste privileges to any particular class of subjects. Your Excellency's memorialists feel confident that Your Excellency's Government will treat with the contempt they deserve the gratuitous libels upon the integrity and honesty of the Native magistracy and upon the national character of the Indian races. If Hindu, Parsi and Muhammadan Magistrates daily administer justice to parties belonging to opposite races without a suspicion being breathed against their integrity and honesty, your memorialists fail to understand the reason why the very same Magistrates should be considered incapable to deal out even-handed justice to European British subjects. That the assertions against the integrity and honesty of Native Magistrates are recklessly made is conclusively shown by the fact that instances are not wanting of European British subjects having voluntarily waived their right of being tried by Magistrates of their own race in favour of Native Magistrates, such instances having occurred even after the present agitation had been set on foot. Again, if the allegations regarding the trumped-up charges supported by false witnesses were true, they would mean that, notwithstanding all the efforts of the British Government and its representatives in this country to bring about a cordial understanding between Europeans and Natives, the latter entertained for the former nothing but unmitigated hatred and hostility—a state of things which the veriest pessimist would not care to endorse. Your memorialists feel convinced that nothing but the natural hauteur and unreasoning pride of belonging to a conquering nation leads a certain class to indulge at times in wild assertions of the nature referred to above, and that the most effectual mode of ensuring the cordiality of feelings between all classes of Her Majesty's subjects in India is to gradually abolish all invidious distinctions founded upon race, colour and creed, so that all may feel their equality in the eyes of law. Thus a constant source of irritation and suspicion between the two classes would be removed, and, as a necessary consequence, the foundations of British rule in India would be greatly strengthened.

In conclusion, your memorialists express an humble hope that the proposed legislative measure will soon be passed into law, without any compromise of the great principle of justice and equity on which it is based.

Dated 21st June 1883.

To—His Excellency the Viceroy and Governor General of India in Council.

The Humble Memorial of the Orissa  
Association at Cuttack

MOST RESPECTFULLY SHEWETH,—That your memorialists observe with feelings of gratitude and joy that a Bill to amend Chapter XXXIII of the Criminal Procedure Code, which judicially disqualifies Native Magistrates to try European British subjects in criminal cases, has been introduced into Your Excellency's Council. This step, your memorialists are aware, will tend to remove an invidious distinction and an anomaly in the administration of criminal justice in British India.

2. That your memorialists beg to state, clearly and emphatically, that a measure of this sort has always been in request amongst the Native community, and that they regard this Bill with watchful interests and profound solicitude as one fraught with vital interests to the nation.

3. That your memorialists fervently hope that, under the wise and liberal government of Your Excellency, this just and righteous Bill will ere long be passed into law.

And your memorialists, as in duty bound, will ever pray.

No. 4026, dated 15th June 1883.

From—The HON'BLE C. GONNE, Chief Secretary to the Government of Bombay,  
To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 4005, dated the 14th instant, I am directed to forward in original, for perusal if desired, 46 opinions of the officials consulted by this Government on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, and to request that they may be returned when no longer required.

2. I am to state that copies of the opinions of the Commissioners of divisions have already been transmitted to the Government of India with this Government letter No. 3232, dated the 14th ultimo.

3. The following is an analysis of the opinions of the officials consulted :—

In favour of proceeding with the Bill.	For not proceeding with the Bill.	In favour of continuing the jurisdiction to District Magistrates and Sessions Judges.	In favour of continuing the jurisdiction to competition civilians.	Suggesting some sort of compromise.	Approving of the principles of the Bill, but thinking its production premature.	Suggesting some modifications.	Total.
4	27	5	2	3	3	2	46

No. 645, dated 13th April, 1883.

From C. P. H. SHAW, Esq., District Judge, Belgaum,  
To - The Secretary to the Government of Bombay.

I have the honour to acknowledge Government Resolution No. 2258, dated 2nd instant, calling for my opinion on the proposed amendment of the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. I have again considered my letter No. 1072, dated 28th June 1882, and I see no reason to alter the opinion expressed therein. No doubt, the amendment proposed has caused a ferment amongst Englishmen in other provinces of British India, but in the Belgaum district there are only three aged pensioners of the British Army and two English missionaries other than public servants in civil and military employ, and I have had no opportunity of ascertaining what the feeling is amongst unofficial European British subjects in respect of the amendment of the Criminal Procedure Code.

3. Assuming that Englishmen throughout British India are opposed to the alteration of procedure, I do not think the fact is any reason for postponing the amendment, so far as the classes named in the Statement of Objects and Reasons are concerned, though it may be, for the present, justification for not extending the Act to all Magistrates, first class, as I advocated.

4. I believe Native Magistrates generally are quite as trustworthy and impartial as are Magistrates in Malta, yet Englishmen in Malta are subject to the jurisdiction of Native Magistrates, and I believe with as little satisfaction, notwithstanding the Maltese Magistrates are Europeans, as they show to Native Magistrates in India (though I am bound to state that, in Malta, Maltese, not English, law is in force). The truth is Englishmen are not as free from race-prejudices as they fancy themselves to be, and this, too, while other races think Englishmen somewhat aggressive.

5. I am not aware that Englishmen are exempted from the jurisdiction of Native Magistrates in Ceylon, the Civil service of which is, I believe, very evenly shared by Singalese and Englishmen; and, before yielding to the clamour of Englishmen in India as evidenced by recent newspaper reports, I would suggest references to the practice in the different dependencies and possessions of Great Britain throughout the world; and whatever the result is, let the general policy of England govern the procedure in India. Neither Englishmen nor Natives of India could then have any just cause of complaint.

No. 2334, dated 10th April, 1883.

From—W. R. PRATT, Esq., District Magistrate of Satara,  
To - The Commissioner of the Central Division, Bombay.

I have the honour, with reference to Government Resolution No. 2258 of the 2nd April 1883, to state that I have nothing further to add to my opinion already contained in my letter No. 2990, dated the 19th May 1882, which was to the effect that the power to deal with Europeans is vested solely in Justices of the Peace, and, so that Government kept the power of investiture in their own hands, only to be exercised specially and in favour of men who are eminently fit, I could see no objection to allowing Native officials to deal with Europeans, in the same manner as they now deal with them in Bombay.

No. 2455, dated 1st May, 1883.

From - H. T. OMMANNEY, Esq., District Magistrate of Khandesh,  
To—The Secretary to the Government of Bombay.

I have the honour to reply to Government Resolution No. 2258 of the 2nd ultimo, on the amendment of the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects.

2. It would be a mere waste of time to endeavour to ring one more change out of the arguments that have been used at various times for and against the measure.

3. I shall content myself with giving my reasons in favour of the amendment.

4. About the abstract justice of the principle on which the amendment is based, there can be no question, and the change is therefore inevitable sooner or later. Such being the case, it is

good policy to introduce it while the number of Native Magistrates qualified to receive the new powers at the hands of Government is small.

5. The change of the law does not confer the enlarged jurisdiction on all, or even a class of, Native Magistrates, but gives Government the power of conferring the jurisdiction on individual Native Magistrates. Of course, Government would not appoint a Native as District Magistrate or Sessions Judge, unless they were assured of his fitness for the duties which this Act will impose upon him. There is thus a guarantee that only fit persons shall be enabled to try European British subjects.

6. It is useless to indulge in generalities about the unfitness of Natives for the new jurisdiction, when we have seen Natives occupying the places of Chief Justice of the High Court in Calcutta and Judge of the High Court in Bombay. There will, of course, be a heavy responsibility on Government regarding the selection of fit persons for the positions of Justices of the Peace and the offices which carry that distinction. The terms on which the Magistrate lives with Europeans, his equals in position, will necessarily come into consideration in each case. A friendly and unprejudiced association with Europeans would seem to be a necessity to a Native Magistrate understanding the motives and receiving the confidence of all classes of Englishmen. I know certainly one Native Magistrate who fulfils this condition, though he belongs to a Native State.

7. I do not feel bound to discuss the various arguments that have been used in opposition to the Bill, and will summarize my reasons for supporting it, as follows:—

- (a) The abstract justice of the measure.
- (b) The inevitable necessity of adopting such a measure, sooner or later.
- (c) The good policy of doing so at once.
- (d) The fact that the measure allows for strict control by Government over individual appointments.
- (e) The fitness of a few Natives at the present moment not being doubtful.

No. 1, dated 18th May, 1882.

From—S. TAGORE, Esq., District Judge, Kanara,

To—The Chief Secretary to the Government of Bombay.

With reference to your letter No. 2985 (Confidential), dated 13th instant, I have the honour to state that, in my opinion, all the members of the Covenanted Civil Service, whether European and Native, ought to be placed on the same footing in regard to their powers of trying European British subjects. There is no valid reason whatever why the Native members of the Civil Service who have been to Europe and have qualified themselves to take their places with the European Civil Servants should not be allowed to exercise all the functions which the European members of the Service exercise. It seems improper and unreasonable to say that a Native civilian who had attained to the position of a Sessions Judge was not competent to try a European British subject whom a Native Justice of the presidency-town was competent to try, or that a Native civilian who is fit to be entrusted with the entire charge of a district should be considered unfit to hold the preliminary trial of a European criminal, particularly when his European assistant would be competent to hold such a trial. The distinction which now exists between the two classes of civilians in the matter under consideration is inviolous and unjust, and ought, in my opinion, to be done away with.

No. 552, dated 1st May, 1883.

From—S. TAGORE, Esq., Sessions Judge, Kanara,

To—The Chief Secretary to the Government of Bombay.

With reference to Government Resolution No. 2258J.D., dated the 2nd April 1883, inviting opinion on the provisions of the Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to refer Government to my letter No. 1, dated the 18th May 1882, on the subject, and to respectfully repeat my opinion that the law which creates a distinction between Native and European members of the Civil Service as regards jurisdiction over European British subjects is indefensible in theory, inconvenient in practice, and radically unsound. If the principle of admitting Natives of India into the Covenanted Civil Service is admitted, it cannot with any show of justice be contended that the Native Civil Servants should not be placed on a footing of equality with the European members of the Civil Service. It must be remembered that the only persons who will be entitled *ex-officio* to try European British subjects in the mufassal under the proposed Act are District Magistrates and Sessions Judges,—men who must necessarily be Civilians of 12 or 15 years' standing, men who must, from their very position and long experience, be presumed to be fully acquainted with the habits and customs of their European fellow-subjects and with the rules of etiquette obtaining among them. If such men are too incompetent to be invested with powers to sentence a European to a few months' imprisonment, it would certainly be the height of folly to entrust into their hands the life and liberty of millions of our fellow-subjects, who, dark-skinned though they be, are as much entitled to claim the protection of law and justice as the best born European



British subject. It must further be remembered that the actions of these Magistrates and Judges will be keenly watched and severely criticised by the European community whenever a case against the European British subject is taken before them. The argument based on the absence of enlightened public opinion in the mufassal no longer holds good. As observed by Dr. Hunter in his speech in course of the memorable debate on the Bill—"Englishmen in the interior have now the means of expressing the public opinion of their class with such promptitude and with such force as to constitute the strongest possible guarantee against the abuse of magisterial powers whether vested in European or Native hands." It has been alleged that the question, whether a European criminal ought to be tried by a Judge of his own race, is a matter of importance to the criminal alone, and that Natives have no *locus standi* in respect of the question of jurisdiction. Here one important circumstance is ignored, namely, the administrative inconvenience likely to be caused by the operation of the present law. When the Civil Service has been thrown open to the Natives of the country there is every prospect of some of them being put in charge of sub-divisions and even of districts. Under the existing Procedure Code, this means that there are to be large portions of the country within which Europeans may commit even the gravest crimes with impunity, for the simple reason that their trials can never take place but in Courts far removed from the scenes of occurrence. To avoid inconvenience of this kind it would be necessary to exclude Native Civilians, as Magistrates and Sessions Judges, from the advancing districts into which British enterprise comes, and to condemn them to backward or remote districts, where they will have less opportunity of distinguishing themselves or proving their fitness for higher offices. In other words, "Government will have to regulate its appointments not by the merits of an officer nor by his general fitness for a district, but by his power to deal with a small exceptional class of cases occurring within it." The present step is a small and cautious one. The only alteration proposed is this: It is proposed "to substitute, for the disqualification arising from race, a qualification depending on tried personal fitness." "It amounts to this," as stated by Sir Arthur Hobhouse, the late Law Member of the Viceregal Council, in his letter to the *Times*, "that certain Government officials of long standing and of distinguished capacity shall not, because they are of pure Indian blood, be precluded from exercising over Europeans the very carefully-guarded amount of jurisdiction which is vested in other Provincial Magistrates." The same distinguished authority observes—"I cannot conceive that Europeans will be placed at any disadvantage on account of the partiality of a Native Judge, or that a Native Judge will be more prone to receive, or less quick to detect false accusations than an English or half-caste one." Indeed, it is difficult to understand what greater chances there are of miscarriage of justice in the trial of a European than that of an Indian criminal before a Native Magistrate, when the witnesses to be dealt with in both cases must belong to the same nationality, and the evidence to be sifted must present the same general features. The difference of nationality of the accused cannot reasonably be supposed to make any difference in the result, whether the trying authority be a European or a Native. The opposition to the proposed amendment, I submit, rests on no solid ground whatever, and is not justified by the result of concessions already made, in the face of similar clamorous opposition, to the dictates of reason, justice and sound policy. The Black Act of 1836 first subjected European settlers in the interior to the same civil tribunals as the Natives. That Act has now been in operation for nearly half a century, and no complaints are heard as to its working. Native Magistrates in the Presidency-towns try European British subjects without demur. Why a different result should be feared from the very cautious proposals for conferring criminal jurisdiction on certain specially selected Natives it is not easy to conceive.

No. 1815, dated 9th April, 1883.

Memo. by—G. WARRINGTON, Esq., Magistrate, Sholapur.

With reference to Government Resolution No. 2258, dated 2nd instant, Judicial Department, the District Magistrate of Sholapur begs to state that, with all deference, he would now wish to modify the opinion expressed in his reply to Government Resolution No. 2985, (Confidential) of 13th May 1882. In that reply he stated that, as Native Covenanted Civilians have in other respects been placed on a similar footing with European members of the Service, it would be anomalous to deny them judicial powers over European British subjects. This anomaly still exists, but, after a full consideration of the recent discussion of the question in the public prints, and of the state of public feeling therein displayed, the undersigned is strongly of opinion that the measure should be abandoned.

No. 2539, dated 11th April, 1883.

Memo. by—J. ELPHINSTON, Esq., Acting Collector and District Magistrate, Ahmadnagar.

The Acting Collector and District Magistrate of Ahmadnagar begs, in reply to the reference from Government as per margin, to submit a copy of a memorandum received from the Second Assistant Collector, Mr. P. C. Snow, of the Civil Service.

No. 2258, dated the 2nd April 1883.

2. Since writing on this subject last year, the views of the undersigned have become



somewhat modified on the subject, in consequence of his perusal of the objections to the proposed alteration in the Jurisdiction Bill by Sir Fitzjames Stephen, Mr. Justice Jackson and the Bombay Chamber of Commerce.

3. The undersigned now entirely agrees with the Bombay Chamber of Commerce in considering that in this country it is impolitic to introduce fundamental changes in the law affecting an important section of the population, unless such changes are justified by an urgent necessity, which is not now the case.

4. It is indisputable that, in this country, false complaints, backed up by false testimony, are far more common than in Europe or other countries. An instance has recently occurred in this district of such a case, where all the local bars were so far interested in the prosecution that no pleader at Ahmadnagar would undertake the defence of the accused. This was because it was a caste-dispute—"Bráhmán against Native Christian"; and in such cases no sympathy can, as a rule, be expected from the local bar up-country, who are mostly Bráhmans. There are, doubtless, some glorious exceptions, who are not at all likely to be won over by caste-feeling, intimidation or persuasion to act in the least contrary to justice and fair play; but, as laws are generally framed for the control of the majority rather than of the enlightened minority of mankind, it appears desirable to limit the trial of Europeans by Natives to the presidency-towns, where there are so many lawyers of different nationalities and persuasions that it will be impossible for the entire bar to be closed against any particular accused person. The above remarks are directed to the ordinary pleaders in a mufassal Court rather than to the bench of Native Magistrates; but they come from the same class of people, though in all probability a Native Magistrate, who has attained to the position of a District Magistrate or Judge, is better educated than the ordinary pleader. The question, however, at issue is, what is the public opinion of his class and what are the principles which guide his inmost thoughts? If these last are far higher and purer than those of ordinary Hindus, such an officer (if he be possessed of firmness sufficient to decide justly, no matter what influence may be brought to bear upon him) is, no doubt, qualified to try Europeans. It has been suggested that Native Magistrates would be more liable to acquit Europeans, knowing the prejudices or opinions against investing them with powers to try them at all. This is equally an argument against investing them with such powers, where the only qualifications of the Court are the ability to see on which side the truth is, whether with the prosecution or defence, and an unswerving determination to administer pure justice, no matter what the consequences.

Dated 10th March, 1883.

Memo. by—P. C. SNOW, Esq., Second Assistant Collector, Nagar.

I do not think the proposed change a good one, and imagine that the Bill in question would, instead of removing an anomaly, create several. Thus, for instance, if the proposed amendment had become the law of the land, it is most probable that cases would be constantly withdrawn from a Native Magistrate who ought to try them. This view of the case has been frequently quoted, the power of withdrawal, when necessary, has been dwelt upon, as one of the reasons why the proposed changes are unobjectionable. But such a state of things would appear to constitute a serious anomaly, and moreover, as time goes on, a dangerous one, inasmuch as race jealousies would be aroused. It is useless for me to dwell at any length on a subject which has been discussed from almost every possible point of view, so I shall merely add that, in my opinion, a Native, however well educated, is absolutely unfitted to try a European. To begin with, a Native Magistrate so often decides a case not on the clear and tangible evidence before him, but on what he supposes might have happened under the circumstances set out.

Secondly, he is quite incapable of appreciating a European's motives, or what has determined his course of action in particular cases. No temporary residence in England of two or three years will cure his defect. If it were possible to get Natives who had lived with Europeans from boyhood in Europe, the case might be altered. I do not believe that the main body of the people are in the least anxious to obtain for any of their Magistrates the powers proposed by the Bill; in short, the ordinary Native Magistrate in the Civil Service would probably far sooner not try a European if he could avoid it. The position of a Native Magistrate in a presidency-town seems to me quite different. His mind is permeated with European ways and ideas, and he has a strong European bar practising before him: under the circumstances, there is little fear of a failure of justice ensuing.

No. 1573, dated 10th April, 1883.

From—G. F. M. GRANT, Esq., District Magistrate, Kaladghi,  
To—The Chief Secretary to the Government of Bombay.

With reference to Government Resolution No. 2258, dated 2nd instant, I have the honour to state that my reply to Government Circular No. 2985, dated 13th May last, sufficiently expresses my opinion.

2. As it was made when I was at Kaira, and I cannot give No. and date, I may explain that it was to the effect that Natives selected without subjection to any tests, and who

had not necessarily ever been to England, might be wanting in the breadth of view desirable if they were to be empowered to try Europeans.

No. 1998, dated 12th April, 1883.

From—W. WOODWARD, Esq., District Magistrate, Nasik,  
To—The Chief Secretary to the Government of Bombay.

In reply to Government Resolution No. 2258 of the 2nd instant, forwarding for opinion what is known as the "Native Jurisdiction Bill," I have the honour to state that I see no cause to alter the opinion already expressed in my answer to Government Resolution No. 2985 of 13th May 1882, which was in favour of the extension of jurisdictional authority over European British subjects to Native members of the Covenanted Civil Service. To this limited extent it seems to me, as an official, fair and legitimate that no distinction should be admitted between Native and European officers.

2. But, looking at the matter from a politico-social point of view, I am not disposed to support the measure. In itself it is practically unimportant, and the serious disturbances it may give rise to and the strong race animosities it may raise are far weightier and more significant than the only cause which has been urged for its adoption, namely, the removal of an anomaly.

No. 1445, dated 14th April, 1883.

From—W. ALLEN, Esq., District Magistrate and Agent, Governor, Panch Mahals,  
To—The Chief Secretary to the Government of Bombay.

With reference to the Bill for the amendment of the Code of Criminal Procedure, I have the honour to give my opinion as follows.

2. I think it would not be advisable to give the contemplated jurisdiction to Assistant Commissioners in the non-regulation provinces, nor to Cantonment Magistrates. It is certainly sometimes the case in non-regulation provinces that the control over those who administer the law is less strongly felt by them, and is consequently not so great a check as it would be in regulation provinces or nearer the seat of Government; and, moreover, it is often in non-regulation provinces that the cases in which the jurisdiction could be exercised would most frequently occur. I do not see on what grounds it is proposed to give jurisdiction to Cantonment Magistrates and not to Magistrates in general. There would be created a distinction which would be an anomaly of the same kind as is to be remedied by this Bill, and the only logical course would be to pass another Act extending the jurisdiction to all Magistrates.

3. I think it would be a dangerous piece of legislation to empower Natives to try British soldiers, and that, if the law is to be made, they should be specially exempted from the jurisdiction.

4. I think, however, in view of the fierce opposition it has excited, that the Bill is a mistake altogether, and ought to be withdrawn at once to allay the excitement that its introduction has raised. It appears from the Statement of Objects and Reasons that the object of the Bill is to remove an anomaly. There are, however, many anomalies that it is best to let alone. Our rule in this country is a far greater anomaly. The contemplated change would probably affect Europeans very little, and in practice the persons who found the authority most irksome and unpleasant would be the Magistrates and Judges empowered; but as the legislation is avowedly on a point of sentiment, is desired only by one or two individuals, is a matter of indifference to the mass of the Native population, and is bitterly opposed (foolishly it may be, but violently) by the whole of the non-official European community, it may be doubted whether it is advisable to perpetuate race animosity, to risk the loss of European capital, enterprise and intelligence already in the country and that might otherwise be attracted to it, and to create disaffection in a community (small indeed, but influential and of great importance to the stability of the Government) for the very unimportant result to be gained by the passing of the Act. If European capital and enterprise were to be checked by the alteration, a substantial loss inflicted on the general body of the Natives would be but poorly compensated for by a fanciful benefit to a very few.

No. 643, dated 13th April, 1883.

From—C. B. IZON, Esq., District Judge, Ratnagiri,  
To—The Secretary to the Government of Bombay.

With reference to Government Resolution No. 2258 of the 2nd instant, Judicial Department, I have the honour to report that, in my opinion, the proposed alteration of the Criminal Procedure Code is impolitic and uncalled for.

I am quite satisfied that, if carried into effect, it will appreciably diminish the amount of English capital invested in India.

I have seen the reply of my predecessor, Mr. Baker, to the reference No. 2985 of 13th May, 1882, and, as I agree with what is written in that reply, I think it unnecessary to add any further remarks.

No. 775P., dated 14th April, 1883.

From—E. P. ROBERTSON, Esq., Commissioner, Central Division, Bombay,  
To—The Chief Secretary to the Government of Bombay.

With reference to the Government Resolution No. 2258, dated 2nd instant, I have the honour to state that, in my letter No. 1345P., dated 29th June, 1882, I deprecated any change in the existing law as being unnecessary and uncalled for.

2. Viewing the subject by the light of the very grave demonstrations of feeling that have been shown by the European community, it is clear that the opinion already recorded by me was correct. I would now go even further, and urge that, as there is no necessity for the measure, it would be most impolitic to force the change, which all experience has proved to be most uncalled for.

3. It cannot be urged that it is called for, because the present law is a species of class-legislation. Were that an argument to be admitted, then all the special privileges that so many members of the Native community enjoy, such as immunity of certain classes from attendance at Civil Courts and the immunity granted to pardanashin women, &c., &c., must in common sense and justice be swept away. Were this done, the Natives, who enjoy the privileges of so much special class-legislation, would be the greatest losers.

4. Europeans prize greatly their privilege of being tried by Europeans, and by a jury of their countrymen before the High Court. While nothing practical is to be gained by a change in the law, much will be lost. The question is not one which affects the Bombay Presidency so much as other places, as in almost every place in this Presidency ready access to European aid and counsel could be obtained. Anyhow, the matter must not be dealt with in a sentimental manner. It is all very well to say that the Natives are fit for this and that duty; but they are not fit for all duties, and certainly they are not fit by training and experience to try Europeans. No Government has the right, merely for the sake of uniformity and as a mere matter of sentiment, to deprive any body of its subjects of one of their most highly prized privileges; and, if no better reason than mere sentiment and a desire to make the law uniform can be brought forward, the sooner all idea of any change in the law is abandoned the better. The proposal to change the law has already done much to undo the good feeling between the Europeans and Natives, and has overturned the labour of love and good feeling which has for the past 50 years actuated our best men. If the measure is pressed forward, it will widen the breach between the races, and the very first case in which a Native Magistrate deals unwisely and harshly with a European will cause a storm. It is only necessary to imagine a case in which a Native Magistrate should sentence a European to whipping, or a case in which a European female should be unjustly sent to a jail or lock-up. The storm which would break over Government would be such as Government could ill bear, while the race-antipathy would be so intensified as to defy all future attempts to allay it.

5. As the measure is unnecessary and uncalled for, and as no good can be derived from the change, why not leave good alone and let the law stand as it is?

No. 1929, dated 22nd May, 1882.

From—C. F. BOULTON, Esq., Magistrate, Karachi,  
To—The Chief Secretary to the Government of Bombay.

I have the honour to acknowledge receipt of your circular letter No. 2985 (Confidential), dated 13th instant, calling for my opinion whether the distinction which now exists (and will be continued by the new Criminal Procedure Code) between European and Native Magistrates of the Covenanted Service, in regard to their powers of trying European British subjects, should not be abolished; and with deference I offer the following remarks.

2. The proposal appears to maintain the distinction between European and Native Magistrates of the Uncovenanted Service, and merely to relieve Native Covenanted Magistrates of their disability to try European British subjects. It is not, then, that any practical inconvenience has been experienced in the disposal of complaints against European British subjects, but simply a question whether the position of Native Covenanted Magistrates should be improved.

3. At present, a European British subject being a vagrant, and not otherwise, that is, a man of presumably low character, can be tried by a Magistrate who is not a European British subject. The proposed change, which abolishes this distinction also, is one that seems to lower the status of all European British subjects in India, and, therefore, in my opinion, it is not desirable, unless any very great compensating advantages arise from it in the other direction; and these I am not able to see.

No. 1468, dated 11th April, 1883.

From—C. F. BOULTON, Esq., District Magistrate, Karachi,  
To—The Secretary to the Government of Bombay.

I have the honour to acknowledge the receipt of Government Resolution No. 2258, dated 2nd instant, requesting my opinion on the provisions of the Bill, proposed by the Hon'ble Mr. C. P. Ilbert, to amend the Code of Criminal Procedure, 1882, so far as it relates to the

exercise of jurisdiction over European British subjects, and beg to refer you to my letter No. 1929, dated 22nd May last, in reply to Government confidential letter No. 2985, dated 13th idem.

No. 859, dated 19th May, 1882.

From—M. B. BAKER, Esq., Acting District Judge, Ratnagiri,

To—The Chief Secretary to the Government of Bombay.

I have the honour to acknowledge the receipt of your confidential letter No. 2985, dated 13th May, 1882, in which you ask my opinion whether, with reference to Chapter XXXIII of the new Criminal Procedure Code, all members of the Covenanted Civil Service, whether European or Native, ought not to be placed on the same footing, and whether the distinction which now exists between the two classes in regard to their powers of trying Europeans, should not be abolished.

2. There are only two Native members of the Civil Service in this Presidency who entered by public competition, and, as I am not acquainted with either of them, my remarks must be based solely upon such acquaintance as I may possess of Native character. In giving reasons for the view I hold, I have no particular individual in my eye, and my remarks must not be construed as casting any reflection upon any member of the Service to which I have the honour to belong.

3. Looking at the question in the abstract, it may be urged with much force that, as all subjects of Her Majesty are governed by the same substantive law, so all should in like manner be made amenable to the same adjective law; but the points on the other side are so important as, in my opinion, to render it most unadvisable that the present distinction should be abolished.

4. The first objection which I see to the change is the very strong repugnance which will most certainly be felt towards it by the European population generally. This repugnance may be unreasonable, but it should not on that account be ignored. Discontent among the Europeans in the country might be a source of great political danger, and no such risk should be run simply for the sake of establishing a theoretical equality between Europeans and Natives. Every one who has had opportunities of judging knows what the feelings of non-official Europeans on this point would be, and how vehemently they would resent the notion of being liable to be tried by a Native official. I cannot think that the time has yet come when their ideas on this point should be forcibly reformed by the legislature.

5. Secondly, under the new system, Natives are admitted to the Covenanted Civil Service without having, as a rule, gone to England at all. Their knowledge of English manners and ways of thought are, therefore, wholly derived from books. The trammels of caste are still strong upon them; for, however much they may mix with Europeans, their domestic relations are still governed by the system in which they were born and have been brought up, so that it is but natural that they should regard any question from a narrow point of view. The effect of education has not been to break down class distinctions. An educated Native, however much he may despise the religious feelings of the less enlightened, does not feel that those who are lower in caste are any nearer to him.

6. Of late years much has been said about offences, such as assaults, committed upon Natives by Europeans. In some of these death has ensued, and, though it has been clearly shown that the accused has not been legally guilty of anything more than "hurt," an outcry has been raised, which showed that the Native editors (who may, as a rule, be said to represent the educated classes) have rather dwelt upon the alleged brutality of the European than upon the legal bearings of the case. The tendency has been, in some cases, to punish Europeans in cases of this sort with far more severity than was required, or would have been used, had both the parties been of the same race. Any one going through a bazar on market days will see many petty assaults committed by Natives upon Natives, of which, especially if the aggressor has any social or official standing, no notice is taken, though analogous acts done by an European would lead to his prosecution and a great outcry about his brutality. I feel sure that, in spite of education, a Native, if a high-caste man, would vigorously and forcibly resent the indignity of a Dher's shadow falling upon him, and I fear that he would still be ready to visit heavily any infirmity of temper in an European which might lead to an assault. Similarly, a Native Magistrate would be unusually strong if he could resist the temptation of punishing an European severely, knowing that he would thereby gain the applause of the Native journalists, who belong to the same class as himself. As a rule, Native editors are pleased when an European is convicted, not because they feel any sympathy with the injured person, but because the culprit is an European.

7. Offences committed by Europeans are rare. I do not remember having had to deal with more than four in the whole of my service, three of which did not affect Natives at all; so that it may be said that the objections which I have pointed out are chimerical. But it must be remembered that if a change is once made, it cannot be undone, and we have to look to a state of things in which Native Covenanted Civilians have no practical knowledge of English manners and ways of thought.

8. The objections to which I have referred would not be so apparent in the case of Sessions Judges as in that of Magistrates, who are, I presume, included in the term "judicial officers" used in your letter. A Native who had risen to such a position would necessarily have

acquired considerable experience, and would have had more intercourse with Europeans. Besides, he would always have assessors to sit with him. But I question whether, from similar reasons, he would not be out of his element if he were called upon to hear an appeal in a case in which an European had been convicted.

9. It seems to me, too, that a great deal of what is written and urged by the so-called representatives of Native opinion has for its object the ascendancy of Brahmans rather than the good of Natives in general. A Bráhmaṇ would think little of seeing a Bráhmaṇ mucedadum striking coolies to make them work; but he would be full of indignation against an European engine-driver who boxed his servant's ears for not having his dinner ready when he came home worn out with many hours' work. No better example of the way in which Natives sometimes regard crimes can be found than in the applause which welcomed Wassudeo Balwant Phadke after his conviction in the Puna Sessions Court. Sympathy, then, was on the side of the accused in spite of the injuries which he had done to his countrymen.

10. No equality can exist between Europeans and Natives until the latter take the lead by establishing some equality among themselves. The distinction which exists as to the jurisdiction of the Criminal Courts has caused no hardship, and its abolition may cause mischief which would far outweigh any good which could arise from establishing a theoretical equality between the two races. The Code certainly does provide some safeguard, by application to the High Court; but it is a far cry to Bombay from the outlying districts of the Presidency.

No. 510, dated 19th April, 1883.

From—M. B. BAKER, Esq., District Judge, Khandesh,  
To—The Under-Secretary to the Government of Bombay.

In reply to Government Resolution No. 2258 of the 2nd instant, I have the honour to refer you to my letter No. 859 of the 19th May last, which I addressed to the Chief Secretary to Government, Judicial Department, on the subject, while I was Acting District Judge of Ratnagiri.

No. 82, dated 20th April, 1883.

From—W. R. HAMILTON, Esq., Magistrate, First Class, Ahmadnagar,  
To—The District Magistrate, Ahmadnagar.

I have the honour to acknowledge receipt of your No. 2446, dated 7th instant, asking my opinion on the Bill to amend the Criminal Procedure Code so far as it relates to the exercise of jurisdiction over European British subjects.

2. The Government of India propose to remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinctions. This reform, like all other legislative reforms, must be judged not by its sentiment but by its expediency. It has hitherto been thought expedient to maintain the disqualification for obvious motives based upon the precarious and anomalous position of the English in India, and I am not aware that anything has occurred lately to justify its abolition. It is true that education has made considerable progress, and that the Native officers who would be invested with magisterial powers over Europeans would be men of considerable education; yet education is not everything, and, in fact, is but a small factor in a very great social and political problem. The peculiar temper and habits of the two races are of much more moment, and deserve far more consideration than the mere fact how much education an officer possesses. The common sense to judge accurately of the facts involved in a criminal case, and the firmness to act righteously and to do justice, are, perhaps, all that is necessary in a Magistrate without any great degree of culture; but, if the proposal is that certain Natives only should be invested with powers, we would witness the anomaly of the Native officers, who had grown grey in dispensing justice blamelessly, declared unfit to exercise powers over white men which the young and untried Native Covenanted Civilian would possess. If Natives are to possess such powers, it would be perfectly inconsistent to give them to raw youths and discard the experienced elders and greybeards, who have worked so long and honourably in their careers. Why should the young and inexperienced Native Civil Servant have powers which will be denied to the ablest of the Deputy Collectors? Who are the Deputy Collectors except men, who, as a rule, have been promoted for tried merit, and men possessing University degrees, who do precisely the same work as covenanted assistants, and are treated like dogs in comparison; and are they in any degree worse than the Covenanted Native Civilian? Again, who are the mamlatdars but intelligent and experienced men, who have for years possessed magisterial powers which they exercise carefully and intelligently, and who are every day passing the higher examinations prescribed for the Covenanted Civilian? If it were merely a question of giving powers to the most efficient Native officers, nothing would be simpler than to bestow them upon men who have proved themselves to be the most worthy in the actual business of life, and not upon mere scholars or upon the scions of the Native Civil Service with their supposed pretensions to nobility. It is obvious, as I have said, that education is a very small factor in this question, and that the proposed reform, instead of settling the question at once and completely, would be merely the beginning of far greater changes. The proposal in the present form is merely to give



certain powers to certain Natives, not because they are more fitted for their exercise than other Natives of greater experience and practised intelligence, but because they hold a certain position, and it is thought expedient to break down the distinction in this respect between the Covenanted English and the Covenanted Native officer.

In this view, the feeling of the European community has apparently not been considered, or has counted for nothing, but the frantic yell of disapprobation with which the proposal has been greeted has shown that the feeling of this community counts for something, and that it is deserving of some consideration. It is not a question whether these feelings are right or wrong, worthy or unworthy; the fact is, that the feeling of social difference between the two races is so distinct and marked and pronounced, that it is advisable to consider, before exciting them or wounding acute sensibilities, whether any worthy end is to be attained which will justify the Government in braving a popular outburst in order to attain it. There are many actions, very harmless in themselves, which are yet resented bitterly by persons who happen to attach undue importance to them. An Englishman walking into a Hindu temple to admire its architecture might unconsciously be risking his life when a fervid Hindu might consider his intrusion as an abominable desecration. Going into a mosque or tomb with boots on might excite a fanatic Musalman to violence, and the great shoe question has gathered round it an angry and stormy literature full of ominous mutterings and lurid wrath. There are some persons who can regard all these displays of temper with philosophic indifference, but the Europeans in India are not a collection of philosophers. Like the Vere de Veres, they have the passions of their kind, and, perhaps, it would be just as well to refrain from rousing these passions unnecessarily.

I presume the proposed reform can be defended on the ground that the trial of Englishmen by Englishmen produces great administrative inconvenience, and that it inflicts a great wrong upon the Indian people, which should be redressed. If it were true that this privilege caused a wrong to the Indian people, there might be some reason for abolishing it, but, as a fact, it is a mere matter of procedure and not of substantive law. When the Penal Code was passed against the protests of the European community, the Government very properly were firm in declaring that there should not be one law for the Native and one for the European, that there could not be two definitions of the same offence, and that both persons should be liable to the same punishment. But, as a matter of procedure, it left the execution of the law upon Englishmen to be carried out by Englishmen.

At first it was not very difficult to require that all cases against Europeans should be tried by the Supreme Courts at the presidency-towns under the safeguards afforded by the time-honoured system of trial by jury. But after a time the great number of Europeans who settled in the mufassal made it necessary to amend the law, and English Magistrates and Judges in the interior were empowered to try Englishmen, and pass certain light sentences upon them. If these powers are not enough, they may be increased, but I can see no reason why Natives also should have these powers. The places where English settlements are to be found are not many, the offences which the English are known to commit are very few, and with the exception, perhaps, of parts of the tea and coffee plantations, the settlements are all accessible by rail. With rare exceptions, there is not a place where an offender could not be placed before an English Magistrate in 24 hours. Kanára has been referred to, to point the inconvenience, but that difficulty is now fast disappearing, for the railway will shortly be opened, and communication will be opened north and south. In fact, every new mile of railway and every new span of telegraph helps to weaken the objection on the ground of inconvenience. If it is possible with rapid communication for a smaller army to hold a larger territory, it is also possible for fewer civilians to superintend larger areas than formerly; and within a few hours of the arrest of an offender the Magistrate and the criminal can now be brought together from widely different points.

Administrative inconvenience, therefore, there is really none, and, whatever there is, is rapidly disappearing. There is no wrong to the Indian people in requiring that Englishmen shall be tried by Englishmen, and, on the whole, this plan secures a firmer administration of justice than perhaps would be possible in the hands of Natives. Is it necessary, then, merely, for the sake of abolishing a distinction between Covenanted Native and Covenanted English officers, to make a reform which is not essential, in order to remedy a grievance which no one feels? The educated Native would easily understand that, if he is not entrusted with this power, it is not because he is not fitted to exercise it, but because it is not expedient that he should do so. The time may come when high Native officers will mix more freely among Europeans, and will be received upon a better social footing; and it is possible that a free intercourse may soften and ultimately remove prejudices and antipathies about which there can be no mistake at present. When that time does come, then a reform, which is now objectionable, will pass unchallenged, and will not want supporters. Till then nothing will be lost by it being postponed.

But if it is considered necessary to make some immediate advance towards that end, then the suggestion which has been made in the papers might be considered, and the accused may have the option of objecting to be tried by a Native Magistrate. The objection should be allowed not at the beginning of the enquiry, but on framing the charge, for, if the enquiry disclose no *prima facie* case, the Magistrate would discharge the accused; but on framing the charge he should inform the accused that he is at liberty to object to the Magistrate going on with the case. If the objection is raised, the case should be transferred to an English



Magistrate, who should take up the case at the point at which it has been stopped, or recall the witnesses at his pleasure, or the Native Magistrate may, notwithstanding the objection, go on to hear and record the evidence for the defence, and then forward the proceedings with his opinion to an English Magistrate, who, if he concurs with the Native Magistrate, shall acquit the accused or pass sentence upon him, as the case may be; if he does not concur, the papers should be forwarded to the District Magistrate or Sessions Judge, if either of them is an Englishman, for disposal and final orders. In cases committed to the sessions, when the Judge is a Native officer, he should be assisted by assessors who are Europeans, or by a jury of Europeans. These suggestions, while they would afford the Native officer an opportunity to conduct the proceedings, would yet require that the guilt of the accused should be established to the satisfaction of one or more Europeans.

*Memorandum by J. ELPHINSTON, Esq., District Magistrate, Ahmadnagar,—No. 2779, dated 21st April, 1883.*

In forwarding this opinion of the City Magistrate on the subject of Government Resolution No. 2258, dated the 2nd instant, the Under-Secretary to Government in the Judicial Department is aware that only his own opinion was asked for. Mr. Hamilton is, with Mr. Snow, the only officer of pure European descent at present subordinate to the undersigned; it is, therefore, thought that his opinion may go for what it is worth as a representative of the class about whom Government propose to legislate in the Bill to amend the Code of Criminal Procedure.

No. 1497, dated 24th April, 1883.

From—H. E. WATSON, Esq., District Magistrate, Upper Sindh Frontier,  
To—The Under-Secretary to the Government of Bombay.

In reference to Government Resolution No. 2258 of 2nd instant, I have the honour to state that, since I replied to Government Resolution No. 2985 of 13th May last, the question as to whether certain Judges and Magistrates should be given jurisdiction in the mufassal over European British subjects, has been most fully and publicly discussed, and, considering the arguments adduced and the strong opposition there is to the Bill, I am now of opinion that it is not advisable to invest Natives with such jurisdiction. As the arguments against the Bill have been published and are well known to Government, it appears unnecessary for me to repeat them here, and I imagine that under the circumstances, a simple expression of opinion is all that is required of me.

*Memorandum by G. W. BORRADAILE, Esq., District Magistrate, Broach,—No. 1091, dated 16th May, 1882.*

In obedience to confidential No. 2985, dated 13th instant, from the Chief Secretary to Government, Judicial Department, the District Magistrate, Broach, has the honour to express his opinion that fitness to be vested with certain powers should not depend on membership of the Covenanted Service.

2. If all members had entered by the same straight and narrow gate of competition, something might be said against creating an invidious distinction by refusing Natives the same jurisdiction as Europeans.

3. But, when some are entering in through the broad and easy way of private patronage, without having shown by any test their fitness for membership, the inadvisability of vesting these with the jurisdiction denied to those who have lacked the influence necessary for their appointment is obvious.

4. Whatever may be said in favour of vesting with the jurisdiction those who have entered by competition, there is very much more to be said against it, and personally the undersigned is opposed to any Native being so vested.

5. But he can conceive of no reason for so vesting, merely because they belong to the Service, all the Natives who are brought into it by luck or favour through nomination.

No. 140, dated 26th May, 1882.

From—MAJOR R. S. CRAWFORD, Deputy Commissioner, Thar and Parkar,  
To—The Acting Chief Secretary to the Government of Bombay.

Replying to your confidential letter in the Judicial Department, No. 2985 of 13th May, 1882, I have the honour to submit an opinion that, as regards the provisions of Chapter XXXIII of the new Code of Criminal Procedure, it is inexpedient that all members of the Covenanted Service, whether European or Native, should be placed on the same footing until all the latter, besides acquiring an European education, shall in their private lives have put on the manners and customs of Western nations.

No. 161, dated 26th April, 1883.

Memo. from—MAJOR R. S. CRAWFORD, District Magistrate, Thar and Parkar,  
To—The Under-Secretary to the Government of Bombay.

With reference to the Resolution of Government in the Judicial Department, No. 2258, dated 2nd instant, calling for opinion on the subject of the proposed Jurisdiction Bill, the District Magistrate, Thar and Parkar, has the honour to report that, as he was opposed to the measure mooted in Government Circular No. 2985, dated 13th May 1882 (*vide* District Magistrate's Confidential report No. 140, dated 26th May 1882), so also his opinion is that the present Bill should not be passed.

No. 411, dated 24th April, 1883.

From—A. H. SPREY, Esq., District Magistrate, Kaira,  
To—The Secretary to the Government of Bombay.

As directed in Government Resolution No. 2258, dated 2nd instant, I have the honour to express my opinion on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects. The subject has been so discussed in every part of India in all its bearings, that I am unable to put it in any new light or to add any fresh argument. I can only state my own views upon it. I would wish it, however, to be understood that I have no personal prejudice about the matter. If it happened that I had to be tried for any offence, I do not know any single Native Judge or Magistrate, first class, in this Presidency, whom I should doubt doing justice to me simply because I happened to be a European. I base my views on the grounds of necessity, expediency and policy.

2. The Bill is admittedly one to cure an anomaly. The British rule in India is full of anomalies, without the existence of which that rule could not last for a single day. I fail to see that the anomaly in question is greater than very many others, it certainly does not curtail the liberties of the general Native public in India, as many other anomalies necessarily do; and, by doing away with it, I do not see that any single Native British subject will be made a little the happier. I put out of the question the sentiments of agitators and would-be patriots of the advanced school, to whom anything that depreciates the European is a source of happiness; on the score of necessity I see no cause for amending the present law.

3. Had the Bill been brought under consideration at any other time, it would not have so much mattered, and it might even have passed into law without causing much commotion, or stirring up bitter and excited feelings. But to my mind the present time has been a most unfortunate one. During the past year, the whole attention of the Natives of India has been drawn to projected reforms in the shape of local self-government and other matters. Whatever the very small minority of educated and enlightened Natives may think of these reforms, they surpass the wildest imagination of the great masses of ordinary Natives, who have traditionally looked upon the "Sarcar" and its servants, the district officers, as the originators and wielders of all power and influence. They have scarcely begun to comprehend the bearing of these reforms, which tend to deprive European civil executive officers of the power and influence they have hitherto held, when this Bill makes its appearance, and looks to them as if Europeans were to be levelled down to the status of Natives. To their view, there has been a general cheapening of the Europeans, which I cannot look upon except as fraught with trouble, if not absolute danger, in the future. The English do not hold India by actual force so much as by prestige. If we now go deliberately destroying that prestige, we may to our cost find our hold on the Natives very insecure. For these reasons I look upon the Bill as not expedient and impolitic.

4. I beg to append the opinions of Mr. R. M. Kennedy, Divisional Magistrate, and Mr. Modi, first class Magistrate, to both of which I would invite attention.

No. 353, dated 12th April, 1883.

From—R. M. KENNEDY, Esq., Assistant Collector, Kaira,  
To—The Collector of Kaira.

I have the honour to report with reference to your No. 343 of 9th April.

2. So many arguments on both sides of the question have been set forth in the papers, English and Indian, that it is, on the one side, extremely difficult to offer any report within reasonable compass, and, on the other, I am loth to take up your time by inadequately stating what has already been much better stated over and over again.

3. For my own part I regret that the Bill has been introduced.

(a) The law at present in force as to European British subjects constitutes a privilege, and does not take away jurisdiction. The privilege is one which, whether useful or not, for its own sake is useful in this country to emphasize the caste of the possessors of it, and, as such, is rather regarded with pleased acquiescence than with disfavour by the greater part of the people with whom I have come in contact. To abolish caste would undoubtedly be satisfactory to all, and specially so to myself, but this would raise a howl throughout the length and the

breadth of this district, and any beginning in that direction would be the reverse of pleasing to the Hindus, and, when done from the top, would be really disastrous; for, though I cannot admit that caste is self-respect, I am prepared to admit that want of caste occasions want of self-respect. And who are they who clamour for the change in the law? Hindus who have visited England, who by limited intercourse with lawyers of advanced views (I think I am right in saying this is the only society seen by Hindus in England) have learnt to see grievances

\* I must carefully except Parsis who visit England with their parents and families, and who, as residents, have opportunity of seeing first class society. others would not see, and who cannot be regarded as in any sense leading opinion in India, where they are outcasted for their pains on return.\*

(b) Secondly, the Bill will undoubtedly shake the confidence of all British men in the law—a great disaster in it itself, and just now likely to be more disastrous, when a scheme for local self-government is on its trial, which may, and probably will to further self-government, and when it is particularly desirable that all classes should pull together.

4. However, the Bill has been introduced; and such being the case, it only remains to make the best of it. To withdraw it altogether would, under present circumstances, be objectionable, as it could hardly be withdrawn without attracting observation; those indifferent to the Bill as to its merits would, I should fear, object very much to see it withdrawn. The Bill as it stands will, I hope, work satisfactorily for the ends of justice, and I may note that no real hardship could well be inflicted (a) if sections 408 and 416 are retained as they are in the present Bill, and (b) as Magistrates able to try European British subjects are to be Justices of the Peace, and therefore Taluká Magistrates, who would be prone to undue leniency as a rule, and would be subject to prejudice on special occasions, would be excluded. In Natives of Her Majesty's Covenanted and Uncovenanted Civil Service who are experienced Magistrates, I venture to think, complete reliance may be placed.

No. 121, dated 14th April, 1883.

From—B. E. MONT, Esq., First Class Magistrate, Ahmadabad,  
To—The District Magistrate, Kaira.

With reference to your No. 343 of the 9th April 1883, desiring opinion on Mr. Ilbert's Bill for extending the criminal jurisdiction of Native Civilian Sessions Judges and District Magistrates and Assistant Collectors of approved qualifications over European British subjects, I have the honour to submit as follows.

Theoretically, the rights of men should be considered as equal everywhere; the white men have no rights superior to those of the negro slave, the Briton has no rights superior to those of the Hindu, and the twice-born Brahman must not be considered superior to the Bhangi and the Dher. But if we proceed upon the equality of the rights of man, then, in order to be consistent, we should not have the British ruling over us; we should be governing ourselves, and should have a republic, though it may be a question after what model that republic should be formed; for all the philosophers of the eighteenth century could not succeed in guiding the French people to choose a republic that was not worse than a despotic monarchy. We see that the principles of equality, liberty and fraternity cannot be followed in connection with the Government of India; we must make *expediency* our guide, though, perhaps, there may be some who would argue that whatever is not just cannot be expedient. I do not want to enter into any exposition of what is meant by right and just, but I need not say that all common-sense people understand what is meant by expedient. It means that which tends to secure the greatest amount of happiness and content under given circumstances.

The grounds on which I would dislike the proposed legislation are—

First, that there is no necessity for it, and second, that the mischief that would be caused by it, by creating race-feeling, would be quite out of proportion to the benefit that might be gained by courting popularity, so to speak, and by abolishing the "anomaly."

With regard to the necessity for the measure, it has been admitted, even by His Excellency the Viceroy, that there is not any great administrative inconvenience felt at present, but that he wants to provide for the future, when there will be many Native District Magistrates and Sessions Judges. Now, without going so far as to say that it was not a good policy to have yielded to the cry for the indiscriminate admission of Natives into the civil service, I would submit humbly that, even were all the District Magistrates and Sessions Judges Natives, still it would not cause much inconvenience if they had not the power to try European British subjects. In this Presidency, the number of Europeans is comparatively very small, but in the Bengal Presidency there is a large population of European planters and indigo-factors; and it has been said that these gentlemen often lose their temper and not unfrequently cause the death of mild Hindus, and that, owing to the necessity of going before the Calcutta High Court, justice is often defeated. I do not believe that such is the case. I cannot conceive how, owing to the necessity of going long distances, the witnesses would give false evidence. If anybody suffers more than another when a trifling case is tried before a High Court, it is the accused, who is upon his trial, and who has to give large fees to his counsel.

With regard to the mischief caused by stirring up race-feeling, one has only to read the accounts of the meetings of Europeans held at different places, and also of the meetings of Natives in some places. And why all this great trouble? for what good? Simply for the sake of sweeping away an anomaly! But it should be noticed that this sweeping away of the anomaly will not tend to make the Native an equal of the Englishman. It will not increase

his loyalty towards the throne of our august and beloved Queen Empress; it will only tend to give a few Natives who will be fortunate enough to be District Magistrates and Judges the satisfaction of knowing that they can sit in judgment upon one of the conquering race.

And in this place I would humbly state that I do not agree with those who argue that the Natives will not administer justice evenly and honestly towards Europeans. The fears expressed in several quarters, that the Europeans would fare badly at the hands of Native Judges, should be dismissed from our mind at once. English education as given in Indian schools and colleges, and the contact with European professors and teachers, are sufficient to ingrain into the nature of the Natives the principles of honesty and straightforwardness. Why the Europeans should oppose this Bill is not that the Natives will not be just in their administration of the law, but because it would lower the prestige of the ruling race, and it would wound his pride. And let us see what is the position of the Native towards the European. The latter, coming to India for securing its commerce, found himself vastly superior to the Native in every respect—in the ability to carry on large commercial transactions, in the art of navigation, and in military tactics and personal bravery and bodily strength, and in the art of conquering other nations and governing them justly. The Briton, finding himself superior to the Hindu, conquered him, but he is just as well as powerful and strong; and he has therefore governed the other in such a way as to increase his happiness a hundred-fold. Of course, the Natives now forget from what condition they have been raised up by the Briton, and what blessings they now enjoy; but such is always the case. They would be happy if only they know what good things they have. But is it becoming in a Native now, when he has been taught by his benefactors how to cultivate his intellect, to turn round and say that he is not at all inferior to the other? It should, however, be remembered that the cry of equality is raised only by those who want to be the equal of their superiors; these same liberal-minded persons would be greatly shocked if it was suggested to them that the persons inferior to them in social position wanted to become their equals. Let us consider what the Bramins would say to Dher and Bhangi Magistrates. Let us also consider how the Natives wanted the Shastris and Kazis to expound their laws; let us consider how the Parsis prize the privilege of having Parsi delegates in the adjudication of their matrimonial cases; and let us also consider how the Surat Nawabs had by law the power of deciding all cases affecting the members of their household. We see everywhere that there is a pride of race.

“Order is Heaven’s first law, and, that confessed,  
Some are, and must be, greater than the rest.”

Against me personally it may be said that, when I thus write in opposition to the Bill, I, being a Parsi and an alien, have no patriotism, and that I am influenced by the fact that the Parsis have benefited greatly owing to the British. I may say that we have been in India for more than thousand years; we have been here before the time of Hengist and Horsa. I may also say that, if we have benefited owing to the advent of the British, so much the more reason that we should be content with our present subject condition. I may, however, be pardoned for indulging in a little personal pride that our own family has, instead of rising, only fallen in influence owing to the introduction of the several laws and regulations; but we have always been devoted to the British cause from the time that the first factory was established at Surat, and more than a hundred and twenty-five years ago two of our ancestors were killed by the seceders from the Surat Castle for rendering assistance to the British who were besieged in the factory. We were devoted to the British because we consider them a superior race; and I have no hesitation in saying that the Natives will be happy only as long as they feel that their rulers are a superior race. To the Brahmans the other people are bound to bow; but the Brahmans themselves never bow, they never raise their hands for *salam*, but they only extend them and give their blessings: the Sayyads extend their hands to be kissed by the other Muhammadans, but they never kiss the hands of the others. Now when there are such race-distinctions among the Natives themselves, why should they not make any difference between themselves and the ruling race. But a few Bengali Babus might say that they have discarded all the Native notion of inequality among men; a few Bengali Babus, however, are not the whole of India.

If the European population in India do not object to the Bill, then by all means let it be passed, but I would submit that it should not be passed against their wishes. We should not displease them. It has been pointed out by a very able defender of the Bill, Sir Arthur Hobhouse, that, when the Native Judges were invested with the power to hear and decide civil cases in which Europeans were concerned, there was the same amount of agitation and opposition from the Europeans of India, and that all sorts of evils were prophesied. I admit that all the evils now predicted by the Europeans will never come to pass; but I should earnestly desire that some deference should be paid to their race-prejudices.

No. 1620, dated 2nd May, 1883.

From —A. KEYSER, Esq., District Magistrate, Kolaba,  
To—The Commissioner, Northern Division, Bombay.

With reference to Government Resolution No. 2258 of the 2nd April, 1883, circulating a draft Bill for the amendment of the Criminal Procedure Code, I have the honour to forward the reports of Mr. W. F. Sinclair and Mr. A. W. Hughes, Magistrates, first class.

2. I have little to add with them. I agree with Mr. Sinclair, except as regards the advisability of giving powers to Native Civil Servants who have attained their position by passing the competition in England.

3. I think no change is necessary. No administrative inconvenience has been felt by the present inability of Native Magistrates in the mufassal to try Europeans, and I do not think any is likely to occur in any future sufficiently near to make it necessary to legislate for it.

4. In the solitary district where the Magistrate of the district is likely to be a Native, or the few districts where some of the Sub-divisional Magistrates are Natives, there are sure to be other European Magistrates qualified to try the very few cases that occur where the defendants are British subjects of Her Majesty.

5. The reasons which have always existed for granting the European British subjects certain privileges still exists, and the arrangement that in a British dependency administered by British officers they should not be subject to the jurisdiction of any Magistrates but those of their own race, is such a natural one, that I think those who advocate the change should have much stronger arguments to support it than such academic or sentimental ones as are derived from the "anomaly" of the present state of the law (unless all distinctions between Natives and Europeans in Criminal Courts is to be done away with, which is not suggested—this would still exist), or the supposed injury to the feelings of a few highly placed officials, because they are not to try, say, once every five years, an Englishman who prefers to be tried by his own countryman, the latter being *ceteris paribus* better qualified to conduct the enquiry.

6. The feelings of those directly affected by the proposed change are certainly a more weighty subject for consideration, and, after it has been almost unanimously condemned by the whole non-official British community in India, there can be no doubt as to what they are.

7. Every Englishman in this country is regarded by the people as a representative of his Government. The spectacle of one of the "sahib log" hand-cuffed and sent to jail by order of a Native Magistrate is scarcely calculated to increase the prestige of the British Government, or strengthen a rule of which the consideration in which the ruling race is held by the populace is not the least support.

8. I submit these remarks, fragmentary and inadequate to the subject as they are. The matter has been so fully discussed in the Press and elsewhere, and my view of the matter so forcibly stated by Sir J. Stephen and other distinguished men, that I feel it would only be a waste of the time of Government for me to submit a report discussing the propriety of the proposed legislation at the length the subject deserves.

No. 27, dated 13th April, 1883.

Memorandum by—A. W. HUGHES, Esq., Magistrate of Alibag.

The undersigned, with compliments to the Collector of Kolaba, has the honour, in reference to his memorandum No. 1341 of 8th instant, to remark, in the matter of the proposal to amend the Code of Criminal Procedure of 1882 so far as relates to the exercise of jurisdiction over European British subjects, that, as regards clause (a) of section 1, no amendment appears to be necessary. Europeans of all grades resident in India would no doubt very much prefer exercise of jurisdiction over them to be with their own countrymen, instead of with Natives of the Covenanted Civil Service, however highly educated and in other respects fitted for the proper discharge of their duties. If the power it is proposed to give to Native Civilians were granted, there would perhaps for the first few years afterwards be a tendency to undue leniency in their dealings with accused persons of European descent, but after that the probability is it would be the reverse, more especially if at any future time circumstances were to occur which would have the effect of stirring up race antagonism and strife, such as recent events have shown lie unfortunately only in a dormant state.

It is the candid opinion of the undersigned that, taking into consideration the relationship as existing between Great Britain and its extensive dependency, India, it is not expedient to legislate as is proposed by Mr. Ilbert's Bill; and, if this applies in the case of the highly educated Indian Covenanted Civilian, much more must it do so to the members of the newly constituted Native Civil Service, and others coming under clauses (b) and (c) respectively of section 3 of the Bill, who do not even possess that veneer of European civilization which the Indian Covenanted Civil Servant, from his three or four years' residence in England, is supposed to have acquired.

As regards the appointment of Native Civilians to Cantonment Magistracies with reference to clause (d) of the same section, the undersigned believes that such would be eminently distasteful even to the Native officers and men of the Native regiments, and, as a natural consequence, infinitely more so to the officers and men of British regiments. From the above remarks it will be considered unnecessary for the undersigned to offer any opinion upon the repeal, amendment or substitution proposed in sections 2 to 5 of the Bill.

No. 190, dated 12th April, 1883.

Endorsement by—M. PHELAN, Esq., District Magistrate, Kolaba.

Forwarded with compliments.

Taking the sections as they come 1 (a).—This refers to Native gentlemen who have gone to England and beaten Englishmen on their own ground. They have, moreover, been obliged



to study English law in English Courts; and if they are fit for the service at all they are fit for all its duties. Undersigned cannot see why they should be on a separate footing from European Covenanted Civilians.

(b), (c).—These two classes of officers are as alien from an European in habit of thought as inhabitants of another planet. They cannot understand an European accused, nor he them; and the Court and accused would be, if the latter were undefended by counsel, at cross-purposes the whole time. As a body, these officers in this Presidency do not seem to *want* the powers; and no inconvenience is caused by their not having them. Undersigned feels bound to say that they would be far more likely to err on the side of undue leniency than the other way.

(d) *Cantonment Magistrates*.—Undersigned is very strongly of opinion that the appointment of a Civilian Cantonment Magistrate of any sort is a mistake and leads to friction.

The appointment of a *Native* Cantonment Magistrate would probably lead to a very undesirable state of mind not amongst European troops only, but also in the Native regiments.

It is difficult to suppose that such an appointment can have been seriously contemplated; but perhaps the draughtsman had in his mind's eye the collapse of a case in Madras some ten years ago, on the discovery of a clever vakil, that the Magistrate was technically a Frenchman.

To section 2 the undersigned can see no objection.

*Section 3*.—To agree with what has been said above, instead of striking out the words "and an European British subject," there should be added to them "or a Covenanted Civil Servant appointed in England."

*Section 4 et seq.*—Unimportant.

No. 2078, dated 10th April, 1883.

From—F. D. MACKENZIE, Esq., Acting District Magistrate, Thana,

To—The Chief Secretary to the Government of Bombay.

As directed in Government Resolution No. 2258, dated 2nd instant, I have the honour to submit herewith my opinion on the Bill to amend the Criminal Procedure Code sent to me with the Government Resolution quoted above.

2. I venture to say, with all respect, that it is somewhat late in the day to call for the opinions of officials on a Bill which has provoked such a storm of opposition from the European community, and I somewhat shrink from going over the arguments against it. I consider, however, that the main objections to it are that it is entirely unnecessary, that it has been shown to demonstration throughout the country; that the Europeans affected by its provisions look upon it as one as the gravest possible injuries which can be done to their rights and privileges in this country; that if Government look upon this one privilege of Europeans as an anomaly, which *for that and no other reason*, it is desirable to remove, I can conceive no grounds on which the anomaly, say, of *purda nashin* women accused of serious offences being allowed to remain unseen by the Court trying them should not also be removed. That is an anomaly based purely on race distinctions, and the particular case I have in mind is one which I myself tried some years ago. The accused was a Native lady accused of very serious offences under the Penal Code, and special arrangements had to be made in my Court to prevent any person, from the trying Magistrate to the witnesses in the case, seeing the accused person!! For all that I could prove to the contrary, I never had the real accused in my Court at all; and such anomalies, which are liable to occur all over the country, are placidly regarded by the Legislature. The continent of India is crammed full of anomalies, and the effect of removing the particular one aimed at by the Bill is to rouse race feelings and jealousies of the very worst character.

3. In the face of the almost unanimous opposition by the European public to the Bill, and considering that this very question must have been discussed when Act X of 1882 was being revised, it seems to me most advisable that this tinkering of a Code which has been barely three months in existence should be dropped. Had there been any real need for such an amendment, it is not unreasonable to suppose that it would have been brought forward prominently when the Criminal Procedure Code of 1882 was being discussed; and I cannot imagine that anything has occurred within the short term which has elapsed since its publication to make it necessary for Natives to try Europeans.

No. 2016, dated 20th May, 1882.

From—COLONEL L. D'A. DUNSTERVILLE, District Magistrate, Haidarabad,

To—The Acting Chief Secretary to the Government of Bombay.

Replying to your No. 2985, Confidential, of 1882, dated the 13th instant, I have the honour to state that, in my opinion, all members of the Covenanted Service, whether European or Native, ought to be placed on the same footing, and that no sufficient reason can be found for maintaining the distinction which now exists between the two classes in regard to their powers of trying Europeans.



No. 1852, dated 3rd May 1883.

From—COLONEL L. D'A. DUNSTERVILLE, District Magistrate, Haidarabad,

To—The Under-Secretary to the Government of Bombay.

Replying to Government Resolution No. 2258 of 2nd ultimo, I have the honour to state that, after the fullest consideration of the subject of Mr. Ilbert's proposed amendment of the Code of Criminal Procedure, so far as it relates to the exercise of jurisdiction over European British subjects, I find myself unable to recommend any fuller concession to the Native magistracy than that advocated in my letter No. 2916 of 20th May 1882, replying to Confidential Circular No. 2985 of 13th idem.

2. I advocated that concession under the impression that all Native members of the Covenanted Civil Service must needs be men thoroughly imbued with European ideas, as men should undoubtedly be who are entrusted with the exercise of jurisdiction over European British subjects; but I am assured by those who are in a position to know that this is not always the case; that the stay in England of these Native gentlemen is so short, and the trammels of caste and of natural ties are so strong, that no real change of ideas is effected; and that, in the majority of cases, the old legend holds true "*Celum, non animus, mutant, qui trans mare currunt.*"

3. Therefore, if the question put in the Government Resolution No. 2985 of 13th May 1882 were now before me for reply, I should be disposed to advise that no change be made in the existing law in relation to this matter.

4. I freely admit that there must be some Native gentlemen in the magistracy, whether Covenanted or Uncovenanted Civil Servants, who might safely be trusted with the exercise of jurisdiction over European British subjects, but the selection of these would be difficult, and their numbers would be so few that it would hardly be worthwhile to legislate on their behalf.

5. In Sind we have no Native members of the Covenanted Civil Service, and in the number of Native Uncovenanted Magistrates whose work has come under my observation during the 32 years that I have served on the Sind Commission, I could not name more than three or four to whom I would have willingly seen such powers entrusted.

6. It is not a question of ability but of impartiality. I have met with many very competent Native Magistrates, and with some very incompetent European Magistrates. There are a thousand and one things among the surroundings of the Native Magistrate which must, in many cases, make it very difficult for him to exhibit strict impartiality, whilst the European Magistrate in India, isolated as he is, has, in the first place, no temptation to be otherwise than impartial, and is, in the second place, fully aware that any exhibition of partiality, even in favour of a European, would infallibly lower him in the estimation of his fellows.

7. In my humble opinion, the time for abolishing all race-distinctions, in the manner proposed by Mr. Ilbert's Bill, will not have arrived until it can be said of the Native magistracy, as a whole, that their decisions are no more swayed by "fear, favour or affection" than are those of the European magistracy.

No. 766, dated 8th May 1883.

From—H. N. B. ERSKINE, Esq., Commissioner in Sind,

To—The Right Honourable the Governor and President in Council, Bombay.

I have the honour to reply to Resolution No. 2258 in the Judicial Department, dated 2nd ultimo, calling for my opinion on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. The Statement of Objects and Reasons shows that the Bill has been prepared because "it was thought anomalous that, while Natives of India were admitted to the Covenanted Civil Service, and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace, and to exercise jurisdiction over European British subjects outside the presidency-towns." Whether the long-established custom that the British in India should be tried only by Judges or Magistrates who are themselves European British subjects is rightly described as an anomaly is of little consequence; but, if it be admitted that it is so, then the long-continued existence of such an anomaly surely indicates that its existence has not been permitted without good reason.

3. When writing in June last regarding the changes proposed, I expressed an opinion that these were not needed, and the discussions that have since that time taken place have only strengthened and confirmed this opinion. Whatever may have been thought when the Bill was first introduced, there can be no question now that the changes it is sought to introduce would be highly unpopular to the European community. The feeling of dislike to being tried by a Native Magistrate may, in a certain sense, be unwarranted, but it is, to me at all events, a perfectly intelligible one, and I cannot therefore blame those who hold it.

4. The European British subject has hitherto enjoyed certain rights, and these he is unwilling to lose. Any member of the Covenanted Civil Service who had become a Judge or a District Magistrate must, it may be presumed, be qualified to try a European British subject so far as mere legal knowledge and requirements go; but this would not, in my opinion, be reason sufficient for depriving the European British subject of his long-enjoyed and highly-valued right and privilege. I altogether fail to see that there are any grounds for fearing that

the present state of the law is in any way likely to be productive of harm, and, therefore, whether the present law is anomalous or not, I would wish to see it continued.

5. I have never been in a district in which there were not several European Magistrates, and, so far as I am aware, there are none such. For this reason I do not consider that, so far as magisterial cases are concerned, any practical inconvenience is likely to be experienced by the law being maintained in its present form. Some slight inconvenience might be caused were the District Sessions Judge a Native gentleman who could not try a European prisoner, but this slight degree of inconvenience would not, in my opinion, justify the change proposed.

6. I do not consider it necessary to explain in detail why I object to the changes proposed. So much has recently been said and written on the subject that I could state nothing new. I fail altogether to see that the continuance of the present law is continuing an "invidious distinction," for, so far as my experience goes, the distinction occasioned no ill-will, and was thoroughly understood and appreciated by the Native community. It is true that, since the Bill has been publicly discussed, the cry that the distinction is one that is unjust to the Native community has been raised; but this clearly is merely a result of the agitation caused by the proposed Bill, and would never, it may confidently be asserted, have been heard had the Bill not been discussed and, I may add, at times attacked with so much virulence by some of the European community. The agitation in favour of the Bill was in no sense spontaneous.

7. There is one other point to which I may refer as an argument against the Bill, namely, that it would not put an end to all distinctions between trials of European British subjects and Natives, and that anomalies would still remain which could only be removed by the repeal of the whole of Chapter XXXIII of the Criminal Procedure Code—a course that I do not believe even the supporters of the present Bill would venture to recommend. This being so, matters had much better be left as they are.

No. 617, dated 8th May 1883.

From—W. H. CROWE, Esq., Acting Judge, Satara,

To—The Secretary to the Government of Bombay.

In reply to Government Resolution No. 2258, dated the 2nd April 1883, Judicial Department, calling for my opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to make the following observations.

2. With regard to section 1 of the Bill, I can see no reason why any restrictions should be placed on the powers of the Local Governments, as they at present exist, to appoint any European British subject who is thought fit to be a Justice of the Peace. The narrowing of the class from which they may be appointed in the direction contemplated by the Bill is likely to prove inconvenient.

3. It is stated in the Objects and Reasons for the Bill that it is thought anomalous that, while Natives of India are held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects outside the presidency-towns. Leaving aside the question whether this state of things is anomalous or not, it appears to me that it is not the proper function of the legislature to make laws which shall be ideally symmetrical, but to frame such enactments as shall remedy the grievances and pressing needs of the people. No administrative difficulty has been felt in this Presidency, as far as I am aware, owing to the existing state of the law. The proposed change would confer jurisdiction on, at most, five or six officers; but, even if, looking forward to the future, when the Civil Service will have received large reinforcements of Natives, the investment with the proposed jurisdiction were of more universal application, it must be borne in mind that the criminal class of Europeans in India is not large. The cases that arise in which Europeans are concerned are few and far between, and it is, and will always be, possible, in view of the increased facilities of communication which are daily taking place, to make arrangements for the trial of European offenders without having recourse to a legislative enactment, which is liable to misconstruction and calculated to arouse the worst feelings towards our Native fellow-subjects.

4. No inconvenience to the general public is likely to arise from the present state of the law, as, by the provisions of section 445 of the Criminal Procedure Code, it is competent to any Magistrate to take cognizance of an offence committed by a European British subject, and, if necessary, issue process for compelling his attendance before a Magistrate having jurisdiction to enquire into and try the case.

5. There is another aspect which presents itself to my mind, which is that, if the idea of removing so-called anomalies from the Statute-book be once dominant, there is no knowing where it will end. It may occur to future legislators to take away the right which Europeans now enjoy, of being tried by a jury of which not less than half the number shall be Europeans or Americans; and gradually the privilege of being tried by his peers, which from the days of the Magna Charta an Englishman has so highly prized, will be altogether taken away to obviate a necessity which in practical politics has never been felt.

6. The Statement of Objects and Reasons goes on further to say that the Government of India has decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race-distinctions. It appears to me that, looking at the history of our

connection with India and the constitution of the present system of government of the British Empire in India, any legislation which has for its object the removal of disqualifications based merely on race-distinctions is altogether anomalous. The most cogent illustration of my meaning which occurs to me is suggested by a reference to the constitution of the Native army in India. However efficient as a soldier a Native may be, however qualified in all respects for regimental advancement, it is impossible in the present state of the law that he could be promoted to the command of a regiment.

7. There is yet another objection to the Bill which, from a political point of view, should not be lost sight of, which is, that it is not advisable to create a class of judicial officers which are declared not to possess the confidence of the people over whom they are to exercise jurisdiction.

8. Looking at the amount of race-antagonism which the discussion of this measure has provoked, looking also at the absence of all grounds for its introduction beyond what I may term sentimental ones, I am of opinion that any change in the law in the direction indicated is uncalled for and unnecessary.

No. 2041, dated 16th May, 1882.

From—A. C. JERVOISE, Esq., District Magistrate, Belgaum,

To—The Acting Chief Secretary to the Government of Bombay.

I have the honour to acknowledge receipt of your letter No. 2985 (Confidential) of the 13th instant, respecting the trial of European British subjects by Native Covenanted Magistrates and Judges.

2. As a general question, I do not see any reason why Native Covenanted Magistrates and Judges should not exercise the same jurisdiction over European British subjects as can be exercised by European Covenanted Magistrates and Judges.

3. Chapter XXXIII of the new Code of Criminal Procedure relates, however, also to jurisdiction in criminal matters over Americans and Europeans other than British subjects.

4. It is to be noted that this chapter is titled "Criminal Proceedings against Europeans and Americans," though sections 443 to 451 refer exclusively to "European British subjects." Section 452 would appear from the wording to apply to *all Europeans* were it not for the marginal reference, which seems to limit it to European British subjects and Natives jointly accused.

5. Americans and Europeans who are not British subjects do not appear to be made amenable by this chapter to any magisterial jurisdiction. From this it would appear that they are subject to the jurisdiction of both European and Native Magistrates, and are only to be specially treated when brought before the Sessions or the High Courts.

6. The above remarks may not seem to have any reference to your letter under reply; but my object in making them is to represent that, in my opinion, if any change in the law is made, European British subjects, other Europeans and Americans should come under the same jurisdiction.

7. I would point out that, if Covenanted Magistrates are to be given jurisdiction over European British subjects, it will be necessary to amend section 22 of the new Code, as, under it, only European British subjects can be appointed Justices of the Peace outside the Presidency-towns; and I am under the impression that, apart from any provisions of the Criminal Procedure Code, European British subjects can only be tried by Magistrates who are Justices of the Peace.

No. 1669, dated 23rd April 1883.

From—A. C. JERVOISE, Esq., District Magistrate, Belgaum.

To—The Chief Secretary to the Government of Bombay.

I have the honour to reply to Government Resolution No. 2218 of the 2nd instant.

2. The provisions of the Bill received with the Government Resolution appear to sufficiently meet the object it has in view. I conclude, however, that Government do not wish the replies to their reference to be confined to an opinion as to whether the provisions made in the Bill are likely to be effective or not, but to extend to the question as to whether the passing of such a Bill into law is advisable or otherwise.

3. The nature of the Bill is such that it is not easy for a Government officer to express dissent from its provisions without at the same time discussing the policy out of which it has been born. But I feel that it would be highly unbecoming in me, as an executive officer, to give any sign of questioning that policy.

4. When, in reply to Government circular No. 2985 of the 13th May 1882, I stated that I did not see why Native Magistrates should not have jurisdiction over European British subjects, I regret to say that I did not at the time see all that might be involved in that jurisdiction. As a Magistrate who had spent a considerable number of years in districts where almost the only European British subject besides the Government officers that ever appears is a person whose sole offence is that of being a vagrant, and whom I have never found to offend in any other way, I most inexcusably, I admit, went no deeper into the

question than so far as it affected such a class, and I did not see why a Native Magistrate should not be able to dispose of such vagrants as fairly and as intelligently as a European Magistrate; moreover, it appeared to me that, as there would always exist the power of the District Magistrate to transfer, if considered advisable, a case against a European British subject from the Court of a Native to that of a European Magistrate, the exercise of their jurisdiction over Europeans by Native Magistrates would be subject to the immediate control and supervision of the District Magistrate; and, so far as this district—and I might almost venture to add, this Presidency—is concerned, I should still hold to my former opinion, if it were not that I find myself face to face with the possibility—a possibility that even now I can scarcely bring myself to grasp—that it may be at some future time the case that the Magistrate of this district will himself be a Native. When this comes to pass, the guarantee that a European British subject would otherwise feel he had of being tried, if not actually by one of his countrymen, at all events by a Magistrate whose proceedings are subject to the immediate control of a European Magistrate, will be gone.

5. It is not without reason that a European British subject might object to being tried before a Native Magistrate where he cannot obtain (if he could afford it) the assistance of well-trained counsel, either of his own race, or one who may have by practice in cases where Europeans are concerned, acquired a knowledge of European habits, social and domestic unwritten laws, or other subjects which would enable him to clear points which might otherwise be incomprehensible to the Native Magistrate. But, even were his feelings against being tried by a Native Magistrate declared to be simple prejudice, it would have to be admitted it was a prejudice often shared by Natives themselves. I cannot believe that I am alone in my experience of numerous applications made by Natives, when they have been either honestly or dishonestly accused of offences, that their cases may be transferred for trial before a European Magistrate. Such applications are not, as far as I have seen, ever grounded on any supposed superior legal attainments of the European Magistrates, but on some idea that they will obtain a fairer hearing and a judgment which, whether favourable or not, they can rely on as conscientiously arrived at. I have little hesitation in asserting that, if those Natives who have raised their voices against the law, which is (I believe) in force in all colonies, that Europeans shall be tried by their own countrymen, were ever to have practical proof in their own persons that they had thereby debarred themselves from applying that their cases be tried before a European Magistrate, they would much regret the clamour they have made.

6. It may be argued that, if Natives are but little cognizant with those habits of Europeans—social, domestic, commercial or other—a knowledge of which would throw light on a case, there is almost, if not quite an equal, ignorance on the part of Europeans with respect to Natives, and that therefore they are not competent to administer justice to Natives. The answer to this is that it is not ever found that a Native prefers having his case tried by a Native instead of by a European, and that, therefore, however reasonable the sequel may appear, it is fallacious.

7. That there are many good Native Magistrates honest, straight forward and painstaking, I most cordially admit; but I believe these are the very men who not only do not desire to hold jurisdiction over Europeans, but would infinitely rather be without it. I am aware that, as Magistrates, they are not the class or grade to whom the Bill proposes to give such jurisdiction, but as a class of Native gentlemen they are in many cases the same.

8. I have read a great deal of what has been advanced against this Bill in unofficial circles, and have in common with others regretted that indignation and alarm have laid to much being said that was impolitic and unfair, and had therefore a tendency to alienate the sympathies of those who would be desirous of giving the speakers a hearing. Still the Bill is one which, in my humble opinion, should not pass into law without the evident assent of at least a majority of the race or class which alone it affects. No one knows better than do Native Magistrates how plausible are the complaints, how admirably supported by apparently honest evidence, which one Native will bring against any other whom he wishes to place in confinement. I do not wish to go far into the subject, but will only remark that in troublous times, if they should ever arise, few non-official European British subjects would feel that the liberty of themselves and their families would be secure while the highest magisterial authority in the district might be a Native with jurisdiction over them. It is no insult to any Native to suggest that such sense of insecurity would be felt,—it could not with reason be expected to be otherwise,—and the Bill must be looked at with non-official eyes.

9. The Bill is one which does not affect the Native community in the smallest degree. They did not seek it; but those whose vanity was fed with the idea of increased authority over Europeans are now like children who have been offered unexpected sweetmeats and cry that they should be withheld. But the Bill does vitally affect the non-official European colonists up-country and at a distance from reliable legal assistance; and, with all due deference to adverse opinions, I maintain that it is by their voices, and the voices of those whose mercantile and other interests are involved in their comfort and sense of security, that the Bill should be judged.

10. The sole argument which is advanced as the reason for proposing the Bill is that it will remove an anomaly. Because a Native who has succeeded by passing certain examin-

ations in entering the covenanted civil service is held "competent to discharge the highest judicial duties" with respect to his own countrymen, therefore he must be competent to discharge such duties with respect to a race of which he has, at best, but a superficial knowledge. The really important question as to whether the policy of removing the supposed anomaly is safe or sound is not even glanced at.

11. I have said enough to show that I most respectfully, but most emphatically, disapprove of the object of the Bill. But perhaps the best argument against it passing into law is the entire absence of any necessity for it.

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No. 329, dated 23rd May, 1883.

From—C. P. COOPER, Esq., Chief Presidency Magistrate, Bombay,  
To—The Chief Secretary to the Government of Bombay.

I have the honour to acknowledge the receipt of the Resolution of Government, No. 2258 of the 2nd ultimo, forwarding for my opinion a copy of the Bill to amend the Code of Criminal Procedure, 1882.

2. It appears to me to be but right and fair, and in accordance with the principles of British justice, that an accused person should be tried in open Court, in order that his own community may be cognizant of what is going on, so that if any error or failure of justice should take place in the trial, the voice of public opinion could readily reach those able to redress the wrong.

3. In Presidency-towns, a European is liable to be tried by a Native Magistrate, but such trial always takes place in the midst of a large European community, in the presence of members of the legal profession and of representatives of the Press, and, if any error or failure of justice did take place, it could very speedily be brought to the notice of the authorities, and redress easily obtained.

4. This state of things does not exist in the mofussil; for, except in a very few stations, the European community is very limited, legal assistance cannot be easily obtained, there are no representatives of an English Press, and a European accused would therefore be placed at an extreme disadvantage in the event of his being tried before a Native tribunal.

5. Under these circumstances, I am of opinion that the time has not yet arrived when Native Magistrates in the mofussil can be invested with the power contemplated in the Bill.

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No. 464, dated 13th April, 1883.

From—W. S. FORMAN, Esq., District Judge, Hyderabad,  
To—The Secretary to the Government of Bombay.

In reference to Government Resolution No. 2258 of the 2nd instant, I have the honour to make the following observations.

2. In the first paragraph of the Statement of Objects and Reasons accompanying the proposed Bill, it is stated that it was thought anomalous that Natives should be deemed incompetent to exercise jurisdiction over Europeans outside the Presidency-towns. I would observe with all deference that it seems to me that it is hardly worth while legislating merely to remove an anomaly. As long as an arrangement of any sort works well, I am humbly of opinion it is perfectly immaterial whether it is anomalous or not.

3. I do not see that much practical inconvenience has as yet been caused by the law as it stands, and with careful supervision by the executive I do not anticipate any future inconvenience.

4. As a practical instance of what I mean, I may mention the possible case of a Native gentleman in Sind being appointed to the Native civil service. It would be very easy for Government so to employ this gentleman as not to put him in a position when he would be likely to have to try Europeans.

5. I have had considerable experience as a Magistrate and Sessions Judge in this Province, and have known several Native gentlemen who have been, and now are, employed as first class and sub-divisional Magistrates. I have heard of no inconvenience caused by these gentlemen not having power to try Europeans.

6. It seems to me that as long as any part of Chapter XXXIII of the Criminal Procedure Code remains unrepealed, every judicial disqualification based merely on race-distinctions will not be at once and completely removed from the Code.

7. Personally, had I occasion to be tried by a Magistrate, I should care little, if at all, whether he were a European or an Asiatic, but the great majority of Europeans in India would, as they have shown, care very much; and I venture to question the expediency of removing an anomaly at the cost of exciting strong discontent among the non-official European community.

8. In conclusion, I would deferentially observe that, if anomalies are to be removed because they are anomalous, it becomes somewhat hard to justify the retention by Great Britain of her present position in India.



No. 3400, dated 18th May, 1883.

From—J. G. MOORE, Esq., District Magistrate, Puna,

To—The Secretary to the Government of Bombay.

In compliance with the request contained in paragraph 1 of Government Resolution in the Judicial Department, No. 2258, dated the 2nd ultimo, I have the honour to express my opinion on the subject of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. So much has been written and said about this Bill that, in expressing my dissent from its principles, I can add nothing new.

3. It is argued in favour of the Bill that an invidious distinction is at present drawn between European and Native members of the Civil Service, inasmuch as the latter are apparently deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects, and that this anomaly should be removed.

4. In my opinion, it is not a question of competency or incompetency on the part of Native members of the civil service. As far as those belonging to the covenanted civil service are concerned, I admit that, by education, they are competent. It is not in respect to the trying authority, but in respect to the persons liable to be tried, that I object to the provisions of the Bill.

5. The question, as I view it, is, are Her Majesty's Native subjects to be allowed certain privileges and concessions, while none are to be allowed to Her European subjects in India?

6. If all anomalies were abolished in this country, if all race-distinctions and caste-prejudices were removed, the case would be different; but when respect is paid by our Law Courts to the customs and caste-prejudices of Natives of India, Europeans in India may fairly claim equal consideration.

7. It is the desire of Her Majesty's Government that all accused persons, whether Natives or Europeans, should be placed on an equal footing when arraigned before a Court of Justice; but, if this Bill becomes law, this desire will not be fulfilled.

8. In a Presidency-town, it does not signify if a European be tried by a Native Justice of the Peace; he has numbers of his fellow-countrymen about him; he can, if he pleases, engage European counsel or a counsel who thoroughly understands English, and he feels that he will have a fair trial. But in some out-of-the-way corner of the Mufassal, without any knowledge, or perhaps a very imperfect knowledge, of the language of the district, without a fellow-countryman anywhere near, I hold that an accused European is placed at a very great disadvantage compared with a Native of India under similar circumstances.

9. If the passing of this Bill into law was called for in the interests of the country and of the people at large, it would of course be right to disregard the feelings of a particular section of the community; but there is no such justification for the measure, and, as the Bill has caused, and will not cease to cause, the greatest dissatisfaction to the most loyal subjects of Her Majesty in this country, I think that it should be withdrawn.

10. If a compromise is considered desirable, then let Native members of the covenanted civil service be made Justices of the Peace, and let Her Majesty's European British subjects have, as now, the option of being tried by European Judges and Magistrates.

No. 882, dated 2nd May, 1883.

From—E. T. CANDY, Esq., Acting District Judge, Tháná,

To—The Chief Secretary to the Government of Bombay.

I have the honour to reply to Government Resolution No. 2258 of 2nd April 1883, on the subject of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. The Statement of Objects and Reasons says:—"It was thought anomalous that, while Natives of India were admitted to the covenanted civil service and held competent to discharge the highest judicial duties they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects outside the Presidency-towns."

I completely concur in that opinion. So long as the two conditions abovementioned are fulfilled, I cannot see how a Native judicial officer should be deemed incompetent to try European British subjects.

3. But those conditions are of the highest importance.

(a) The Native of India must be a member of the covenanted civil service.

(b) He must have risen to the highest judicial posts, that is, District Magistrate or Sessions Judge.

The first condition ensures his *general* fitness, the second his *judicial* fitness. Both are the complement one of the other.

A Native civilian may have shown signs of the highest judicial acumen, and yet be unfit from general training to try European British subjects; or he may, by residence in England or long mixing with Europeans, have acquired that intimate acquaintance with English thought and habit which is necessary to one trying European British subjects, but he may not have the judicial training and ability which are also necessary.



4. I therefore approve of section 2 of the Bill, which makes all Sessions Judges and District Magistrates *ex-officio* Justices of the Peace; because these officers, when Natives of India, have shown their general fitness for that post by winning their admission to the covenanted civil service, and their judicial fitness by work and training, which have justified Government in making them Sessions Judges and District Magistrates.

5. But it may be said:—Under the rules made under the Statute 33 Victoria, chapter 3, Natives are now admitted to the civil service without undergoing the training and competition through which the ordinary members of the *covenanted* civil service have to pass. These Natives must in course of time become District Magistrates or Sessions Judges and *ex-officio* Justices of the Peace, and yet the first condition abovementioned is not fulfilled, for they have not shown their general fitness by winning their admission to the covenanted civil service. I admit the flaw, and I would therefore restrict section 2 of the Bill to those Sessions Judges and District Magistrates who are members of the *covenanted* civil service.

6. I know that it has been declared unwise or impracticable to make any distinction between Native members of the covenanted civil service and members of the Native civil service under the statutory rules. I would respectfully protest against this view. There is the widest possible difference between the two classes. It is no insult to Mr. A or Mr. B, who have lately been admitted to the civil service under the statutory rules, to say that there is no comparison between them and, say, Mr. Tagore. When Natives complained of the *exceptional* difficulty they felt in sending their sons home to compete for the covenanted civil service, the reply in my opinion seemed clear:—

It is only natural and proper that there should be *exceptional* difficulty, for a Native who wins a position in the covenanted civil service will hold an *exceptional* position; he will take part in the government of the country, having great power over the members of the dominant race. There is no indignity in this expression, for, as long as England is the paramount power in India, so long an Englishman must be a member of the dominant race.

7. It would be impertinent on my part to pursue this subject further, though I would fain show that the *natural* and inevitable result of admitting Natives to the civil service by the back-door of statutory rules, and then allowing them to rise to the highest executive and judicial posts, must be that in the end we (Englishmen) withdraw from all share in the government of the country. That may not happen for a long time, and it may be quite right and proper that it should eventually happen; but the point which strikes me forcibly is that we should honestly look at the future and admit that this will be (as far as we can see) the natural result of our policy, and that it is what we intend.

8. The admission of Natives to the civil service by the statutory rules, not being now under discussion, must be accepted as a fact which cannot be altered; but we must also accept the fact that there is a vast difference in the training of these gentlemen and in that of those who have won their admission to the covenanted civil service by competition, and that difference must be an important factor in considering their fitness to have criminal jurisdiction over European British subjects.

9. If it be ruled that, for sundry reasons, it is advisable to ignore this difference, and that the training and general acquaintance with English thought and habit which Native civilians under the statutory rules will obtain *after* their admission to the civil service may be taken as an equivalent of those advantages which a Native covenanted civilian has acquired *when* he enters the service (a proposition the truth of which I doubt), then section 2 of the Bill can stand as it is, and *all* Sessions Judges and District Magistrates (whatever their previous training) will be *ex-officio* Justices of the Peace.

10. But the Bill goes much further. It gives Government the power to appoint to that office any Native first class Magistrate who is a member of the covenanted civil service or of the Native civil service under the statutory rules, or who is an Assistant Commissioner in Non-Regulation Provinces. (I omit Cantonment Magistrates, as that class (*d*) is admittedly not meant to apply to Natives.)

Now, I presume that it will be admitted that some exceptional safeguards are necessary for the trial of European British subjects. Otherwise, why is there any distinction drawn at all in the Code? Why should a Sessions Judge be able to sentence a Native to death, while he cannot sentence a European British subject to more than one year's imprisonment. So it is only a question of degree. Where shall we draw the line? Shall we say that, when a Native civilian has reached the post of Sessions Judge or District Magistrate, he shall be *ex-officio* fit to exercise this exceptional jurisdiction (a line that is intelligible and easily defined), or shall we say that, after he has passed his departmental examinations and become a first class Magistrate, then, *if the Government thinks him fit*, he shall be invested with the exceptional jurisdiction?

11. I respectfully submit that this latter proposal amounts to an unsatisfactory, undefined line. How does Government propose to judge of the fitness in each case? By reports from the High Court as to the "cases" sent up by such and such an officer? I submit that, until the officer has exercised jurisdiction over European British subjects, it would be impossible for the High Court to judge of his capability in that direction. By confidential reports from the District Magistrate? This would be better; but still I submit it would cause grave anomalies. In district *A* the Magistrate might think that every Native first class Magistrate is fit to exercise such powers: in district *B* the Magistrate might think that in no case should a Native Magistrate have such jurisdiction. And how invidious would be the distinction.

In district *A* there might be a Native first class Magistrate of five years' standing exercising the powers, while in district *B* there might be a Native first class Magistrate of seven years' standing not exercising the powers. 'Why (the latter would say) am I debarred from exercising the full powers which my junior enjoys? Have I shown myself to be too independent, and is it feared that, if an European British subject comes before me for trial, I shall be unduly severe? Must I truckle to my superiors to attain to the full dignity of my office?' I feel sure that it would be soon found impracticable to draw the line according to the idea of Government as to each man's fitness, and the result would be to lay down a rule that every Native first class Magistrate directly he obtains his first class powers or after exercising his powers for six months or one or two years (whatever may be the limit fixed), should have the usual magisterial jurisdiction over European British subjects.

12. But the Bill says that only first class Magistrates, who are members of the Covenanted Civil Service or of the Native Civil Service under the statutory rules or are Assistant Commissioners, shall, when considered fit, exercise these powers. It omits all other Native first class Magistrates; and yet the Statement of Objects and Reasons says that the time has come to remove *at once and completely* every judicial disqualification which is based merely on race distinctions.

On what ground, then, are the numerous Native Mámlatdárs and Deputy Collectors who are first class Magistrates disqualified from exercising jurisdiction over European British subjects? They have passed the departmental examinations. The only difference between them and the Native Civilians under the statutory rules is that the former have won their position by good service and ability, while the latter have been selected under certain rules—rules which admittedly do not in the slightest degree touch the question of fitness to try Europeans.

13. The case of a district may be easily supposed where the District Deputy Collector has full executive and magisterial charge of talukas *A* and *B*, but cannot try Europeans, while a "statutory rule" civilian has charge of talukas *C* and *D*, and can try Europeans. Some of these Deputy Collectors and Mámlatdárs with first class powers are able men; and, if the Bill is passed as it stands, it will soon have to be amended in order to correct the "anomaly" pointed out above. Therefore, I submit that the Bill does not remove at once and completely every judicial disqualification which is based merely on race distinctions. And I also submit that for that to be done completely, that is, both subjectively and objectively, the term "European British subject" must be expunged from our Criminal Procedure Code. Is Government prepared to go that length? If so, let us honestly say that the present amendment of the law is only an instalment of the final corrections of all anomalies, to which we look forward in the future.

14. I know that a great deal of "sentiment" has been expressed on both sides of the controversy which has arisen regarding the Bill. But I do not think that on this side of India we can share the fears that our wives and daughters will run the risk of unjust convictions by Native Magistrates, or even of unjust prosecutions on the part of vindictive *darzís* or butlers; what I do fear is that Native Magistrates in the mufassal will not have the moral courage to convict an influential Englishman when his punishment is justly due. And therefore I recommend that the new jurisdiction should be confined to officers who have attained an assured position, that is, District Magistrates and Sessions Judges, and officers who hold a corresponding rank in Non-Regulation Provinces (Deputy Commissioners, &c.).

15 To sum up, my opinion is briefly:—

- (a) If the Bill is not to be a final and complete correction of race anomalies in our criminal procedure, let this be clearly understood.
- (b) If the trial of Europeans is to be hedged in with exceptional safeguards, then let the law stand as it is now (that is, that an European should be tried by an European for petty offences and by the High Court in important cases), with this important amendment, which I believe is amply sufficient for administrative purposes, that is, when a Native Covenanted Civilian attains the rank of Sessions Judge or District Magistrate, let him be considered fit to exercise the same jurisdiction as his European colleagues.
- (c) If for administrative purposes it be thought necessary to go further, then let the statutory Civilian be put in the same rank with the Native Covenanted Civilian.
- (d) If it be thought necessary to go still further, then let *all* Native first class Magistrates have jurisdiction over Europeans, but let there not be any ill-defined line, which leaves everything to the opinion of Government as to the personal fitness of each individual officer, and must perforce shut out many Native Magistrates who are as fit as those to whom the jurisdiction will be given.

No. 405, dated 1st May, 1883.

From—E. CORDEAUX, Esq., Sessions Judge, Pána,

To—The Chief Secretary to the Government of Bombay.

In compliance with Government Resolution No. 2258 of 2nd April 1883, I have the honour to submit the following observations on the draft Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. I would, in the first place, point out certain flaws in the draft, which appear to me to be due to oversight, and to point to undue haste in preparing the Bill, which is all the more to be regretted considering the amount of opposition and strong criticism the Bill has been subject to since its publication.

3. To begin with, the effect of the proposed amendment contained in section 1 of the Bill will be to exclude all members of the naval, military and uncovenanted services and all non-official persons from eligibility to be appointed Justices of the Peace. Such a result of the proposed legislation as this could scarcely have been seriously contemplated.

4. Again, why are Assistant Commissioners in Non-Regulation Provinces and Cantonment Magistrates specially introduced in this proposed amendment of section 22 of the Code? As European British subjects, they are already eligible, and as Natives, in the first place, there is, I imagine, nothing to prevent a Native from rising to the appointment of Commissioner or Deputy Commissioner in a Non-Regulation Province; so that, under the proposed law, a Native Assistant Commissioner would become eligible to be appointed a Justice of the Peace; while the Commissioner or Deputy Commissioner would, if a Native, be ineligible; and, in the second place, a Cantonment Magistrate is, as a fact, always a European British subject.

5. In the next place, while provision has been made in the Bill to meet the case of Sessions Judges and District Magistrates, there is no reference to Additional or Joint Sessions Judges.

6. With regard to the merits of the Bill, I would submit that as the opportunity of introducing the proposed amendments was not taken when the present Code was before the Legislative Council of the Governor General, the removal or modification of the anomaly which the Bill is intended to do away with might very well have been left until some future re-settlement of the law.

7. At the same time, I can see no objection to the proposed amendment of section 25 of the Code; for I think, if any Native member, whether of the Covenanted or the Native Civil Service, is fit to be a Sessions Judge or District Magistrate, he should by virtue of his office be a Justice of the Peace. It is essential that the chief district tribunals to the jurisdiction of which European British subjects are amenable should not be reduced in number, and, therefore, the two principal tribunals in each district should always possess such jurisdiction, whether presided over by Europeans or Natives.

8. A change in the law in this respect is inevitable, and, as the Bill is now before the public, it may be as well to carry it through to this extent. A similar provision in favour of Commissioners, Deputy or Assistant Commissioners in Non-Regulation Provinces, with a view of preserving a sufficient number of tribunals exercising the necessary jurisdiction, might be introduced in the Bill.

9. Beyond this, I cannot see what occasion there is for any alteration in the existing law. I would, therefore, leave section 22 of the Code as it at present stands, without any amendment, the amendment of section 25 being sufficient for all practical purposes.

10. Section 443 of the Code should be amended by adding the words "or District Magistrate." The amendment of section 444 of the Code as proposed in the Bill is, of course, consistent with the proposed amendment of section 25.

No. 218, dated 4th May, 1883.

From—J. G. WHITE, Esq., District Magistrate, Surat,

To—The Commissioner of Northern Division, Bombay.

Referring to Government Resolution No. 2258 of the 2nd ultimo, I have the honour to state that, in my opinion, the Bill to amend the Code of Criminal Procedure, 1832, so far as it relates to the exercise of jurisdiction over European British subjects, should be so framed as to provide—

- (a) for the investment with powers over European subjects of all Native members of the civil service who may have attained to the position of a District Magistrate or of a Judge and Sessions Judge, or who may be acting in those appointments;
- (b) for conferring similar powers on any Native civilian, being a Magistrate of the first class, who may have exercised judicial functions for not less than five years, and of whose fitness for the exercise of jurisdiction over Europeans the Government may entertain no doubt.

No. 2217, dated 15th May, 1883.

From—R. E. CANDY Esq., District Magistrate, Kanara,

To—The Commissioner of Southern Division, Bombay.

In reply to your No. 479P. of 18th April 1883, I have the honour to submit copy of a report by Mr. Todd on the Jurisdiction Bill, and to give my opinion as follows:—

Every officer who rises to the important post of District Judge or District Magistrate must *ex-officio* have jurisdiction over Europeans, whether he be a European or a Native.

No Native should be promoted to either of these posts unless Government have good reason to believe he will exercise such jurisdiction with perfect impartiality.

I respectfully beg to submit that in no other case does the law call for any change, and, except in the case of District Magistrates or District Judges, no Native Magistrates outside the Presidency-towns should be invested with jurisdiction over European British subjects.

No. 452, dated 7th May, 1883.

From—J. H. TODD, Esq., Sub-Divisional Magistrate, Sirsi,  
To—The District Magistrate of Kanara.

With reference to your endorsement No. 1641 of 11th ultimo, I have the honour to inform you that I consider section 2 of the Jurisdiction Bill, which makes all Sessions Judges and District Magistrates *ex-officio* Justices of the Peace, and, therefore, will confer jurisdiction over Europeans on Native Civilians who attain those positions, is quite unobjectionable.

2. In the Bombay Presidency, the positions of Sessions Judge and District Magistrate are attained to only after several years' service, and it appears to me quite unreasonable to suppose that an officer who is fit to perform the duties of the judicial and magisterial head of a district is not fit to be entrusted with the very limited jurisdiction over European offenders given to the Mufassal Courts by the Criminal Procedure Code. Europeans in the Mufassal are at present subject to the control of Native police-officers, and I should think that they would on this account be more liable to insult and annoyance than were they rendered liable to be tried by Native officers in the position of a Sessions Judge or District Magistrate.

3. With regard to the 1st section of the Bill, I think that Native officers under clauses (a) and (b) should not be eligible to be made Justices of the Peace till they had served some time in a magisterial capacity. I would make this term ten years. This would cause no inconvenience, as in every district there is nearly sure to be one or more Civilians of over ten years' service; and after ten years' service Government would be able very accurately to judge whether any Native Civilian would be likely to abuse his powers were he given jurisdiction over Europeans. With regard to the officers mentioned in clause (c), as I have no knowledge of from what manner of persons the post of Assistant Commissioners in Non-Regulation Provinces (when not Covenanted Civilians) are appointed, I cannot give an opinion as to their fitness to be given jurisdiction over Europeans. With regard to Cantonment Magistrates, I consider that, looking to the particular nature of their duties, military men should, as a rule, hold such appointments, and there can hardly be ever any serious difficulty in finding qualified military officers to fill such posts.

4. For the reason stated in paragraph 4 of this letter and because Assistant Sessions Judges would not always after three years' service as such have attained to ten years' service, I should alter the proviso to one that he should be of at least ten years' service.

No. 1368, dated 7th June, 1883.

From—M. H. SCOTT, Esq., Sessions Judge, Ahmadnagar,  
To—The Chief Secretary to the Government of Bombay.

In accordance with Government Resolution No. 2258 of 2nd April last, I have the honour to submit the following remarks on the Bill to amend the Code of Criminal Procedure, 1882.

2. I am unable to understand why there should be any restriction with regard to the persons who may be appointed Justices of the Peace. By the proposed alteration, many persons otherwise admirably qualified will be ineligible for the office of Justice of the Peace; for instance, a Covenanted Civilian, who is a Justice of the Peace up to the date of his retiring from the service, would be ineligible the day following his retirement; and there are several officers who might usefully be invested with the powers of a Justice of the Peace who, not coming within the classes mentioned in section 22 as amended, or not being first class Magistrates, could not be appointed as Justices of the Peace.

3. It may be worth consideration whether Justices of the Peace might not be abolished in India. Such powers as are necessary could be conferred under the Code of Criminal Procedure. If it be deemed necessary to retain the office of Justice of the Peace in regard to matters other than criminal jurisdiction in such cases as is necessary, persons might be invested with the powers of a Justice of the Peace for such purposes as might be requisite only.

4. I adhere to my former opinion that Sessions Judges and District Magistrates or officers occupying positions with similar powers (Assistant Judges, F. P., for instance) may, if Natives, be vested with the same powers as regards European British subjects as European members of the Covenanted Civil Service holding similar appointments. But I do not think any further alteration in the present law as regards jurisdiction over European British subjects seems necessary. If an alteration be desirable, a beginning might be made by allowing an European British subject to accept, if he desired, the jurisdiction of a Court presided over by a Native officer, who would then have full power to try him as if he were himself an European British subject.

5. It might also be well if benches of Magistrates or Justices were formed, composed of both European British subjects and Natives, who might begin by trying petty cases and

eventually be invested with such powers as might be convenient. Or Native Assistant Judges at head-quarters might be empowered to try European British subjects in such cases as were referred to them by the Sessions Judge. In such cases, the accused might, on good ground being shown, object to the order transferring his case for trial, and would be able to apply to the Sessions Judge, during the trial, if necessary, with an appeal against conviction if found guilty.

6. I believe the appointment of Natives as Assistant Judges would be in every way satisfactory. They might be selected from the Subordinate Judges, and would supply a cheap and effective means of relieving the District and Sessions Courts. It would, of course, still be necessary that members of the Covenanted Service should be appointed as Assistant Judges to acquire the necessary training, but there are several districts which are at present without any Assistant Judge, and the experiment might be tried in these, at first, of appointing Native Assistants.

7. With regard to the principle of empowering Natives to try European British subjects, the fitness of the trying officers is not so much a consideration as whether it is necessary to deprive European British subjects of the privileges they now enjoy.

8. But, further, the position, feelings and ideas of the European British subjects most likely to be affected by the proposed changes should be carefully considered. The greater number of these persons belong to classes which always consider a Native, no matter how high his rank, as an inferior. Resistance to the jurisdiction of a Court, and possibly terrorism of the presiding officer, though eventually severely punished, may do much to bring the Court or the officer into contempt, or impair their usefulness, and may injure the officer concerned by destroying his firmness and confidence.

9. For, to be of any use, the Native officers empowered to try European British subjects will have to be stationed, as a rule, at a distance from any superior authority from whom they might obtain countenance or assistance.

10. There is perhaps not much fear that false complaints by Natives against European British subjects would increase if the Court ordinarily used were presided over by a Native in the usual course of things, but it is possible that, in some of the remoter districts, European British subjects, if rivals in business, might endeavour to injure one another at a busy season by false complaints, presumably made by subordinates against their employers, and these complaints might be met by the accused and his employer's terrifying the trying authorities. But such matters may be left to settle themselves. It will always be open to Government to appoint a European Magistrate where one seems to be required, or to substitute Native for European agency where advisable.

11. It is obvious that, if the number of European British subjects in India increases, as it has a tendency to do, and if the number of officers who can try European British subjects decreases or remains stationary, there must come a time when more or less jurisdiction over European British subjects must be conferred upon Native officers. It is also probable that, if such jurisdiction were conferred, a European British subject would prefer the nearer to the more remote tribunal in the majority of cases. The cases in which a Native Magistrate could try a European British subject would not be numerous, and would usually be trifling in nature; and a busy man would no doubt prefer to pocket his pride and be tried by a Native Magistrate rather than lose time and money by travelling to and from the Court of the European Magistrate.

12. The term "European British subjects" is, as has been pointed out during the debates on the Bill in the Viceregal Council, "a mere legal creation of the Indian Criminal Procedure Code." The applicability of the term since it was first used has been already more than once changed, and it may be changed again. The present definition is anomalous, because the great-grand-children of one brother may be European British subjects and those of another may not, though both brothers may have the same father and mother. And the child of a Native father and mother, if born in England, is an European British subject. It may be that some so-called European British subjects now in office may be, under the Code of Criminal Procedure, really Natives. "Colour has nothing to do with it, as Mr. Gibbs has observed; "a perfectly white person may not come within the definition, while a decidedly dark one may." And it must be in many cases an exceedingly difficult matter for an accused person to prove that he is an European British subject; and if an European British subject is always to insist on trial by an European British subject, he will either have to always carry his credentials with him, or possibly remain in custody or untried till he can procure them.

13. But, though it is easy to point out anomalies and suggest advantages, I think it is a question whether the time has come for so sweeping an alteration as that proposed. It is quite probable that the opposition which the Bill has provoked is in character much the same as that roused by the proposal to open museums, &c., on Sunday in England. The working classes consider that the day of rest itself would by the measure be endangered, and possibly finally lost to them, and they are extremely jealous and apprehensive on the point. Similarly, Europeans in India cannot believe that, if the proposed Bill becomes law, the privileges left to them may not be swept away. Whether they would be any the worse off if their privileges were so removed may be a question, but I certainly think the changes, if made, should be gradual.



No. 698, dated 10th April, 1883.

From—A. C. WATT, Esq., District Judge, Dharwar,  
To—The Chief Secretary to the Government of Bombay.

In reply to Government Resolution No. 2258 of 2nd April, 1883, forwarding a copy of a Bill, and the Statement of Objects and Reasons therefor, to amend the Criminal Procedure Code of 1882, I have the honour to inform you that, on again reading carefully my confidential letter No. 722 of 20th May, 1882, I see no reason, notwithstanding all the agitation which has taken place, to alter the opinion I then gave. My opinion, of course, only extends to the Bombay Presidency, as I have never served elsewhere.

2. I repeat that I think there ought not to be a distinction between European covenanted civil servants and the two Native covenanted civil servants in this Presidency who have entered the service by competition. But as regards those members of the covenanted civil service who have been more recently put in by selection or patronage, I do not think that, at all events for some years to come, it would be advisable to confer on them any jurisdiction in criminal cases over European British subjects.

No. 731 P. Confidential, dated 22nd May, 1882.

From—A. CRAWFORD, Esq., Commissioner, Southern Division, Bombay,  
To—The Chief Secretary to the Government of Bombay.

In reply to your letter No. 2985, Confidential, of 13th instant, I beg to state that, in my opinion, it is very desirable to place all the members of the covenanted service, whether European or Native, selected by *competition* on the same footing with regard to criminal proceedings against European British subjects. As regards those appointed by nomination (Native civil service), it will not be invidious, at least for some time to come, to lay down that they shall not try European British subjects unless they have exercised magisterial powers for three years. A similar restriction has been placed on all Assistant Sessions Judges (*vide* section 444 of the new Criminal Procedure Code).

No. 234 S. P., dated 6th May, 1883.

From—A. CRAWFORD, Esq., Commissioner, Southern Division, Bombay,  
To—The Chief Secretary to the Government of Bombay.

I have the honour to state, with reference to the Bill to amend the Code of Criminal Procedure of 1882, that I adhere to the opinion expressed by me on 22nd May last, No. P. 731 Confidential.

No. 506, dated 23rd April, 1883.

From—LIEUT.-COLONEL G. C. GRANT, Sessions Judge, Karachi,  
To—The Under-Secretary to the Government of Bombay.

With reference to Government Resolution, Judicial Department, No. 2258 of 2nd April, 1883, forwarding for opinion copy of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to submit my views briefly as follows:—

2. I wholly disapprove of the provisions of the Bill. The arguments against the proposed modification of the existing law have been so ably stated by the opponents of the Bill, and notably by Sir James Stephen, that it is needless for me to recapitulate them.

3. I imagine that one of the objects of the Government of India in consulting local officers is to ascertain whether, in the part of India with which they are connected, any administrative inconvenience exists in consequence of Native Magistrates not exercising jurisdiction over European British subjects, such as is alleged by the supporters of the measure. I have been in civil employ in Sind for 23 years and have been a Judge in the province for 20 years, and have never heard of any such administrative difficulties whatever. I feel confident that none exist.

4. If the Government of India, notwithstanding the overwhelming consensus of non-official European opinion against the Bill, are determined to proceed with it, I am of opinion that the proposed jurisdiction should be given only to Natives of the covenanted civil service who have attained the position of Sessions Judge or District Magistrate. In conclusion, I may state that I consider the proposed legislation most ill-timed and wholly unnecessary.

No. 921, dated 10th May, 1883.

From—W. H. PROPERT, Esq., Acting Commissioner, Northern Division, Bombay,  
To—The Under-Secretary to the Government of Bombay.

I have the honour, as directed in Government Resolution No. 2258 of 2nd April, 1883, Judicial Department, to submit the reports of the District Magistrates in this division upon



the Bill to amend the Code of Criminal Procedure, 1882. The District Magistrates of Kaira and Kolába have forwarded, in original, separate reports by their assistants and deputies, and these also will be found amongst the papers herewith sent.

2. As regards my own opinion, I have but little to add to the views I expressed, as Collector and Magistrate of Khandesh, when the question was mooted last year.

3. I then stated that a few years hence some or all of the changes now proposed by Mr. Ilbert will probably have to be made, but that, in my opinion, their introduction should be delayed as long as possible. I further stated that *as a rule*, Native Magistrates in the Mufassal would rather not have the power to try Europeans, and this opinion I still hold.

4. I should now be glad to see Mr. Ilbert's Bill placed on one side and its further consideration deferred for an unlimited period, as I certainly think that the objections raised to its proposed provisions on the part of the European population of this country are based on solid grounds, and are therefore worthy of consideration and respect.

5. It would, of course, be unbecoming for me or any other officer to hazard an opinion as to whether the Government of India can, just at this moment, shelve the Bill without loss of dignity. If, however, it be decided to proceed with the amendment of the Criminal Procedure Code, I would earnestly recommend that the appointment of Justice of the Peace in the Mufassal be conferred *only* upon members of the Covenanted Civil Service, that is, those who gained their position by competition in England.

6. It would be easy for every one of us to argue at great length in support of our own particular view of the question, but, as the matter has already been publicly and officially considered from every possible point of view, it is undesirable for individual officers to say more than is absolutely necessary. It may be taken as proved, however, that the general

\* *E. g.*, *vide* the opinion of the Magistrate, First Class, Mr. Bahmanje Modi, of Kaira, herewith sent.      opinion of Europeans of every class, and of a few Natives\* also, is opposed to a change in the law.

No. 744, dated 23rd May, 1882.

From—G. M. MACPHERSON, Esq., District Judge, Surat,

To—The Chief Secretary to Government of Bombay.

I have the honour to forward the report called for in Mr. Peile's letter No. 2985, Confidential, of 13th instant.

2. In my opinion, all members of the Covenanted Civil Service, whether European or Native, who have been selected in the ordinary way, but excluding those appointed in India, should be placed on the same footing as regards trying European British subjects. They have entered the service in the same way, they have had a good education to commence with, have passed the same examinations and have gone through the same training, while those of them who are Natives of India have acquired some knowledge of the ways of Europeans in their own country.

3. The great difficulty in making any changes in such matters is to know where to draw the line and where to stop. Theoretically, all men may have a right to be treated in the same way before Courts of law, before which all are equal. The obligation to obey the law and the liability to be punished for breaking it is the same in the case of all subjects, European or otherwise. A Court entrusted with power to decide whether one man has committed an offence within its cognizance should presumably be able to decide whether any other person has committed that offence. *Prima facie* no man should be allowed to say to a Court of his land "You are fit to try A. B. for theft, but you are not fit to try me for the same offence." And it might be argued that the law should not speak virtually to that effect, by making personal distinctions as to certain classes, who are not to be tried or are to be tried by particular Courts. And the anomaly seems still greater when the restriction seems in favour of one special class, and is based simply on the nationality of the person tried or of the Judge who tries him. To the philosopher this may seem very unjust.

4. But other considerations come into play, and practically force us to this anomaly, which at first seem so unjust. I shall restrict myself simply to those which seem to me to bear on the restrictions above suggested by me. The very circumstances of the country make it inadvisable in the interests of justice that power to try European British subjects should be given to all Courts. To say "You shall try some European British subjects, but not all" would be still more unjust than to say "You shall try no European British subjects," for it would introduce both a personal and a class distinction. In the Presidency-towns, where there are numerous Europeans of all classes, the Presidency Magistrates try all irrespective of race. In large military stations, where there are European regiments, there are Cantonment Magistrates. In most other parts of the Presidency, except in one or two places where there are many railway employes, the Europeans chiefly met with are men of education and good social position; in many parts they are almost all officials. They are people who may be said never to commit the petty offences for which people are usually tried by the lower grades of Magistrates. Suppose a charge brought against one of them, whom one of these Magistrates acquitted; all the disaffected people in the neighbourhood would at once exclaim that the Magistrate was afraid to convict one who was probably a friend of the Magistrate's superior officer. However proper the acquittal might be, it would, as a matter of course, by many be put down to improper reasons. Now, when we see how often Native newspapers believe every European,

especially every European official, to be guilty of every charge brought against him even by anonymous correspondents, it may be imagined what would be the outcry against Europeans who were acquitted by the lower grades of the magistracy. From my own perusal of newspapers it seems to me that some papers believe every European official must be guilty of every offence suggested against him, and every acquittal of a European is considered a failure of justice. Much more would this be the case were Magistrates generally vested with the power to try Europeans.

5. Assuming, then, that for their own sake, and for the sake of justice, all Magistrates cannot be vested with this power, the question comes to be "Who should be so? Where should the line be drawn?" To select some Magistrates and leave out others of the same grade would lead to all sorts of personal reflections, while some who might pass very high examinations would be very unfit to be entrusted with the power. Again, the fact comes into play that the customs of the two races vary very much. It is often a complaint against Europeans that they know very little of the real habits and thoughts of the people of this country. But equally true it is that very few of the Natives of this country know much of our ways. Even of those who come into contact a good deal with Europeans, few understand our social habits, our freedom of intercourse, our domestic matters or those motives which go so far in forming the rule of life. Here, I think, we have a definite point where the line may be drawn.

6. A Civilian who has passed the examinations at home must of necessity have learned much more of European life and customs than one who has not been in Europe, but who, without leaving his own country, has been nominated to an appointment in the service. Living as one in a crowd, he must see more of European life, both good and evil, passing before him than he would do in this country. Wherein our habits differ from those of this country, wherein the motives and principles which mould our lives differ from those of his own countrymen, how the freedom of our domestic and social intercourse varies from what he has been accustomed to, are matters which he will see as a young man in England in a way that he can never do by mere intercourse with Europeans in this country.

7. Since I first thought of the subject when the Criminal Procedure Code of 1872 was under discussion, I have never seen why there should be any distinction of this nature between members of the Civil Service, occupying similar official positions, or why one Sessions Judge or Magistrate (of the Covenanted Civil Service) should have more or less power than another filling a corresponding office. But the "Native Civil Servants" appointed in India have had neither the same training nor the same advantages of residence in Europe as their countrymen who passed into the service by competition, and this seems to me to give a distinct place where to halt.

8. If the latter (the Native Civil Servants appointed in India) receive the power under discussion, apart from inherent disadvantages which I trust I have shown to exist, there will be the great disadvantage that there will be continual pressure to advance still further. It would be asked why a Magistrate who has passed his examinations creditably and done good service should be prevented from exercising the full magisterial powers vested in a man, his equal, who owing to patronage or interest had acquired one of a few appointments limited in number and therefore open to very few.

9. We live in an age when everything conceded leads to a demand for still more. In this matter, a very plausible cry might be raised for equality in the powers of Magistrates and Judges without invidious questions of birth and race. An outcry in this country as to this will meet a response from, and be re-echoed by, many in England, who know very little about India, but will shout for equal justice and equal privileges for all without regard to nationality. If people who receive their appointments owing to patronage are vested with the power in question, it will be asked why their countrymen for whom such appointments from their fewness could not possibly be found, but who have obtained equal magisterial rank and passed examinations in law, should not have the same power. It would be to little effect simply to say "Because one set was appointed to the Covenanted Civil Service and the others were not." It seems to me that a far more satisfactory answer would be "All who enter the service in the regular way have the full powers of the offices to which they are appointed."

No. 829, dated 10th May, 1883.

From—G. M. MACPHERSON, Esq., District Judge, Surat,  
To—The Chief Secretary to the Government of Bombay.

I have the honour to forward the report called for in Government Resolutions No. 2258 of 2nd April and No. 2746 of 23rd April 1883.

2. In my confidential No. 744 of 23rd May 1882, I replied to a letter so far on the same subject, and in it I stated that "in my opinion all members of the Covenanted Civil Service, whether European or Native, who have been selected in the ordinary way, but excluding those appointed in India, should be placed on the same footing as regards trying European British subjects." The reference then made in your No. 2985 (confidential) of 13th May 1882, was simply as to members of the Covenanted Service, whether European or Native. The Bill, however, now under report goes beyond that proposal, and includes "Assistant Commissioners in Non-Regulation Provinces or Cantonment Magistrates," as well as Civilians entering the service by competition and members of the Native Civil Service constituted under the Statute 33 Vic., chapter 3.

3. In my report above referred to, I expressed a strong opinion that the power of trying European British subjects should not be given to Native Civilians appointed in India. This I supported by showing that an outcry would be raised in favour of giving to uncovenanted officers, who had done good service and had done well as Magistrates, the same powers as might be given to the Native Civilians appointed without visiting England and studying there, as is necessarily the case with Civilians entering the service by the regular mode of competition. I would beg to refer to that report, and specially here I would quote from paragraphs 3 and 9. "The great difficulty in making any change in such matters is to know where to draw the line and where to stop. .... We live in an age when everything conceded leads to a demand for still more." These remarks have been most fully justified by the fact that by many organs of Native opinion the concessions now proposed are looked on as only a first instalment, while it is claimed in violent language that every European British subject should be liable to be tried in any Court, without any restriction as to the amount of punishment to be inflicted, so long as it is within the limits laid down by the Penal Code, and does not exceed the general powers of the Court trying him.

4. During my recent absence on privilege leave, I learned facts which show that, in Bengal, the feelings with which many influential but non-official Englishmen living in the mufassal are regarded by their wealthy neighbours are such as would make it very difficult for a Native Magistrate living in those parts to administer strict and unbiassed justice in disposing of cases involving Europeans.

5. The outburst of race-feeling and animosity with which this Bill has been received by both sides confirms what I learned when absent on leave. I fear that this Bill has done more than almost anything else for long has done to rekindle feelings of animosity between Europeans and Natives, and that it has thrown us back years as regards any advance that may have been made towards more cordial feelings. I fear Government cannot withdraw the Bill altogether, as to do so would give rise to the thought that violent opposition to proposed legislation would force the Government to give it up. It only remains to see what modifications should be made in the present system.

6. I think there has been a good deal of loose talking and writing on the subject. European Judges and Magistrates have been talked of as 'privileged by their race to try Europeans.' The 'privilege' is that of the prisoner or accused person. A juror who is told to stand aside as objected to is not 'privileged' any more than is he who, being unchallenged, acts as juror. The privilege is on the part of the person who can make him stand aside. It is not my privilege that I can try a person whom Mr. Tagore (whose name has so often been mentioned in connection with this matter) cannot try. It is the prisoner who is 'privileged' to claim to be tried by another than Mr. Tagore. I am not aware that much injustice has been caused by the existence of this privilege on the part of European British subjects.

7. Again, it is said, and truly said, that it is an anomaly that this privilege should exist, or that a person entitled to try a Native for theft should not be able to try a European British subject for a similar offence.

8. The question arises whether it is intended to remove all such privileges and anomalies. Many Native gentlemen possess, under section 641 of the Civil Procedure Code, a privilege possessed by no Europeans under that Code, that of exemption from personal appearance in Civil Courts. Section 640 of the same Code exempts many Native women from personal appearance in Court (except when arrested in execution of civil process). These are privileges which tend to defeat justice. Natives look on a person exempt from appearance in Court as so far above the Courts. Examination by commission cannot be as effectual for the ends of justice as examination in open Court. No European lady, however high her rank, is allowed the privilege of these Native women, many of them very uneducated and deficient in culture. Are the people who now cry out so loudly against the injustice, which they allege is caused by the privilege of comparatively few European British subjects, prepared, for the ends of justice and for the sake of equality, to give up these privileges? Of course they are not, and Government has shown no intention of removing these privileges. It is an anomaly that assessors should be asked their opinions when these need carry no weight. To remove this anomaly except by the abolition of assessors is impossible. It would certainly be an anomaly that a European lady should be forced to appear as an accused party in the Court of a person whose wife is privileged not to appear even as a witness in a Civil Court. If all privileges and anomalies are not to be swept away, I object to the removal only of those which affect Europeans while those affecting Natives are allowed to remain in full force, especially as this anomaly is productive of good.

9. I have shown in my former report on this subject why I thought that, in the interests of justice, the right of trying European British subjects should not be generally given to Native Magistrates. I regret to say that, since writing that report, I have seen ample reason to justify part of my remarks in actual life. Without going into details, I have seen and learned of cases in which influential Native gentlemen were concerned, in which, though the trying Judge doubtless intended ultimately to act impartially, he gladly availed himself of every opportunity of putting off a decision or an order which might offend an influential man.

10. The proposed Bill would abolish some powers of Honorary Magistrates who are now Justices of the Peace. I understand that in Bengal there are numerous European Magistrates not in the Covenanted Civil Service who are Justices of the Peace. Such people could no longer be appointed under the proposed amendment. Thus, to enable a few people to try cases, many

will be disqualified. This will lead to the anomaly that such Europeans will be able to try Natives but not Europeans.

11. Thus, considering the state of angry feeling on the subject, and the little practical advantage to be gained from the change, I am of opinion that, were it possible, no change should be made at present. But this cannot be. The Government of India has gone too far to draw back. I think every Sessions Judge and District Magistrate should be *ex-officio* a Justice of the Peace, and be empowered to try European British subjects. No Magistrate has a right to be a Justice of the Peace, and it is no anomaly that one Magistrate, first class, should be a Justice of the Peace while another is not. But it is a great anomaly that a District Magistrate or Sessions Judge should not be able to try a European British subject who is liable to be tried by subordinate first class Magistrates in the same district. Government select the officers whom they are to appoint to be Magistrates or Sessions Judges in particular districts, and can thus avoid sending particular officers to districts where it would not be advisable that they should be. I think the privileges of *parda nishin* women are allowed to an extent never intended by the Legislature, which would scarcely intend that Native ladies who drive to a bandstand, or Native women who belong to families of low caste but wealthy, should be exempt from appearance in Court as witnesses. But, so long as this is done under High Court sanction, I do not think any Native can reasonably object if an English woman claims to be tried criminally by her countryman; and therefore I would give every female European British subject the right she now has. This of necessity implies that her husband, &c., shall possess the same right. I, therefore, think that, considering the unfortunate circumstances that have arisen, the only course is to amend the Bill so that every District Magistrate and Sessions Judge, members of the Covenanted Civil Service, shall *ex-officio* be Justices of the Peace and shall be able to try European British subjects, but that all European British subjects shall have the right of claiming to be tried by a Magistrate or Sessions Judge who is a Justice of the Peace and European British subject. As it would apparently be impossible to distinguish between those Native members of the Civil Service who are selected by competition and those who are appointed in India without leading to never-ending unpleasantness and assertions of right, and as I do not think the latter should as first class Magistrates be Justices of the Peace, I think only the Native members of the service who are District Magistrates or Sessions Judges should exercise the above right.

No. 1066, dated 12th April 1883.

From—G. B. REID, Esq., Acting District Magistrate, Ahmadabad,

To—The Chief Secretary to the Government of Bombay.

With reference to the Bill to amend the Code of Criminal Procedure, 1882, forwarded with Government Resolution No. 2258 of 2nd April 1883, I have the honour to report that the Statement of Objects and Reasons does not seem to me to give any satisfactory reason for changing the law. So long as Europeans are entitled to a trial in the High Court for all but trivial offences, it seems unnecessary to abolish one particular anomaly, especially when there is such a very strong feeling in the European community.

It is not a question which concerns the Native community or any considerable class of it, and the *amour propre* of a few Native Magistrates and Judges cannot be considered to weigh against the very strong feelings of thousands of Europeans.

Ten years have elapsed since the Criminal Procedure Code of 1872, and if any practical difficulty had been felt, the proposed change would presumably have been embodied in Act X of 1882, which it is now proposed to alter. This is in itself a strong argument against the existence of any present necessity.

On the other hand, if the Government of India pursue their present policy of introducing a large proportion of Native gentlemen into the service, it will be absolutely necessary for administrative reasons to give Native Judges and District Magistrates the same powers as their European brethren. It is impossible to predict, but I believe that the objection of non-official Europeans will be as strong ten years hence as it is now. It is, I think, much to be regretted that the Bill has been avowedly based on a wish to remove an anomaly instead of on the administrative necessity of having in each district a judicial officer competent to exercise the powers over Europeans in the Mufassal given to Judges and District Magistrates by Act X of 1872.

4. Speaking of the Bombay Presidency, I am of opinion that some such alteration will have to be made in the course of years, but there is not at present any necessity for it, and that the change should, at any rate, be limited to Judges and District Magistrates and officers of similar functions in non-judicial Provinces.

No. 1460, dated 13th April 1883.

From—J. R. MIDDLETON, Esq., District Magistrate, Dharwar,

To—The Commissioner, Southern Division, Bombay.

With reference to Government Resolution No. 2258, dated 2nd instant (Judicial Department), I have the honour to state that, in my opinion, the proposed change in the law is, in this Presidency at least, quite uncalled-for. For many years to come the number

of cases in which inconvenience would be caused by the present law will be very small. I have not seen a single instance quoted in which inconvenience had been felt. The Bill has been justified on the ground that cases may arise, for instance in Kanára, where the Judge is a Native, in which inconvenience might be felt. Practically, therefore, the present law is not found to be defective. Public opinion in favour of Native Judges and Magistrates was slowly ripening, and, if the Bill had been deferred until the number of these Native officers had increased, and the experience of a few cases had brought the disadvantages of the present law prominently to notice, the change would have met with little or no opposition.

2. Setting aside, however, the policy of making the change when there was no pressing necessity for it, and when it was certain to stir up bitter race animosities, I consider that the removal of the restriction which prevents Native officers of experience and proved ability from trying European British subjects is quite justifiable. The powers which even European Sessions Judges and first class Magistrates have as regards European British subjects are limited, and Native officers who have risen to either of these ranks may safely be invested with them.

No. 1879A, dated 31st May 1883.

From—F. H. SOUTER, Esq., Commissioner of Police, Bombay.  
To—The Secretary to the Government of Bombay.

I have the honour to acknowledge the Resolution of Government in the Judicial Department, No. 2258 of 1883, dated 2nd ultimo, with copies of documents attached and noted in the margin, in which I am called upon for my opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882.

Statement of Objects and Reasons.  
amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects.

2. Perhaps few legislative measures in this country have so largely roused an influential body of the people in the same manner as the proposed Bill to vest Magistrates who are Natives of this country with jurisdiction over European British subjects.

3. In expressing an opinion now on this important question I do so with the advantage of having heard the subject fully and widely discussed in all its bearings, and, with these opportunities, combined with my long police experience, and after weighing the consensus of public opinion, I have arrived at the conclusion that the proposed measure is premature, and, if introduced at the present time, will be calculated to cause serious results prejudicial to the interests of European British subjects in India.

4. It appears to me, however, that the proposed jurisdiction over European British subjects might, in the first instance, be reasonably extended to Native members of the Covenanted Civil Service, and also to those members of the Civil Service nominated in India without competition.

5. The very position of such officers, I submit, demands that the existing anomaly be removed, and their official duties wholly assimilated with those of the European Civilians, as to continue so marked a distinction would not only be invidious, but unquestionably detract seriously from the object which no doubt Government had in view when conferring so great a boon as the throwing open of the Covenanted Civil Service to the Natives of India.

I regret that, through inadvertence, this report should not have been submitted previous to my availing myself of my present privilege leave.

No. 520, dated 8th May 1883.

From—H. BARRY, Esq., Acting District Judge, Shikarpur,  
To—The Under-Secretary to the Government of Bombay.

No. 2258 of 2nd April 1883, calling for opinion on Bill to amend the Criminal Procedure Code, 1882, as regards the exercise of jurisdiction over European British subjects.

With reference to Government Resolution marginally quoted, I have the honour to give my opinion as follows.  
1. It is proposed to empower Local Governments to invest Covenanted Civilians, members of the Native Civil Service, and Assistant Commissioners and Cantonment Magistrates with power to sentence European British subjects to imprisonment for three months or Rs. 1,000 fine. It is also proposed to give all Sessions Judges and District Magistrates jurisdiction over Europeans.

2. The measure has, no doubt, been much misunderstood by the general public and grossly misrepresented by individuals who must have known its import.

3. As regards the extension of the jurisdiction of first class Magistrates, I have the honour to state that, in my opinion, no advantage would be attained by the abolition of the peculiar privilege of European British subjects commensurate with the uneasiness and alarm which, it appears, such abolition would excite.

4. I am not aware of any practical inconvenience having ever arisen from the restrictions heretofore placed on the jurisdiction of first class Magistrates over European British subjects. The only inconvenience which suggests itself to me as likely to arise in some exceptional cases is that a European charged with some petty offence might, under the present law, have to be sent to another Magistrate in the same district to undergo his trial. As, however,



there are generally several European Magistrates in a district and an accused could always waive his privilege under section 454, this does not appear to call for a change in the law.

5. I do not think that objection can reasonably be taken to the existing state of the law merely on the ground that it preserves race distinctions, or that the proposed change would efface those distinctions from the Code.

6. The peculiar procedure which applies to Europeans is defensible on other grounds than invidious race distinctions. Very few Mufassal Magistrates have lived for any length of time in Europe or know very much of European customs. Both to the Magistrate and to the accused it would be a decided disadvantage, in cases against or between Europeans, to have the proceedings conducted in a language which was neither common to both, nor the language in ordinary use in the Court. Mufassal Magistrates, moreover, have not, as a rule, any special judicial training. In cases where race feeling would almost invariably arise, the appreciation of evidence would present exceptional difficulties. This seems to have been recognised by the Legislature in limiting the jurisdiction of even European British Magistrates to petty cases. It is not proposed to do away with this last-mentioned limitation of jurisdiction. It cannot, therefore, be said that the change would efface all race distinctions.

7. I do not myself think that the safety of Europeans would be at all endangered by the proposed change. I think it quite as likely that Native Magistrates would err, in such cases, on the side of leniency as on the side of severity. But the fact that the class to be affected by it regards the measure with distrust and alarm, and that no material advantage would be secured by it, is, in my opinion, sufficient ground for abandoning a measure which seems likely to produce no results but the race animosity which it is intended to dispel.

8. As to the jurisdiction of Sessions Judges, I think the case is different. There is only one Sessions Judge to a district where there may be many first class Magistrates. If the present disqualifications are preserved, the greatest inconveniences might occur. A European committed on a petty charge by a fellow countryman would have to go, in many cases, hundreds of miles, perhaps in custody, for trial by a High Court, and the expenses of the proceedings would be very considerable. A Native Civilian who has power to pass sentences of death on fellow natives of other castes and creeds must be monstrously unfit for his post if, after all his training and experience, he is not to be trusted to pass sentence of a year on a European or to transfer the case to a High Court. I fail to see any ground for disqualifying such Native officers except race-distinctions, which could not be otherwise than invidious.

No. 991, dated 19th May 1883.

From—H. BIRDWOOD, Esq., Judicial Commissioner, Sind,  
To—The Chief Secretary to Government, Bombay.

With reference to Government Resolution No. 2258 of the 2nd ultimo, I have the honour to state that, though, in my opinion, it would have been advisable, for the reasons given in my letter No. 1003 of the 2nd June 1882, to have postponed any legislation for the amendment of Chapter XXXIII of the Code of Criminal Procedure, 1882, for a few years, that is, until a further and general revision of the Code became necessary, still, as a Bill has now been introduced for the amendment of the Code so far as it relates to the exercise of jurisdiction over European British subjects, it is necessary to proceed with it.

2. I am of opinion that the proposed legislation should be limited, at present, to the following objects:—

- (1) The exception as regards Presidency Magistrates in section 443 of the Code should be extended so as to embrace Magistrates in certain large towns, which should be named in the Bill.
- (2) In all magisterial districts, the District Magistrate, whatever his race may be, should be made a Justice of the Peace, so as to give him power to enquire into and try charges against European British subjects under section 443.
- (3) In section 444, the words "unless he himself is an European British subject" should be omitted, so as to give all Sessions Judges equal jurisdiction.

It seems obvious that an officer who is fit to be entrusted with the duties of a Sessions Judge or a District Magistrate is fit to deal with all classes of cases which may come before him, whatever may be the race of the accused person. If any member of the covenanted civil service showed by his conduct, in any way during the earlier years of his service, any unfitness to deal with any special kind of work which might come before him in a Court of Session or District Magistrate's Court, he would never, it may be presumed, be appointed to preside in any such Court.

- (4) The restriction as regards Assistant Sessions Judges in the latter part of section 444 should be retained, whatever be the race of the Assistant Judge, and, as regards Magistrates below the rank of a District Magistrate, only those should be made Justices of the Peace (whatever their race may be) who have exercised magisterial powers for a certain number of years, say for at least five years, and whose fitness to be appointed Justices of the Peace has been ascertained by the District Magistrate and reported by him to Government.



3. I do not think that any further modification of the Code of Criminal Procedure is at present desirable. The modifications I have suggested will not affect any substantial privileges at present enjoyed by European British subjects. They will not affect the limited punishments to which offenders can be sentenced by Courts of Session and Magistrates; while they will remove the invidious distinction which now exists between two classes of covenanted civil servants in respect of their power to deal with certain cases.

4. It may be right, when the Bill comes again before the Legislature, to consider whether its provisions should be extended equally to all parts of India. In the Bombay Presidency, the moderate changes of the law which I have above proposed could probably be introduced without causing any strong dissatisfaction among any class of the community.

No. 567 J.-D., dated 10th May, 1883.

From—F. B. PRACOCK, Esq., Officiating Secretary to the Government of Bengal,  
To—The Secretary to the Government of India, Legislative Department.

With reference to your letter No. 25 C., dated the 17th March last, I am directed to submit, for the information of the Government of India, a copy of the circular letter\* issued from

\* Nos. 1518-19 J., dated the 27th March 1883.

this office, calling for the opinions of the Legal Remembrancer, of the Commissioners of Divisions, and of selected officers, European and Native, on the provisions of the Bill to amend

† 1. Letter from the Superintendent and Remembrancer of Legal Affairs, No. 34, dated the 10th April 1883.

2. Note by J. Ware Edgar, Esq., C.S.I., Officiating Commissioner, Presidency Division, dated 26th April 1883.

3. Letter from the Commissioner of the Rajshahi and Kuch Behar Division, No. 135 J.-A., dated 2nd May 1883.

4. Letter from the Commissioner of the Chutia Nagpur Division, No. 104 J., dated the 2nd May 1883.

early consideration of each communication. Mr. Rivers Thompson will reserve his own remarks upon the Bill until after the receipt of all the reports of the local officers.

3. I am to add that the Bill and the Statement of Objects and Reasons were published in the *Uriya Gazette* of the 22nd and 29th March last and the 5th ultimo, and in the *Hindi Gazette* of the 17th and 24th ultimo and the 1st instant. The dates of publication in the *Bengali Gazette* will be reported in due course.

Nos. 1518-19 J., dated 27th March 1883.

From—F. B. PRACOCK, Esq., Offg. Secy. to the Govt. of Bengal, Judl., Political, and Appointment Depts.,  
To—All Commissioners of Divisions, the Superintendent and Remembrancer of Legal Affairs.

I am directed to forward herewith a copy of a Bill (with Statement of Objects and Reasons) to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, and to request that you will be good enough [after consultation with selected officers, European and Native, in your division] to favour the Lieutenant-Governor with an expression of your opinion upon the principle of the Bill, and as to the question whether any administrative inconvenience at present arises, or is likely to arise in the future, from the exclusion of native covenanted civilians from the power of trying European British subjects on criminal charges.

2. Your reply to this letter should be despatched so as to reach this office at Darjeeling by the 15th May at the latest.

No. 34, dated 10th April 1883.

From—T. T. ALLEN, Esq., Officiating Superintendent and Remembrancer of Legal Affairs,  
To—The Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments.

In reply to your No. 1519 J. of the 27th ultimo, I have the honour to say that, in my opinion, the proposed Amendment Bill is philosophically and logically vicious in principle, politically inexpedient, and practically impossible, should the Europeans refuse to acquiesce.

2. I apprehend that, after what has been said elsewhere, no lengthened arguments are expected in support of my opinion, and I will content myself with merely referring to the remarks of Mr. F. Stephen in 1872, and the speeches of Messrs. Thomas and Evans, with whose reasonings I entirely agree.

3. If the Bill were passed tomorrow, there are many ways by which Europeans in the mofussil could frustrate and render impossible the exercise of the jurisdiction, and I quite anticipate that any district in which such a jurisdiction were forcibly introduced would very soon be thrown into disorder and confusion, while the Baboo Civilian might be artfully driven into such blunders and misconduct as would necessarily involve his official disgrace. The elements of disorder exist in every district; they are not dead, but sleeping. A very little stimulus and organization would let them loose with formidable force.

4. It has been taken for granted all through that the administration of justice by Native Magistrates in Calcutta is satisfactory, because I suppose complaints are not made against it. Now the absence of complaints is sufficiently explained by the class of Europeans who generally appear as defendants in these courts. Without having given any special attention to the subject, I have read from time to time the newspaper report of proceedings where cases of a more important character were under trial, and the opinion I entertain is that, should any competent person consistently and steadily watch these Police Courts of Calcutta, his conclusion would be that the administration of justice in them is very far from satisfactory, and that nothing but the obscurity and poverty of the vast majority of the defendants prevents a great deal more from being heard of their proceedings.

5. As to any administrative necessity for this amendment, I know of none such at present, and I see no prospect of any such in the near future. A District Magistrate is the one Magistrate in the district who does not need to be vested with special judicial powers, having practically ceased to be a judicial officer. A reference to the High Court's Annual Report on Criminal Justice will show how District Magistrates have in late years withdrawn from the exercise of original judicial functions.

*Note on the Criminal Procedure Code Amendment Bill of 1883 by J. WARE-EDGAR, Esq., dated 26th April 1883.*

Although the opinions of the officers consulted by me will not be received in time to enable me to submit, before being relieved, the divisional report on the subject called for by Government, I feel bound to put on record my views, because almost all my service, from my first appointment to Cachar in 1863 until I left Chumparun in 1882, was spent in tea and indigo-growing districts. I have had therefore perhaps unequalled opportunities of studying the conditions under which these industries are carried on, and have been forced to devote much thought to the very difficult questions connected with the administration of criminal justice in cases in which Europeans are concerned, and the best means of affording effectual protection to the Natives of the country when their interests or rights get into conflict with those of members of the dominant race. Besides this, it appears to me that some most important points connected with the proposed measure have been overlooked, both by its opponents and its supporters, and that these points, if properly understood, would go far to account for the extraordinary outburst of indignation with which the Bill has been received, especially by Europeans living in the tea districts.

Chief among these matters are the real character and history of the compromise of 1872, and the radical and irreconcilable difference between the principle of the Bill as brought into Council, and all the proposals on the subject made since 1857, including that made last year by Sir Ashley Eden, on which the opinions of the Local Governments were obtained. The Hon'ble Mr. Evans, in his speech in Council of the 9th March, gave an account of what had happened previous to and in 1872, and it is not necessary for me to repeat what he has said. I shall merely therefore supply some omissions made by him.

In the first place, he has not brought out with sufficient clearness the facts that previous to 1872 there were really two distinct questions in dispute—the question of increasing the jurisdiction over European British subjects of those mofussil courts in which Europeans presided, and the question of giving jurisdiction to Natives over European British subjects; and that the opposition to the former of these proposals was at least as great as that to the latter. In illustration of this, I shall merely quote passages from a speech made by Sir Arthur Buller on the 7th March 1857, in which he acknowledged frankly that the privilege of British subjects to be tried before the Supreme Court could no longer be maintained, as its maintenance either entailed intolerable hardship upon honest men, or ensured impunity to crime. After this admission, he enumerated the courts to which it was then proposed to make European British subjects amenable. They were the Sessions Court, the Magistrate's Court, Courts presided over by First Assistants to Magistrates and Principal Sudder Ameens, and courts presided over by Second Assistants to Magistrates and Moonsifs, and said: "It was against these tribunals that British subjects protested against all as incompetent, and against some as open to the evil influences of personal prejudice and antagonism of race." Later on in the speech, after calling attention to the danger Europeans would run if liable to be tried by prejudiced Muhammadans, he took up the question of the European courts and asked whether any of the Members of Council really thought that "the boys who acted as Assistant Magistrates, or that the Magistrates themselves, wholly untrained, as they were, to their profession, and wholly unaided either by a jury or by any competent bar, were fitting depositaries of the vast powers proposed to be entrusted to them? He imputed to these gentlemen no fault save that of youth and inexperience. Fine, manly, intelligent young fellows they were, all fully his equals, he was free to admit—many greatly his superiors in natural abilities; but still the fact was undeniable: they were young and inexperienced, and youth and inexperience were not the best qualifications for the Bench."

The meeting prevented the further discussion of the Procedure Bill for some time, and when the matter was again taken up in 1859, the proposal to extend the jurisdiction of the mofussil courts does not seem to have been revived, but there was a very evident desire in the minds of some of the Members of Council to remove the disqualification under which Natives laboured in dealing with cases in which European British subjects were concerned. In the

course of the debates on this subject, Sir Barnes Peacock, then Chief Justice of Bengal and Vice-President of the Council, made the following statement :—" The Honourable Member for Bengal had referred to the section of the Charter Act which said that no Native of India was disqualified, as such, from holding any place, office, or employment under Government. The present question related not to disqualification, but to qualification. A Native was not disqualified from becoming a member of the Civil Service. He might go to England, pass his examination, and come out as a Civil Servant. He was not disqualified from becoming a Civil Servant, or, when a Civil Servant, from being appointed a Justice of the Peace ; but he was not qualified to be Justice of the Peace unless he was a Covenanted Civil Servant." It is quite clear from this that the Chief Justice considered that, under the statute then in force, a Native Covenanted Civil Servant was qualified to be a Justice of the Peace, and this opinion was not controverted by Mr. Harrington or Sir Charles Jackson, who followed Sir Barnes Peacock in debate.

In 1861 the question of extending the jurisdiction of the mofussil courts was not raised, so far as I recollect ; but there was a controversy, much of which is scarcely intelligible to me, about the powers of Native Magistrates in dealing with European British subjects charged with offences. The results were that it was provided in section 39 of Act XXV of 1861 that no person who was not a Justice of the Peace should commit or hold to bail a European British subject, and that the jurisdiction given by Statute 53, George III, clause 155, section 105, and Act VIII of 1853, to Magistrates was restricted by section 42 to Justices of the Peace. Act II of 1869 consolidated and amended the law relating to the appointment of Justices of the Peace. Section III provided that the Governor General in Council for the whole of British India, and local Governments for the territories under their jurisdiction (other than the presidency towns), might appoint Covenanted Civil Servants of the Crown in India, or other British inhabitants, if properly qualified, to act as Justices of the Peace. This description was reproduced from the Statute. It did not, therefore, affect the qualifications of Native Covenanted Civilians to be made Justices of the Peace, and this, I well recollect, was fully understood by Europeans in the tea-districts. In July 1870, Mr. Stephen introduced a Bill to amend the Criminal Procedure Code of 1861, and this was referred to the Select Committee on 17th December of the same year. This Bill, as committed, contained a proposal to allow Sessions Judges to dispose of charges against European British subjects, if they did not claim their right to be tried before one of the High Courts.

While it was being considered in Committee, two circumstances occurred which had important consequences—Messrs. Romesh Chunder Dutt, Behary Lall Gupta, and Surendra Nath Banerjea, the first Native Covenanted Civilians appointed to Bengal, having arrived in India in September 1871, Mr. Surendra Nath Banerjea was, very unfortunately as I have always thought, posted to Sylhet. I was at Shillong when this happened, and there met many planters from Assam. Subsequently I spent some time in the Sylhet district on my way to Cachar, and of course saw many planters in both districts. Their uneasiness and even alarm were very great. They expected that Mr. Surendra Nath Banerjea would in a short time be made a Justice of the Peace, and they looked with great dread at the prospect of his being able not only to fine them heavily, but to commit them to the High Court. More than this, they assumed that there would be thenceforward a regular yearly influx of Native Civilians, many of whom would necessarily be sent to the tea districts, and in the course of time be made Justices of the Peace : and they prophesied that the consequence would be little short of ruin to the tea industry. Of course their forebodings were exaggerated, but I am bound to state that their fears of the result which might be expected to follow the employment of young and untrained Natives as Assistant Commissioners in the tea districts were not groundless, and that the planters would not have been the only or the chief sufferers. The injury done to the Natives of the tea districts, to the imported coolies in the gardens, and even to the Native officers themselves would have been far greater. The other matter to which I have alluded was a statement made in Council by Mr. Stephen on the 16th December 1871, to the effect that the Committee had received a most important paper from the Government of Bengal, containing a suggestion that European British subjects should be made, to a great degree, amenable to the ordinary criminal courts of the country. Mr. Stephen added that the matter would be considered in Committee, but that owing to its importance he wished to have it made public as soon as possible.

The position, therefore, at the end of 1871 was this : Under the existing law, Native Covenanted Civilians were qualified to exercise some jurisdiction over European British subjects. There were then three such Civilians who might be expected to get these powers at any early date, and one of them was posted to a district where he would have jurisdiction over members of the most sensitive and jealous class of Europeans in the country. All people interested in tea feared this much more than they did a moderate extension of the jurisdiction of the courts presided over by Europeans, and they knew that they could not get the law changed without the assent of some at least of the members of Government. On the other hand, all concerned in the administration of the tea districts felt that the existing law restricting the jurisdiction of the mofussil courts was intolerable, that the evils acknowledged to exist in 1857 had increased ten-fold, and that a change was absolutely necessary for the sake of the natives of the country. It was widely felt that such a change was immeasurably more important than any further removal of the disqualifications of Native Magistrates, or even the maintenance of the statutory qualification of Native Covenanted Civilians. There was, however, a very influential minority,

which though strongly opposed to any extension of the jurisdiction of any mofussil courts, did not share the alarm felt by the tea-planters at the prospect of Native Justices of the Peace exercising the restricted jurisdiction. Foremost among these was the Commander-in-Chief, Lord Napier of Magdala.

The result of all this was a compromise between the majority of the Select Committee and the non-official community, under which it was agreed that the non-official community should accept the extended jurisdiction of the mofussil courts, provided that none but a European British subject should have jurisdiction to enquire into a complaint or try a charge against a European British subject. This compromise was laid before Council by Mr. Stephen on the 30th January 1872, ten days before the assassination of Lord Mayo. It is probable, therefore, that the latter knew of it. It was not discussed in Council until 4th May, when Mr. Stephen distinctly stated that there had been a compromise with the general European population; and it is perfectly clear, from the whole course of the debate which followed, that the European community were held to have accepted the extended jurisdiction allowed to Justices of the Peace and Sessions Judges being European British subjects, on condition that Native Civilians, even when appointed to be Justices of the Peace under Act II of 1869, should not have any criminal jurisdiction over European British subjects. The Commander-in-Chief subsequently moved an amendment, which he described as his protest against any extension of the powers of Magistrate for dealing with European British subjects. He was unsupported in this, and Mr. Stewart, the non-official Member of Council, stated that, in his opinion, they were practically bound by the recommendations of the Committee. I think it will be perfectly clear that the majority of the Legislative Council in 1872 did not merely give up a portion of a proposed law in order to facilitate the passing of the remainder, but practically repealed a part of an existing law as the consideration for the acceptance by the European community of entirely new provisions was regarded by them with deep and traditional dislike, which was shared by one of the highest Members of the Executive Government, who would have been prepared to lead the opposition to the proposed innovation.

Personally, I have always regretted the disqualification of Native Covenanted Civilians, for I believe that the concession was unnecessary. A pledge not to employ them in tea or indigo districts would have satisfied the non-official community, and would have simply been giving sanction to a rule which should always be observed for the sake of all parties, but which is essential for the protection of the ryots in indigo districts and the coolies in tea districts. Apart, however, from the mistake which I hold to have been made in conceding the restriction in Act II of 1859, I can testify that no measure of the Government passed in my time has been more beneficent in its effects than the extension of the jurisdiction of the mofussil courts over European British subjects, and that its admirable results have been in a great measure due to its having been accepted loyally by the classes affected, instead of being forced on them without their consent. As regards the concession then made to them, I hold of course that it cannot preclude the present Government from removing the disqualification of Covenanted Civilians or other Natives, but I think that it made it the duty of the Government to do all in its power to obtain the consent of the European community to any changes in that direction before formally proposing them, and that great care should have been taken to make such proposed changes definite and clear, to leave no doubt as to their scope and ultimate effect, and to avoid unnecessarily wounding susceptibilities, or giving ground for fearing that the law could be made by the executive authorities to do more than was intended by the Legislature.

Now, I think that the present Bill can be shown to be grievously faulty in every one of these respects. The principle of the existing law is that the European British subject is to be tried by another European British subject. But to this rule there are exceptions, *viz.* Native Presidency Magistrates and probably Native High Court Judges, and a Native Recorder of Rangoon, should one ever be appointed. Mr. Gupta, in his note of the 30th January 1882, proposed to add two more classes of exceptions, *viz.* Native District Magistrates and Native Sessions Judges, the general rule remaining unaltered. In like manner, Sir Ashley Eden, the Governments of Madras and Bombay, the Lieutenant-Governor of the North-West, the Chief Commissioners of the Central Provinces, British Burma and Assam, and the Resident of Hyderabad all proposed some sort of further exception to the existing rule, which all manifestly meant to retain. The Punjab Government was the only one which proposed to depart from the principle of the existing law. This principle has, however, been abandoned in the present Bill which proposes to substitute what may be called an official qualification for the race qualification. I would add all District Magistrates and Sessions Judges to the present list of *ex-officio* Justices of the Peace, contained in section 25 of the Criminal Procedure Code, and would disqualify the class of European British subjects now eligible for appointment as nominated Justices, and substitute for this class the following four classes:—(1) Members of the Covenanted Civil Service; (2) Native Statutory Civil Servants; (3) Assistant Commissioners in Non-Regulation Provinces; and (4) Cantonment Magistrates. Now, in the first place, this new scheme disqualifies large classes of official and non-official Europeans, from whom the ranks of Justices of the Peace have hitherto been recruited. Taking the Bengal Civil List for the current quarter, I find two lists of Justices of the Peace for Bengal, Behar, and Orissa,—one containing those actually now resident in the Mofussil, and the second containing those now in Calcutta or on furlough, or employed under other Governments. In the first list I find the names of 37 people who would not come under any of the classes in the proposed Bill. In the second list there are, I think, 64 such names, but I feel some doubt about one or two of



these. The total number of Justices in the two lists is 333, out of whom about 100 belong to classes who would be disqualified by the Bill. Among these I find officers of the Army and Navy, Deputy Magistrates and other uncovenanted servants of Government, tea and indigo planters, landowners, merchants and lawyers. Of course the appointments of the present Justices are protected by section 7 of the Bill; but that is not material to the present argument, which is that if the Bill were to be passed the Government would in the future be deprived of the services of large classes which have been found useful in the past. I may add that the power of appointing such persons to be Justices of the Peace will become even more valuable as railways got made through remote jungly tracts, and ships began to frequent out-of-the-way ports. It will then be often more desirable, mainly in order to protect the natives, to be able to vest the Superintending Engineer engaged in constructing a line of railway, or the chief officer of a port, with the power of dealing with offences committed by Europeans. From a purely administrative point of view, therefore, the inconvenience caused by the disqualification of so many classes of Europeans would be very much greater than any that could arise from the disqualification of Native Civilians rising to be Sessions Judge or District Magistrate. It is manifest that, as a matter of administrative convenience, it is desirable to have as many Magistrates as possible qualified to deal summarily on the spot with petty offences of Europeans living in outlying districts. It is also manifest that the effect of this Bill will be, in the future, greatly to diminish the number of such Magistrates, and it is very remarkable that no local Government or local official appears either to have recommended or contemplated such a change. I am wholly unable to discover any practical reason for disqualifying whole classes of Europeans, and thus diminishing the facilities for the prompt disposal of petty cases. The number of Europeans that will be disqualified is very much greater than the number of natives who will be even constructively qualified by the Bill, and it must be borne in mind that no complaint has been made against the fitness of those to be disqualified. If the substitution of an official qualification for the present qualification cannot be carried out without disqualifying in a wholesale way so many persons now qualified, and thus diminishing the facilities for dealing with charges against Europeans which it was the object of the compromise of 1872 to gain, the proposal is clearly a retrograde one as regards the efficient administration of justice.

If the classes declared to be qualified by the Bill are analysed, the objectionable character of its principle will be still clearer. I say nothing about Covenanted Civilians, but I feel bound to submit that the European community have good grounds for protesting against Statutory Civilians being at present declared qualified. The system introduced by Lord Lytton is still on its trial, and I am not prepared to declare it to be a failure, without further experience of it; but it is impossible to ignore the fact that it is emphatically condemned by many, among both Europeans and Natives, best qualified to judge, and I have not heard a word in its favour from any one whose opinion on the subject is worth having. But the most objectionable part of the Bill is that by which Assistant Commissioners in Non-Regulation Provinces are declared to be qualified. Covenanted Civilians and Statutory Civilians are both classes created and defined by law, and there can be no doubt as to what the terms connote, but Assistant Commissioner is a mere administrative expression, and the status and qualifications of the officers called by that name wholly depend upon executive authority. Yet of all the classes declared qualified in the new Bill, this is the one which touches the European British subject most nearly. It must be remembered that while there are only 71 regulation districts in the Bengal Presidency, including Burmah, there are about 105 non-regulation districts, and that tea is grown almost exclusively in these last. So far as I know, there is not a single tea-garden in a regulation district except that of Chittagong. Assam is non regulation; so are Chota Nagpore, Darjeeling, Julpigori, the Chittagong Hill Tracts, Kangra, Kur-eong, and, I think, the Doon. Besides this, there can be no doubt that the future of European enterprise, agricultural and industrial, lies in the wild undeveloped countries which now form the bulk of the Non-Regulation Provinces. In considering the bearing of the proposed legislation on the position of non-official Europeans in those provinces, we must not lose sight of the fact that, while the classes from whom Magistrates of districts and Sessions Judges in Regulation Provinces can be chosen are strictly limited by Acts of the British Parliament, there is absolutely no statutory restriction on the discretion of the Executive Government to appoint any person it chooses to be Deputy Commissioners in the non-regulation districts. For instance, no one but a Covenanted Civilian can be appointed Magistrate of the 24-Pergunnahs, except in certain cases expressly provided by Acts of Parliament, while any one may be appointed Deputy Commissioner of Cachar. Among the Deputy Commissioners and other officers who perform the duties of District Magistrates in the Non-Regulation Provinces, there are now about 50 Covenanted Civilians, the remainder being military officers or uncovenanted Europeans. As shown above, there is nothing in the law to prevent uncovenanted natives being appointed to these offices, but the officers so appointed would certainly be of great distinction and high character. There is not the same security about the Assistant Commissioners, who are now (including Judicial Assistant Commissioners) about 123 in number, several of these being natives, and of course it being possible that future vacancies may be largely filled up by natives, for, as pointed out above, the Assistant Commissioner is purely the creation of executive authority, which has in many cases changed the very title of the office. For instance, when I was first appointed to the non-regulation districts, the title was Assistant Superintendent in Cachar. In 1864 it was changed to Assistant Commissioner by an executive order. Below the Assistant Commissioners, there are about 280 officers called Extra Assistant Commissioners. These are mostly

Natives, and it is no injustice to them to say that in all the Non-Regulation Provinces known to me, they are below the standard of Deputy Collectors in regulation districts. If the present Bill were passed, there would be nothing in any law to prevent the Executive Government changing the designation of these officers to that of Assistant Commissioner, and thus making them qualified for appointment as Justices of the Peace. If it be said that this is a highly improbable contingency, I answer that the improbability does not affect my argument, which is that the term Assistant Commissioner has no legal connotation, and that it should not therefore be used to describe a class in a law where clearness and definiteness are essential.

I am compelled, on the grounds above stated, to record an emphatic condemnation of the principle of the Bill, as disqualifying large classes of men hitherto qualified, whose disqualification will cause distinct administrative inconvenience, as directly qualifying one class which has not yet shown any sign of fitness to exercise the powers to be entrusted to it, and another so-called class which has no defined legal existence, and as indirectly giving the Executive Government power to extend the qualification to a large and undefined body of officers, the greater number of whom are undoubtedly unfitted to be Justices of the Peace.

To the question whether I consider it advisable now to fall back on Sir Ashley Eden's alternative proposal, and give Native Covenanted Civilians who rise to be Magistrates or District Judges the same powers that Europeans have in the same capacities, I am obliged regretfully to answer that I do not. I have always been strongly in favour of the measure. The argument of administrative convenience has no doubt been made too much of, but there are other and, to my mind, stronger arguments derived from considerations of policy and equity, which there is no need to reproduce here. I believe and earnestly hope that before long it may be possible to remove the disqualifications created in 1872; but I see clearly that it ought not to be attempted at present. Apart from the fact that this limited measure will not affect that which Government has declared to be the great object of the present Bill—the removal *in toto* of the "race qualification of the Judge"—there are other reasons of overwhelming weight for the postponement of the measure. Angry passions have been aroused; a deep sense of injury has grown up, as, I think, not unnaturally, in the minds of the European non-official community; vague and wild suspicions have been formed of the ultimate intentions of the Government. Such conditions make calm consideration of, or assent to, a measure like this impossible; and the evils of forcing it on the community affected by it are so great and so alarming that the Government would not be justified in incurring them. I do not desire to go into the details of the evils, which will readily present themselves to the minds of officers who have had district experience; but I would add that, under such adverse circumstances, the gift of these new powers would be eminently disastrous to the recipients, and greatly increase their difficulties in discharging satisfactorily the very arduous and responsible duties of the posts to which they are about to be promoted.

No. 135J Ct., dated 2nd May 1883.

From—LORD H. ULICK BROWNE, Commr. of the Rajshahye and Cooch Behar Division,

To—The Secretary to the Government of Bengal, Judicial Department.

In reply to Government letter No. 1518J., dated 27th March 1883, with enclosures, I have the honour to report on the Bill to amend the Code of Criminal Procedure, Act X of 1882.

I have consulted six selected officers in this division, of whom four are European district officers and two are natives; one of the latter is an experienced Native Deputy Magistrate, and the other the ablest of that class serving in the division.

2. None of the officers consulted have ever known any inconvenience to arise from the exclusion of Native Covenanted Civilians from the power of trying European British subjects on criminal charges. In my own experience, Mr. Dutt was for a short time in charge of a subdivision in which two or three Europeans resided, and Mr. B. L. Gupta acted as Magistrate of Rungpore, in which there are a number of Europeans of different classes stationed at Saidpore; and in neither instance was there any such inconvenience.

3. Indeed, when the circumstances anterior to, and connected with, the introduction of the Bill are considered, it seems scarcely possible that any real inconvenience can have been felt. The Code of Criminal Procedure was amended in March 1882 by the passing of Act X of that year, and the amending Bill was under consideration and discussion for a long time previously. Though divisional and district officers were invited to make suggestions, and though it was open to the public to do so, I believe no district or divisional officer, and no non-official, ever suggested the present measure; while it is certain that it, or something like it, would have been suggested if any inconvenience had been actually experienced. I think only one person in the whole country made any suggestion in the direction of the Bill, and he was a Native officer serving in Calcutta. If this impression is correct, it seems to indicate, without need of corroboration, that the measure is uncalled for; but there is something more to be said in support of that view. There can be no want of officers who exercise the power of trying European British subjects, as the Bill proposes to prevent all European Deputy Magistrates appointed hereafter from exercising those powers; there are few criminal cases in which Europeans are the accused; and lastly, the Bill originated in the personal representation of a Native Civilian, submitted in the interests of his own dignity and that of a few other Native Civilians and nothing more.



I think it can scarcely be denied, if the denial is to be supported by facts, that, speaking generally, there has been no administrative inconvenience, and that if such has ever been experienced, it can only have been in a very few isolated cases.

4. As regards inconvenience in the future for want of the provisions of the present Bill, the officers consulted think there is no reason to apprehend any worth thinking of, though Colonel Morton remarks that if Government chose to appoint a native to Julpigoree, then, on the complaint of a coolie that a tea-planter had boxed his ears, inconvenience would result if there was no qualified European magisterial officer at the station. Mr. Wace very naturally cannot conceive that, under the circumstances of Darjeeling, any but a European will ever be appointed to the charge of that district, whether the Bill becomes law or not, and the same may be said of Julpigoree. In the Legislative Debate of March last, His Excellency the Viceroy contemplated as many as one-sixth of the total number of Covenanted Civilians being natives in the course of time. Judging from the experience of the past as to the number of natives who enter the Civil Service by competition, that time must, under the operation of the present combined system of competition and nomination, be somewhat far off, as it is not to be supposed that Government, on seeing that natives are unsuccessful in the competition, will appoint a large number of them in this country, and thus take a decided step towards displacing the competitive system and returning to one of simple nomination. So, even if there were no strong objections to the Bill, it does not seem advisable to legislate for a somewhat distant future in a matter which contains elements of uncertainty. It may be, and it seems to me very probable, that long before we reach the time when one-sixth of the Covenanted Civilians are natives, Government will find out that the present system of nominating natives, under which alone is there any chance of that result, does not answer; and new as the system is, it would be an unsound basis on which to legislate for a future time. Even if, however, the nomination system is found to answer, and the proportion of one-sixth of natives is attained, it is not, after all, a large proportion, and so few cases would have to be transferred from one district to another for want of powers to try Europeans, that I should not expect any inconvenience worthy of consideration for want of the provisions of the Bill; certainly none that would (not outweigh, but) nearly equal the disadvantages of applying them.

5. Turning to the principle of the Bill, I find in the Statement of Objects and Reasons, signed by Mr. Ilbert, the following passages:—

“The Government of India has accordingly decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinctions.

“With this object the present Bill has been prepared.”

The Bill does not propose to abolish the special jurisdiction of the High Court, of Sessions Judges, and of Magistrates exercising first class powers over Europeans, or to alter the limited powers of sentencing them now exercised by Sessions Judges and by Magistrates with first class powers. There is thus, it seems to me, but little principle in the Bill, which is only a measure for modifying the exceptional privileges of Europeans on a single point, and is therefore proposed in the hope of securing an advantage which, even from the view of the supporters of the Bill, can only be a very slight one, while the disadvantages of the measure from the opposite point of view are enormous.

Mr. Wace observes as follows on the limited principle of the Bill—

“If it could be pretended that on the passing of this law all distinctions between the two races would disappear from our legal procedure, one might be disposed to run some risk to secure such an end. This proposed change, however, touches but one point of distinction. The Government declares its intention of maintaining other privileges of the European, the *habeas corpus*, the limitation of powers of Magistrates and Sessions Judges over European British subjects. Its maintenance of these privileges is an admission of the strongest argument against this Bill. The other privilege, which it is now proposed to withdraw, rests on the same principle. Disavow the principle in respect of one, and you must disavow it as regards others, so far as logic and theory are concerned.”

6. The next point for consideration is how far the very limited principle of the Bill really applies to the case to meet which it is directed. His Excellency the Governor General, in his speech in the Legislative Council, based the principle on the Queen's Proclamation of 1858, announcing that, *as far as may be*, Her Majesty's subjects, of whatever race or creed, be impartially admitted to offices in the public service, the duties of which they may be *qualified by their education, ability, and integrity duly to discharge*. There is first a reservation, which it may fairly be presumed was made to meet special circumstances, which it cannot be denied are found in the present case; and then, before the concession is to be applied, the subjects of it must be qualified to duly discharge the duties of the office to which they aspire. Here there arises a very important question which seems to be begged by the supporters of the Bill, *viz.*, whether Native Civilians are qualified to try European British subjects.

7. The supporters of the Bill represent, though it is in connection with the point of doing away with an anomaly, and not with that of the fitness of Native Civilians, which is assumed or taken for granted, that as natives have been in the habit of trying Europeans in Calcutta for many \* years, and giving satisfaction, Native Civilians should try Europeans in the mofussil, and if they do, will give satisfaction there. The

\* The present Under-Secretary of State for India said that for thirty years natives had been constantly and satisfactorily doing so.

first part of this representation has been shown by the *Englishman* newspaper to be a remarkable misconception of fact. Only three natives have held office as Magistrates of Calcutta during the entire period from 1856 to date, for an aggregate of about seven out of 27 years, and for 21 consecutive years no native sat on the bench. Again, out of the three Native Magistrates, one was removed because he gave the reverse of satisfaction. Thus the Bill cannot, as a matter of fact, be supported on the ground of Natives having sat as Magistrates in Calcutta and given satisfaction there. If, however, the facts were just the reverse, the English press, both in this country and at Home, have pointed out the great difference between the position of a Magistrate in Calcutta, watched by the press, the Bar, and the High Court working where false cases against Europeans are extremely rare, and obliged to be most careful in the discharge of his duties, and a Magistrate in the mofussil, without any such checks, working where a false case against a European is far from uncommon. To this I would add that, as a general rule, cases against Europeans in Calcutta are petty and easy, such as sailors charged with being drunk and disorderly (to which charges they frequently plead guilty), while cases against Europeans in the mofussil are often difficult, and the charges more serious. Very few cases against Europeans have come before me as a mofussil Magistrate in which a marked bias was not shown against the accused by native witnesses, and in which the evidence did not require much sifting. But as Mr. Ilbert has himself borne testimony to the difficult nature of such cases in the mofussil, nothing more need be said on that point.

8. On this question of the fitness of Native Civilians to try Europeans, the senior native officer consulted, Baboo Shama Churn Chatterjee, can see no difference between a civil and a criminal case, and argues that because natives have given satisfaction in trying civil suits, they are competent to try criminal cases, whoever may be accused therein. Baboo Hurry Mohan Chundra thinks natives who entered the Covenanted Civil Service by competition are quite competent to try European British subjects, but he goes on to say—

“It is my humble opinion that it is extremely probable that the Civilians appointed under the nomination system will in no way prove competent to be appointed District Magistrates or Sessions Judges, and they will therefore not only prove incompetent to try European British subjects, but for various reasons I venture to think they will probably not prove competent to do the multifarious responsible duties attached to the offices of District Magistrates and Sessions Judges, *i.e.*, it is my humble opinion that only those Native Civilians who have got into the Covenanted Service by competition are competent to be appointed District Magistrates and Sessions Judges, or, in other words, to try European British subjects. Those of the native members of the Civil Service are competent who have obtained a liberal education in England, who have largely associated with Englishmen, and have become acquainted with their manners and customs, and have some knowledge of the inner life of English society, and who, on return from England, live more like Englishmen than natives of the country. As regards the Native Civilians who have been appointed under the nomination system, my honest opinion is that they are in no way superior to the members of the Sub-Executive Service, and have no recommendations whatever, except that they are related to some of the Rajahs. Some of these men are, I think, very inferior to some of the Deputy Magistrates. To make these inferior men, who, I beg to be permitted to say, are not fit for the Civil Service, District Magistrates or Sessions Judges, would be lowering that Service in the estimation of the public, and would, so far as I have been able to understand, give satisfaction to neither the Europeans nor the people of this country.

“My humble opinion on the first point, therefore, is that I agree with the ‘principle’ of the Bill in so far as its scope is to give jurisdiction over European British subjects to the Native Civilians who have entered the Covenanted Civil Service after passing the competitive examination held in England.”

Mr. Glazier says—

“The trial of a case affecting a European is generally difficult and complicated, and I think very few Bengalee Magistrates would be found competent to deal with such cases satisfactorily, and a single mistake would be serious. Even if the Magistrate were capable and experienced, he would be in the cruel position of knowing that if, resisting the weight of local pressure, he acquitted the accused, he would be subjected to the taunts of the native press; while, if he convicted, European opinion would similarly doubt the justice of the sentence. His position would be more difficult than that of a European Magistrate in similar circumstances, who would not be afraid of being misjudged if he convicted, and would hold cheap the murmurs, both deep and loud, of the native press, if he acquitted.

“The position of the European in this country is an isolated one. If he is so unfortunate as to become implicated in a criminal case, he will have a host of enemies to fight against single-handed, and it is of the utmost moment to him that he should have on the Bench some one who can understand his feelings and his pleas. How different is the position of a native *bhadro lok* in a similar position; he has no lack of friends. When the license-tax was introduced a few years ago, a Sub-Deputy Collector plundered the people wholesale for his own profit, and though the case was so clear against him that he fled to avoid trial, yet, on his ‘*mokhtarnama*’ being filed in the case, every mookhtar in the place signed his name.”

Mr. Newbery writes—

“At one period of my service I have had very considerable experience in cases arising

amongst a low social stratum of Europeans, and I feel perfectly certain that no native, however well-educated, or whatever good use he had made of his two or three years' residence in England, would have understood the language in which those cases were conducted, or the ideas meant to be conveyed by that language.

"I do not think, also, that our Bengalee civilians would care in the mofussil to exercise the power, even if it were given them, especially in the case of the burly British loafer, who is the European British subject most frequently up for trial in the mofussil. It is very different in Calcutta, where there are European inspectors of police and European constables always within hail of the court. But the sight of a half-inebriated European ruffian, guarded only by a few puny Bengalee policemen, would, I think, be quite enough to ensure that our Bengalee Magistrate of the district would at once make the case over to his European Joint Magistrate.

"The argument that Native Magistrates trying Europeans in Calcutta have been a success, and that therefore they are likely to be a success in the mofussil, appears to my mind fallacious in the extreme, for the following reasons:—

- 1st—From the list and dates published in the *Englishman*, it would appear that Native Magistrates have been the exception rather than the rule ;
- 2nd—That their decisions have by no means given general satisfaction ;
- 3rd—That having an unlimited bar and public opinion to guide them, and an ever present High Court to correct their wrong-doings, there are in Calcutta checks upon them which would be entirely wanting in the mofussil."

9. As already observed, Mr. Ilbert, in introducing and supporting the Bill, observed that criminal cases against Europeans are exceptionally difficult ; and he went on to say that they put a severe strain on the judicial qualities of tact, judgment, patience and impartiality. Of the correctness of this remark there can be no doubt, and my experience leads me to the conclusion that, great as is the improvement effected in a native by a residence in England for three years, the above-mentioned qualities are not thereby developed to a degree sufficient to render him fit to try such cases, while another equally important quality, *viz.*, courage, is very rarely developed at all. How often we see natural good judgment and a desire to be impartial rendered of little effect in a superior native by the hasty conception of prejudice ; and what an every-day matter it is to see such a man quite unable to be impartial, because he never forgets a trifling misunderstanding or difference with another, or a fancied want of respect towards himself in conduct or action, and as a consequence cherishes hatred against that other for evermore, and never loses an opportunity of doing him an injury. Though these faults are diminished by the advantages of a short residence in England, it is to be feared that a much longer residence, if not a change of nature, will be necessary before they can be entirely eradicated. As regards courage, how few of the best natives possess that quality to the degree sufficient, on the one hand, to enable a Magistrate to acquit a European with the knowledge that the order would be followed by a storm of unpopularity with the Native Magistrate's fellow-countrymen, and a series of attacks by the native press, taking the shape of accusations of incompetency or wilful injustice done out of a desire to please the ruling race ; or, on the other hand, to enable him to convict when he knows that a series of letters with editorial comments will appear in the English newspapers, dwelling on his unfitness for the post he occupies. Again, in the course of three years' residence in England, a native learns nothing of the lower class of Europeans, such as guards, engine-drivers, plate-layers, overlookers in mills, subordinate engineers, who are the very class most likely to come before a Magistrate. Not only is a Native Civilian unable to understand and follow the thoughts, feelings, and motives of such men, but there would almost always be a serious risk of his inability to understand the language they use, so entirely different to that spoken by those with whom he came in contact in England, resulting in great injustice. The native has not the advantage we have of constant daily practice for years in conversing with the lower classes of another race, who speak another language ; and how long it takes some of us to understand them thoroughly.

10. As I consider a Native Civilian who has entered the Service by competition unfit to exercise the powers with which it is proposed to invest him, it may be imagined that I hold this view much more strongly in the case of natives appointed to the Civil Service in this country on mere nomination, and without the great advantages gained by a residence in England. Judging from what I have seen and heard of these young men, they possess no qualities that specially promise to make them one whit better than any other young men who, having a good education, are appointed as Deputy Magistrates. Some are of good family and some are not, and there is little more to be said about them. Until these appointments were made, it was held that the standard of qualifications necessary for the proper discharge of the duties of officers held by Covenanted Civilians were much higher than in the cases of offices held and duties discharged by Deputy Magistrates ; and I cannot imagine how it can be expected that the young men nominated as Covenanted officers will ever be more competent to be Magistrates, Collectors, and Judges, than any Deputy Magistrates, and Deputy Collectors who give satisfaction in the discharge of their duties. So far as I have seen or heard of the nominees, they are unlikely to be ever fit for posts held by Civilians of, say, twelve years' standing and upwards as regards the discharge of the ordinary duties of Covenanted officers. Much less are they likely to be fit to try cases of exceptional difficulty, and calling for the exercise of all the highest qualities of a good judicial officer.

11. Assuming (as it seems to me incorrectly) that Native Civilians are fit to try Europeans, the supporters of the Bill say it will do away with the anomaly of two men of the same standing and qualifications, in the same service, not exercising the same powers, which is a slur on the native who is not allowed to exercise them. Nothing put forward in support of the Bill has been more fully treated than this plea. The English Press in India and at Home have shewn in letters and leading articles that India is a country full of anomalies, Hindus and Muhammadans having each separate laws of inheritance and marriage; that Native women above the lowest classes are exempted from appearance in the witness-box; and that a similar privilege is granted to men of a certain rank; all these anomalies being inconvenient, and making the administration of civil and criminal justice difficult. The following passage from Mr. Wace's letter indicates that, if the Bill passes, there will be a greater anomaly than that which the Bill proposes to remove:—

“The Government of India is, I presume, not prepared to put a Bengali Civilian in charge of a Punjab district. Is it unnatural that the European, who has conquered the Punjabi, should resent being put into a position in which the Government would not think of putting the Punjabi?”

It will indeed be an anomaly if an European British subject is made liable to be tried by men who are not considered fit to try Natives of the Punjab.

The replies that have appeared to what may be called the anomaly plea go on to say this anomaly is only a privilege like those referred to above as enjoyed by the Natives, *viz.*, by Hindus and Muhammadans, in the shape of special laws, and by Native women and by Native men of rank in regard to exemption from appearance in law courts; that as special privileges as to choosing the nationality or race of some of the members of the Courts that try them are granted to Englishmen accused of criminal offences in Turkey, Egypt, China, and Japan, which are foreign countries, how much more should a similar privilege be granted to Englishmen and Englishwomen in India, a part of the British Empire? To these I would add the question “Are not English men and women and other Europeans entitled to the privilege granted to the Native sepoys, of choosing whether they will be tried by Europeans or Natives?”

As Mr. Glazier remarks, the anomaly and privilege which the Bill proposes to remove are the least objectionable and least obtrusive of all that we encounter in the Courts; and, as remarked by Mr. Newbery, it is after all nothing less than a great constitutional privilege of an Englishman to be tried by his peers, and one of which he should not be deprived except on the strongest grounds.

12. Having expressed my opinion, and those of the officers consulted, on the two points specially mentioned in the Government letter under reply, I request permission to say something about some other objections to the Bill.

13. The Government of India deny that there is any intention of proceeding further in the same direction, and say the Bill is a final measure. On this point Mr. Wace says:—

“It has been pledged for this Bill by its author that it has the elements of finality in it. The utterances of the Native press since that assertion was made must surely have disabused the Government mind of this fallacy. Over and over again it has been declared that this concession is accepted merely as one step towards absolute equality between Native and European.

\* \* \* \* \* Let not its (the Bill's) authors shut their eyes to the fact that logic must lead them eventually to abrogate the other privileges of which at present they appear to be as stout champions as the opponents of the Bill. So far, then, from there being the elements of finality in this Bill, it seems to me but the first step to a policy the dangers of which have been fully pointed out by Sir Fitzjames Stephen.”

I agree with Mr. Wace in thinking that if the Bill is passed it would be difficult for Government to resist outcries for the extension of its principle, and that a refusal to extend it will make the Government as unpopular with the natives, whose aspirations to equality with the ruling race have been created by the Bill, as the passing of the Bill will make Government unpopular with Europeans.

14. It should, I think, be remembered that there is no general wish for the measure on the part of the natives. There is only a single class—the educated Bengali—who desires it in the least, the people generally being entirely unconcerned; if consulted, they would, I am sure, be most ready to acquiesce in Europeans enjoying a special privilege just as the Natives do.

15. Lastly, if there were no other grounds for letting things remain as they are, the strong feeling on the subject among Europeans is alone a sufficient reason for abandoning the Bill. During my long service in this country, I have never known an expression of feeling nearly so strong and so universal (or so very nearly universal), and such a remarkable concurrence of opinion among non-official and official Europeans alike, as has been elicited by this Bill. If it becomes law, then all non-official Europeans in the country, or, in other words, the one non-official class from whom Government can confidently expect aid and support in a time of need, will be alienated, and I believe Mr. Wace is correct in thinking that this class will henceforward, under a sense of undeserved injury, only take part in public business to the extent absolutely necessary for their own personal interests, and will cease to do so in order to aid the administration. All great commercial undertakings in this country are due to the capital, enterprise, and energy of Europeans, the natives only taking a small part when success is assured, or only availing themselves of what is provided by Europeans; and any measure that will make, this class less inclined to reside in India will give a serious check to the operations through which the natives have been so greatly benefited and prospered. This check will, moreover



be the act of the Government, applied at a time when Government desire to encourage and promote private enterprise more than ever.

16. I have now endeavoured to show—

That no inconvenience has been experienced in the past in this division for want of the provisions of the Bill, and that from all the circumstances connected with the introduction of the Bill, it is extremely unlikely that any inconvenience worthy of notice can have been experienced anywhere.

That the expectation of inconvenience in the future rests on an uncertain basis; that if that basis proves more sure than seems likely, the inconvenience, whatever it may be, will only be experienced at a future time so distant that it is not advisable to legislate for it now; and that if the inconvenience is ever experienced at all, it will be trifling, consisting of the occasional transfer of a case to another district, and of no importance whatever when weighed against the objections to the Bill.

That the principle of the Bill is extremely limited, not bringing about uniformity of system or equality, but only depriving Europeans of one privilege out of several though they value it dearly, and thus effecting very little at a great and serious cost.

That the principle is based on the assumption that Native Civilians are fit to exercise the powers of trying Europeans, while the best of the two classes of Native Civilians, *viz.*, those who have entered the Service by competition, are deficient in the exceptional qualities which the supporters of the Bill admit to be required for the exercise of such powers; are also wanting in experience and knowledge of the motives, feelings, and language of the majority of the Europeans likely to be tried; and that this class of Native Civilians are therefore not fit to try Europeans, while there are no grounds for thinking that the nominated Native Civilians can ever be nearly as good as the others, much less that they will ever be fit to try Europeans.

That the plea that the Bill will remove a privilege which is an anomaly has no force in the face of the many other anomalies connected with our Courts, and the privileges enjoyed by the Natives and by European British subjects in this and other countries.

That if the Bill is passed, Government will have a great difficulty in making it a final measure.

That neither the country generally, nor any large section of the people, care about the measure, but only one small class, *viz.*, the educated Bengalis.

That if there were no other grounds for abandoning the Bill, the unparalleled feeling it has created is alone sufficient for withdrawing it as it, would be in the highest degree impolitic to alienate such an important class as the non-official Europeans, to whom Government and the natives owe so much assistance, progress, and prosperity, especially at a time when Government look to those Europeans for further important steps in the same direction.

17. For these reasons I sincerely hope that Government will withdraw the Bill. Probably the only reason why there is any hesitation about it is because the non-official European community have allowed their strong feelings in regard to it to carry them away, and have used unseemly language, some even assuming an attitude of hostility towards the Government. But in this, as in all matters, Europeans may claim to be treated as well as Natives are treated. For many years the Native Press, and especially the Vernacular Press, have systematically used most unbecoming language towards the Government, accusing it and its officers of wilful injustice to Natives, of undue favour to Europeans, and of generally bad motives. This, too, has been continuously written and published by those who knew all the time how falsely they were writing. And yet all this has never affected the measures or policy of Government in the least, and has never prevented the passing or altering of laws, or the issue of executive orders calculated to benefit the Natives. I think that in this instance the language and bearing of non-official Europeans may be overlooked also.

No. 104 J., dated 2nd May, 1883.

From—J. F. K. HEWITT, Esq., Commissioner of the Chota Nagpur Division,

To—The Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments.

With reference to your letter No. 1518J., dated 27th March 1883, I have the honour to submit the following report on the Bill to amend the Code of Criminal Procedure, 1882.

2. I called on all the district officers and Baboo Rakhal Das Halder, Manager, Chota Nagpore Estate, to state their views on the points mooted.

3. Major Lillingston, Deputy Commissioner of Hazaribagh, states that the grounds for the proposed change are, *first*, that Native Magistrates in presidency towns are Justices of the Peace, and exercise jurisdiction over European British subjects with the general approval and sanction of the European and Native communities, and therefore Native Magistrates in the mofussil should also exercise similar jurisdiction; *secondly*, that native members of the Covenanted Civil Service having been to Europe, having become acquainted with European feelings, ideas and customs, and having qualified themselves to take their places with European members of the Civil Service, should be allowed to exercise all the functions which the European members

exercise; and *thirdly*, that by the exclusion of Native Covenanted Civilians from the power of trying European British subjects on criminal charges, administrative inconvenience might arise.

4. With regard to the first, the Deputy Commissioner thinks that it is doubtful whether Native Magistrates in presidency towns exercise jurisdiction over European British subjects with the general concurrence and sanction of European and native communities, and that the circumstances of the presidency towns are quite different from those of the mofussil, inasmuch as in the former a strong public opinion and the presence of European advocates constitute safeguards against miscarriage of justice, which are as a rule wanting in the latter. As to the second ground, he thinks that a few years' residence in Europe is not enough to enable Native Civilians to thoroughly understand the ideas and feelings of Europeans. With regard to the third ground, he cannot conceive any circumstance under which the proposed change will result in any administrative inconvenience which cannot be obviated by the Government in the Appointment Department. It is further urged that the Bill does not go far enough to remove legislative anomalies, and that the Native Civilians who have visited England to qualify themselves for the Civil Service, knowing as they did that they were debarred from exercising jurisdiction over European British subjects, have now no good reason to complain. The Deputy Commissioner says his views on the whole subject exactly coincide with those expressed in the Delhi memorial against the Bill published in the *Englishman* of the 17th instant.

5. Mr. Power, Deputy Commissioner of Lohardugga, states that the principle of the Bill, abstractedly considered, is an excellent one, and that it would doubtless work admirably if the people of India were all, or for the most part, philosophers. As such, however, is not the case, he thinks it would be very unwise to engraft the institutions of a free on a conquered people. India, like Ireland, is held by the sword, and by the sword alone, and anything done to weaken the prestige of the ruling nation is injudicious. There are but two entirely logical conditions—either complete freedom or absolute subjection. If a middle course be pursued, its mainspring should be maintenance of the ruling race in its position as such.

Mr. Power adds that with non-official Europeans the most objectionable feature of the Bill is that it will expose them to greater risk of injury by the institution of false charges. This objection he considers is not unfounded, as the Native Civilian Magistrates cannot fully realise the responsibility of bringing an accused person into court. He is easily taken in by the story of the complainant who is present before him, and his countrymen will doubtless take advantage of his weakness in this respect, knowing how difficult it is to prove a false case as such.

6. Major Garbett, Deputy Commissioner, Singbhoom, while holding that, with the safeguards provided, no harm is likely to result from investing Native Civilians with jurisdiction over European British subjects, considers that there is no immediate necessity for the change, and that circumstances tend to show strongly that the policy of the measure is doubtful.

7. Baboo Rakhal Das Haldar, manager of the Chota Nagpore Estate, says that no general inconvenience is likely to result from the present state of things. He maintains that the British Government, like all other Governments, is founded on force, and deprecates any measure tending to impair that force.

8. Mr. Risley, Officiating Deputy Commissioner, Manbhoom, has submitted an excellent report on the whole question, and I cannot do better than quote below his remarks *in extenso*.

Mr. Risley writes—

“It would be out of place for me to reproduce here the arguments which have been brought forward against the Bill by Sir James Stephen and Sir Louis Jackson in the *Times*, and by Mr. Seton-Karr in the *National Review*. What has been said by those high authorities will, I assume, be considered at the proper time and place, and the objections taken by them having been clearly and forcibly stated need not be repeated here.

“I would submit that one point bearing upon the principle of the Bill has not yet been prominently brought out. It is a question of fact rather than of speculation, and I propose to say a few words upon it here. It is admitted in the Honourable Mr. Ilbert's speech upon the Bill, that the criminal cases in which Europeans are charged are few in number and of exceptional difficulty. It will also be admitted that, in considering whether a class of officers should be admitted to exercise a special jurisdiction, regard should be had to the question whether, under ordinary circumstances, they are in a favourable position to become familiar with the facts and combinations of facts with which that jurisdiction is concerned, and whether, as a rule, they are so conversant. Now the European British subjects who are likely to be affected by the Bill belong for the most part to one of the following classes:—

- (i).—Planters, including indigo, tea, coffee, silk and cinchona planters, and Europeans engaged in zemindari business.
- (ii).—British soldiers and sailors.
- (iii).—Europeans of the lower classes, including railway officials, mechanics, and vagrants.
- (iv).—The wives and female relatives of the persons included in classes (i), (ii), and (iii).

“Can it be said that Covenanted Native Civilians who have visited England know enough, or can know enough, about these classes, in particular about the last three, to be in a position to deal satisfactorily with criminal cases in which they are concerned? Speaking from what I know and have heard on good authority of the manner of life of Native Civilians in England,



I have no hesitation in saying that, as a general rule, they are disqualified to try these persons criminally, by unavoidable ignorance of their habits, passions, prejudices, and peculiar moral standards. It would be difficult to find two men more hopelessly incapable of understanding one another than a highly-educated native and a British soldier or sailor; and yet, for the purpose of trying a man criminally, the power of entering into and appreciating his point of view is the one thing which is most required.

"By referring to the manner of life of Native Civilians in England, I do not mean to imply that it is otherwise than creditable. If anything, I should say it is too quiet and too decorous to give them the knowledge of European life which is one of the objects of bringing them to England. I have seen something of native gentlemen, civilians and others, in Oxford, and I have heard a great deal from tutors and persons qualified to speak with authority. As a rule, I think native gentlemen in England see very little of society as it really is. They fall into the hands of philanthropic cliques, and see everything from their standpoint. They do not hunt, shoot, play games, or enter into any of the pursuits which bring young Englishmen in contact with their social inferiors, and teach them in a gradual, indefinite way how the large number of people who are not ladies and gentlemen look at things, and by what motives they are likely to be influenced. Native gentlemen in England live their life apart in an atmosphere of books and theories. At Oxford they are chiefly to be seen at the Union, where they show remarkable fluency in speaking on all subjects, and their speeches are quite up to the general level of Union oratory. But for all that they are outside the real life of the place, and outside of the practical influences which an English University is supposed to exercise. Least of all do they learn anything regarding the lower classes of Englishmen, the raw material of the Army and Navy, and the men from among whom mechanics and artisans are recruited for work in India. So far as regards the lower classes of Europeans. It may be said, however, that planters, at any rate, come from the rank of society with which native gentlemen found themselves thrown in contact in England, and that here, at any rate, their knowledge is likely to be fairly complete. Here again, however, I think that the causes indicated above, as cutting off native gentlemen in England from any adequate knowledge of the lower classes, do operate to a certain extent. Nothing is more striking in many of the criminal cases in which planters are defendants than the thoughtless school-boy spirit in which the injury complained of has been done, and the sheer ignorance which has often indicated it. As often as not, the planter is nothing more than an English school-boy, who has not made a success of his school career, and who is turned loose in India to make his living. If he commits an assault, as he frequently does, no doubt he must be punished; but if a wise discretion is to be exercised in awarding the punishment, and the culprit is to recognise the justice, the Judge ought to be a person capable of understanding all the bearings of the case. I do not think that the average Native Civilian, even though he may have spent two or three years in England, is in a position to take quite a sound view of the class of case I describe. I do not say he will necessarily deal too harshly with the European; he may let him off too cheaply. But his experience cannot have given him the knowledge and the tact which are required to treat the case properly, and in any event his order will have little or no moral effect on the offender.

"I have written at some length upon these points without having said all that might have been said. The facts are so obvious that a mere reference to them is sufficient to suggest the conclusion. I need hardly say that nothing is further from my intention than to imply any criticism upon the native gentlemen who visit England in order to study for the Civil Service. It is not their industry or ability that is called in question. It is merely alleged that from sheer force of circumstances they are so placed as to be unable to acquire certain experience which is essential to qualify them to exercise criminal jurisdiction over certain classes of Europeans. I would admit that they might possibly be competent to deal with criminal charges against Europeans of the classes which they know, though even this is doubtful. But the distinction between these classes and the lower classes, between the educated and refined classes, and the uneducated and unrefined class, is a very wide one, and I think the Indian Law Reports can furnish instances in which even European Magistrates have been unduly severe for lack of that very knowledge of their inferiors which the Bill assumes Native Civilians will acquire by two or three years' residence in England.

"Then there is the question, in some aspects a delicate one, of trying cases in which European females are concerned. It has been pointed out in one of the daily papers that criminal charges of adultery are not unknown among Europeans of the lower classes in India, and that such cases are frequently very difficult for a European Magistrate to deal with. I do not see how a Native Civilian can possibly be competent to treat such cases satisfactorily. If his training in England has given him no insight into the manners of the lower classes of Englishmen, still less can it have taught him anything about their domestic relations. Every one knows that there is much apparent coarseness and brutality in those relations, combined sometimes with real affection and good will. It is hard to expect a foreigner to go behind the mere evidence of facts on the record to draw inferences of one kind and another, and to decide on the strength of those inferences. But this is in many cases the only means of doing substantial justice. On matters like this it is difficult to write very precisely. One can only state general impressions, and appeal to general experience to bear them out.

"Regarding the question of administrative inconvenience, I have really very little to say. While there are so few Native Civilians as there are at present, it is difficult to see how the

the point can become one of pressing importance. The utmost that can happen will apparently be a slight increase in the number of transfers of criminal cases from one district to another which can hardly be deemed a serious evil."

9. As for my own views of the matter, I must say that, viewed as a legislative enactment and as a matter of theory, the only objection I see to the Bill in itself is that it takes away from Government the power to give European Deputy Magistrates powers to try charges against European British subjects; but this anomaly could easily be removed by adding these officers to the list of persons declared capable of being Justices of the Peace in section 1. But the case assumes a different aspect when the political expediency of the enactment comes to be considered.

10. If the cases to be tried by native Magistrates were all ordinary cases, in which there is some truth in the statements of the prosecution, and where the accused will, at least if tried impartially, be found to have committed something resembling a crime, I do not see why a native Magistrate should not be trusted to decide these cases, even when the accused are Europeans, with quite as much confidence as European Magistrates. The average native Magistrate belonging to the class contemplated in the Bill is certainly not inferior to his European fellow Magistrates in judicial acumen, or in fairness or honesty of purpose, or in anxiety to arrive at the truth. The prevailing fault among these officers is a love of over-refining; but when this fault, as will be almost invariably the case, in the class of officers dealt with in the Act, is tempered by a calm judgment, it is not likely to lead them into error more often than even European officers of experience and sound judgment are sometimes led.

11. If, however, the case for the prosecution is, as is, too often, a tissue of skilfully concocted lies, I must say that I think that native officers, even though they are intellectually equal to their European compeers, are not so well fitted to deal with it. The case is sure to be got up from a native point of view, and is, therefore, if well got up, likely to appear true to an officer accustomed to the same lines of thought; but native officers can never be so likely to detect the points which a European Magistrate, from a knowledge of the habit and modes of thought of his countrymen, would at once fix on as showing the charge to be entirely false; and therefore a European falsely accused before a native Magistrate would be deprived of one of the most valuable sources of evidence in his favour. I entirely agree with Mr. Risley in his remark showing how impossible it is that even native gentlemen who have lived a long time in Europe should have acquired that intimate acquaintance with the thoughts and habits of all classes which is necessary for any one who is to be trusted to judge cases which are entirely false. Again I think that it is impossible that cases involving questions as to the relations between the sexes can ever be dealt with by a native Magistrate as by one who knows the habits and modes of thought of people belonging to the classes to which those connected with the case belong, and it will be impossible even to satisfy the accused persons, or even the prosecutors, in such cases, that their case has been satisfactorily enquired into, unless the officer who tries the case is a European.

12. The feeling of want of confidence in the Judge is another very strong argument against the Bill; and though I by no means say that accused persons should be consulted as to the Judge by whom they are to be tried, I must say that, before a class of the community already numbering many thousands, and likely to increase largely in number, are deprived of a privilege which they value, and are made liable to have their cases decided by Judges whom they distrust as being unacquainted with their habits and modes of thought, it should be shown that the change is one which is rendered absolutely necessary by an administrative necessity which it is impossible to evade. Nothing is more certain to create discontent than a feeling of want of confidence in the Judges who administer criminal justice; and though this feeling may be to some extent founded on sentimental considerations, and not on solid argument, it is for that reason more likely to be tenaciously clung to by the great mass of those whose valued privilege the Bill will infringe.

13. There is certainly at present no administrative reason for trampling on these prejudices; and therefore, while I myself see no reason for doubting that Native Magistrates are not as fully competent to try cases in which Europeans are accused, as European Magistrates, except in cases of false charges and those involving questions as to the relation between the sexes, yet I must say that, looking at the great dissatisfaction it would cause to the great body of European British subjects, nothing but the most imperious necessity could justify the passing of the Bill, and this necessity certainly does not exist at present.

No. 591J. D., dated 12th May, 1883.

From—F. B. PEACOCK, Esq., Officiating Secretary to Government, Bengal.  
To—The Secretary to Government of India, Legislative Department.

In continuation of my letter No. 567J. D., dated the 10th instant, I am directed to submit, for the information of the Government of India, copies of a letter\* from the Commissioner of Bhagulpore reporting on the Bill to amend the

\* No. 708J., dated the 1st May 1883, and enclosures.

No. 708J., dated 1st May, 1883.

From—G. N. BARLOW, Esq., c.s.i., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs.  
To—The Secretary to the Government of Bengal, Judicial Department.

I have the honour to submit the report called for in your No. 1518J., dated 27th March last, regarding the amendment of the Criminal Procedure Code, 1882.

2. I have consulted selected officers. I submit the replies of the officers noted in the margin in original, abstract of those of others below, and give my own opinion last.

Mr. W. Verner, Judge of Bhagulpore.  
„ Cowly, Judge of Purneah.  
„ Worsely, Magistrate of Monghyr.

MR. F. SKRINE, *Magistrate of Bhagulpore*—Considers the principles of the Bill to be as unjust as they are impolitic, because—(A) To be tried by his peers is an Englishman's birth-right, as old, nay older, than Magna Charta itself. (B) That right has been invariably respected in all enactments affecting the status of European British subjects since the very commencement of our rule. (C) The right to be tried by his own countrymen has thus come to be regarded by every Englishman in India as his dearest, indeed his only, privilege.

The principle that an Englishman should be tried by his countrymen has been invariably upheld in our intercourse with all oriental nations. Witness the capitulations which prevail throughout the Ottoman Empire, and the treaties with China, which generally remove the jurisdiction over British subjects from the native tribunal to the Consular Courts.

MR. A. WEEKES, *Magistrate of Purneah*—Considers the principle of the Bill unwise, unsound, impolitic and unnecessary. No inconvenience has of course yet been felt, as there is no officer of the kind contemplated by the Bill in the Purneah district.

MR. R. PORCH, *Magistrate of Maldah*—Is opposed to the principle of the Bill, because, upon the basis of an experience of 22 years, he considers that no European under trial, unless he be ignorant of the common ways of the country as to forgery, perjury, and fabrication of false evidence, could have any confidence in the impartiality and competence of a court presided over by a native officer, covenanted or otherwise. Native officers, by their own ways and standards of living, thinking and acting, show and admit themselves to be incompetent to deal with the ordinary issues involved in cases against Europeans, whose ways and motives they do not understand. The occurrence of any administrative difficulty is not foreseen.

MR. W. OLDHAM, *Deputy Commissioner of Sonthal Pergunnahs*—Points out that the first act following the rebellion of 1855 in the Sonthal Pergunnahs was to put the people entirely under European officers, because it was felt and found that native officials were incapable of treating with justice the wild tribes whom they regarded as both savage and alien, to whom they could not listen with patience and without contempt; whose positions, feelings, motives and actions they could not realize nor judge of. This want of sympathy was comprehended by the wild people, who regarded the native officials with intense mistrust and thorough aversion, as under their *régime* the Sonthals were at the mercy of every intriguer who knew how to employ the machinery of the native courts. Since 1873 a few Sub-Deputy Magistrates and Collectors have been employed in the district, with petty powers under the supervision of European officers; and since 1882, one picked native Deputy Magistrate has been in charge of a minor sub-division. As regards the sub-deputies, there has not been one whose conduct in cases Mr. Oldham, during his term of office, has not had occasion to animadvert upon as approaching that which has been assigned as a chief cause of the Sonthal rebellion. As regards the picked Deputy Magistrate in charge of a sub-division, he has worthily fulfilled the trust reposed in him. Nevertheless several petitions have been received during his short incumbency, complaining that it is contrary to Government orders to employ a native officer, and asking that an European may be sent.

This review has two aspects. If the competency of an ordinary Native Magistrate to administer a Sonthal sub-division can be challenged for the specific reasons set forth, as it certainly is challenged, the competency of a still higher class of native officers to try Europeans is to be challenged on precisely analogous grounds—foreignness of feeling, want of sympathy, and the ease with which the machinery of the courts can be manipulated against the Europeans. The other view is that with the distinction so prominently drawn by the people of his district between a European and Native officer, it cannot but have an ill effect for it to be seen that Europeans are amenable to a jurisdiction from which the Natives shrink, and against the exercise of which they are so ready to appeal.

Mr. Oldham has made successful efforts to gain intimacy with some of the Native officers with whom he has been brought into contact during his service. He has been struck invariably not only by the want of sympathy with which his native intimates regarded such a race as the Sonthals for instance, but by the mingled aversion, disgust, and contempt with which they looked upon them. Precisely the same feeling was evidenced as regards Europeans of the lower orders, especially when they were uncouth, rough, and noisy. It is not likely that the residence of a Native Civilian in England would impart to him much sympathy with or knowledge of the lower orders.

Instances are given of the great severity with which Native Officers punish crimes of violence, and of the manner in which they regard violence, no matter how extenuating the circumstances under which it was used; and it is noticed that the most frequent class of cases in which Europeans are concerned are those in which violence has been used by them, with or without extenuating circumstances.

As regards persons accused of offences, it is a common fault of the Magistracy to be guided by knowledge gained otherwise than in court. Few officers are free from this, and the evil exists in proportion to the extent to which the officer is accessible to, or subject to, extraneous influences.

Native officers, in Mr. Oldham's experience, have shown this tendency in a far greater degree than their European colleagues, and he has never known a native officer who regarded this tendency as an evil.

Generally it is a fact that mofussil justice is very far from perfect. At present, cases in which Europeans are concerned are those which are tried with the greatest care and the most consideration. The new Bill would take away this distinction in a measure. They would receive, in exchange for the good law and the justice of the presidency, the more careful law of the mofussil in all its inferiority. They would fare worse than this, as they would be tried by men incompetent to try them. They would be not only misunderstood, but be tried by courts exposed to extraneous influences.

Another difficulty, not insurmountable, but likely to be practically embarrassing, is the fact that Europeans in this country do not pay to mofussil courts, with their rough and undignified appurtenances, the respect which they would pay to similar tribunals and officers at Home. Grave scandals would occur, and the accused might become involved suddenly in most serious consequences, and liable for acts which, with a European officer dealing with him, he would have no opportunity or temptation to commit.

The Deputy Commissioner is therefore opposed to the principle of the Bill. On political grounds it would be impossible to put it into force in his district, and the same reasons must have some application elsewhere. It would operate to the serious disadvantage of the European community. It would involve complications of which, without it, there is no risk, and it would embarrass the Native Civilians whom it invested with powers.

The Deputy Commissioner can imagine no administrative difficulty as likely to arise if the Bill be not passed, as certainly none exists now.

BABOO SOSHI BHUSAN DUTT, *Deputy Magistrate of Muddhepoora*—Although there is no administrative difficulty now, thinks it may be felt hereafter, when the number of Native Covenanted Civilians increase, and as crime increases with the increased influx of Europeans into the country. Is of opinion that, "however good in principle the Bill might be, considering the present state of feeling, its passing into law will unnecessarily create a breach between the Europeans and Natives."

BABOO WOOMA CHURN BOSE, *Deputy Magistrate of Banka*—Europeans have waived the valued privilege of being tried by their countrymen, so far as regards their amenability to native Judges in civil matters, and also in criminal cases in presidency towns. Native Judges and Magistrates have hitherto discharged their duties in these cases with integrity and impartiality; therefore there can be no wrong in extending the system prevailing in the presidency town to the mofussil. It is true, there is between the European and native Magistrate an essential race difference, which is a judicial disqualification in the latter, and renders him unfitted for exercising the powers proposed to be vested in him, owing to his ignorance of European ways. But the jurisdiction over Europeans is only to be granted to carefully selected native civilians, who have made their way into the service by competition and sojourn in England, and who thus have had opportunities of acquiring a knowledge of, and insight into, European ways. There still remains the question of difference of race. If native civilians are open to the charge that on this account they are rendered less possessed of tact, judgment and impartiality, or if it renders Europeans less disposed to submit and confide in their jurisdiction, then the powers contemplated in the Bill should not be conferred.

MR. S. S. JONES, C.S., *Sub-divisional Officer of Deoghur*—Cannot say that members of the three first classes named in the Bill are not competent to try European British subjects, or maintain that all British subjects are entitled everywhere in India to be tried only by European British subjects. In towns they are not so tried. The question is one of administrative ways and means, the end being good government and the contentment or acquiescence of those affected by any legislative change removing a felt difficulty. Knows of no administrative difficulty as yet to have arisen, nor likely to arise within the next ten years.

MR. W. SMITH, *Sub-divisional Officer of Doomka*—Disapproves of the Bill. Had experience in European cases at Rajmehal for four years (probably at the time of making the railway). Some of the parties were newly arrived Scotch women, and cases between husband and wife; cannot conceive it possible for any native Magistrate to have dealt with such cases successfully. He could not have understood the language used, or appreciated the domestic differences involved. He would have found it difficult to have his authority or office respected, specially while the parties were angry; and the attempt to deal with a simple offence might have led the European concerned to become involved in a serious one.

BABOO SHARODA PROSHAD CHATTERJEE, *Personal Assistant to Commissioner*—Thinks the present system under which the most highly-educated native of India cannot try a European British subject, while he can try any other cultivated European or American, indefensible. The pleas which have been urged against the Bill, *viz.*, the ignorance of the native Judge as regards the habits of, or want of sympathy with, the European British subject, apply in the same force to the other cases referred to. The only intelligible ground that can be adduced against the Bill is that the change in the law would lessen the prestige of the conquering race in this country, but the persons (Europeans) likely to appear as criminals belong to the lowest



social strata, and the trial of these cannot lessen the awe and respect which the name of an Englishman inspires in India.

Criminal statistics (in this part of the country at least) do not bear out the assertion that Europeans are likely to be harassed with false complaints. The number of these is small.

**BABOO GOSAIN DAS DUTT, Deputy Magistrate of Kissengunge.**—It is impossible for any man holding liberal views to deny the expediency of removing distinction founded merely on differences of race or class, provided that the evil consequences of such removal do not more than counterbalance the benefit that must naturally result from action based on sound political principles, and provided that the proposed change is one of sufficient magnitude to justify the rousing of an opposition which, even though it be unreasoning, is in itself an actual evil. Thinks that there is very little or no probability of administrative inconvenience arising if the Bill be not passed. The powers, if granted, should only be given to those covenanted civilians (native) who have come back from England, and are acquainted with the manners and customs of the people whom they will have to try. Otherwise, to extend the jurisdiction to covenanted civilians who have been selected in this country, would be to put up a tribunal quite ignorant of the manners and habits of the people whom they have to try, and consequently the results of such trials are never expected to give any satisfaction.

3. My own opinion is as follows:—I concur in all the reasons which have been adduced by the various officers who have objected to the Bill. I sum up my objections thus—

- (a.)—Native Magistrates, &c., are incompetent to try Europeans on account of their ignorance of the habits, actions, and modes of thought of the Europeans. The disqualification extends to the covenanted native civilians who have visited England, as it is impossible to suppose that a three or four years' residence in that country, on the part of a youth, for the purposes of study, can have given him a really practical and sympathetic knowledge of the European character. It extends in the fullest degree to those who have never been to England (and who are likely apparently to form the bulk of the officers employed in the future), and upon this head it seems sufficient to ask the question whence, with the existing state of inter-communication between Europeans and natives in this country, can these last be supposed to have acquired their knowledge of European character and ways?
- (b.)—The proposed change, if carried out, will place the Europeans under greater disadvantages than at present. Whatever may be the case in the large presidency and other towns, it is an undoubted fact that in the mofussil a certain respect is felt for a European, as such, whether it be in the case of an official or settler. In the latter, the protection thus afforded is one of the few compensations enjoyed for the life of isolation which he lives. If the right of being tried by his countrymen is taken away from the European, increased recourse to false cases and such like will certainly be had by those who resort to such practices.
- (c.)—Native officials in the mofussil would not be able to command respect for themselves and their offices. This would specially be the case with Europeans of the lower orders, and very grave scandals would be the result. This is a real practical danger which will be testified to by many officers. The argument that this difficulty has not been felt in the exercise of jurisdiction by civil courts over Europeans is not a safe one, for the temper of an accused in a criminal court is quite distinct from the attitude of the parties to a suit in the civil courts.
- (d.)—The passing of the Bill will widen and perpetuate the breach between Europeans and natives that has already been opened by its proposal. There is no doubting the depth of the feelings that have been already aroused. Europeans and natives of enlightened character, who have worked together heretofore with common feelings and single aim, are almost to a man divided upon the present subject, where, that is to say, the latter support the Bill; for as a fact only a few of the advanced section of the native community are interested in the matter. The bulk of the people are ignorant even of the proposals, and, if I am not mistaken, the old-fashioned native of good degree, when he came to understand the measure, would be astonished at and reject it.
- (e.)—The whole European community will be bitterly alienated from the Government. Is this politically safe? Or if there be no danger from such a state of things, is it justifiable or desirable to drive them into such an attitude? For their services in the Mutiny, and in advancing the country, are the European British subjects entitled to no consideration?

4. I believe that at the present or in the future, at all events for years to come, there is absolutely no administrative inconvenience likely to occur from matters remaining as they are and have been.

5. Although not instructed to do so, I consulted four non-official European gentlemen upon the question—selected persons, who have spent long lives in the interior of the country, living in close and most cordial relation with natives of all classes, who have, some of them, made large fortunes as the fruit of their labours. These men might be expected to give just and reasonable opinions, unaffected by the excitement that the Bill has aroused. As one man, they give their voice against the proposed measure.

No. 464, dated 2nd May, 1883.

From—W. H. VERNER, Esq., Sessions Judge of Bhagulpore,  
To—The Commissioner of the Bhagulpore Division.

You have asked me for an expression of my opinion on the principle of the Criminal Procedure Code Amendment Bill, and also whether I think that the present system results in inconvenience.

I am not sure that the Bill rests on any principle. There appears, however, to be underlying it some such idea as this:—*If a European is allowed to try a native of this country on a criminal charge, a native of the country should be allowed to try a European on a similar charge.* Judging by much of what appears in print, the arguments of those who entertain this idea are that one man is as good as another, that one race is as good as another, that a conquering race is no better than a conquered race, and so on. On the other hand, the arguments of those opposed to the idea are often that one man is better than another, that a conquering race is superior to a conquered race, and so on. Arguments of this kind lead to no conclusion, are dangerous, and, it seems to me, on a question of practical government, irrelevant.

The probable results of the Bill appear to me the best guide in determining whether its principle is sound, if that above noted can be called a principle. I divide the results into advantages and disadvantages.

#### I.—ADVANTAGES.

*First advantage.*—Proclamation or advertisement to the world that, after a competitive examination, selection by Government, or some other test, natives of this country are entitled to sit in judgment on British-born subjects.

*Second advantage.*—Gratification experienced by natives of India by this proclamation or advertisement.

*Third advantage.*—Gratitude thereupon.

*Fourth advantage.*—Administrative convenience.

It is possible to underrate the importance of the first of these advantages. But it should be remembered that the true liberal is a man of ideas, and in the interests of the nations at large these ideas should be proclaimed. I do not attribute much weight to the second and third advantages. The gratification will be confined to a small section of the community, and the gratitude to one still smaller. The fourth advantage, namely, administrative convenience, requires consideration. Were it apparent that by the Bill the administration and government of the country would proceed much more conveniently, there would be at least one practical, as opposed to a sentimental, argument for the Bill. But as a matter of fact the existing system presents, and seems likely to present, no material inconveniences. The additional administrative convenience secured by the Bill would be infinitesimal.

#### II.—DISADVANTAGES.

*First disadvantage.*—Dismay of European British subjects at the loss of a highly valued privilege.

*Second disadvantage.*—Race exacerbation.

*Third disadvantage.*—Check to the material prosperity of the country.

*Fourth disadvantage.*—Comparative unfitness of natives of this country for the trial of Europeans.

The first of these disadvantages, like some of the advantages previously noted, is to some extent a matter of sentiment. In the one case, however, the sentiment is of mushroom growth, while in the other it is like a tree which has become deeply rooted in the lapse of centuries. The second disadvantage is momentous. A measure which must in a country like India increase race antagonism is, so far, condemned. The most ardent liberal, the man of the most advanced views, would probably admit this. To those who hope for a time when the peoples of India will freely join in the government of their country, there could be no greater blow than the present Bill. What might come last has been put first; what might have been the crown of the edifice is now a stumbling block in the path of the builders. The third disadvantage arises from the fact that anything which promotes alarm, race antagonism, or a feeling of distrust, whether against the people or the Government, must tend to check the influx of European capital; and most men who have thought over the matter agree that the great material want of India is capital. About the fourth disadvantage there can, I think, be little doubt. Owing to many causes to which I need not refer at length; a native gentleman would, when trying a European British subject, stand at a disadvantage beside his European compeer. No doubt by a residence in England this comparative unfitness would be lessened, more especially in those rare cases where, owing to emancipation from caste feelings and other fortunate circumstances, the Indian gentleman was able to become intimate with English people, English habits, thoughts and feelings, and English family life. But it may be stated without fear of contradiction that *ceteris paribus*, the European officer will be more fit than the native to try Europeans. It may be said that by a parity of reasoning native officers are more fitted than Europeans to try natives; but without entering upon the discussion of this question, and of certain political questions connected with it, it is sufficient to say that this, even if admitted, forms no argument. It can hardly be maintained that because Europeans, though more



unfitted for the purpose than natives, try natives, therefore natives, though more unfitted for the purpose than Europeans, should try Europeans. Two blacks do not make a white.

The disadvantages of the Bill appear to greatly outweigh its advantages, and it must be remembered that it is for the advocates of change to prove their case.

No. 132, dated 9th April, 1883.

From—F. COWLEY, Esq., Judge of Purneah,

To—The Commissioner of the Bhagulpore Division.

In reply to your memorandum No. 455J., dated the 2nd, and received on the 5th of April, I have the honour to state my opinion on the Bill No. VIII of 1883, to amend the Code of Criminal Procedure, 1882.

2. Section 2 of the Bill is permissive, and empowers the Local Government to appoint persons, whether Europeans or not, holding certain offices, to be Justices of the Peace; but section 3 introduces a complete change, and directs that all Sessions Judges and District Magistrates shall, in virtue of their respective offices, be Justices of the Peace. The Bill then empowers any native Sessions Judge or District Magistrate to try European British subjects.

3. The reasons assigned for the Bill are that "it was thought anomalous that while natives of India were admitted to the Covenanted Civil Service, and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects outside the presidency towns."

4. If this be an anomaly, it arises out of the position of Europeans in this country. Englishmen conquered India by force of arms; they hold it in a great measure by the prestige which still attaches to them as the conquerors, and any change which will be interpreted by the great mass of the people in diminution of that prestige ought to be avoided, if British dominion in India be worth retaining. In the eyes of the natives at large, and more especially of the turbulent and uneducated among them, the effect of the Bill, should it become law, must amount to a degradation of the personal status of Englishmen. To those races in India among whom our native army is recruited the propositions of the Bill must be a greater anomaly than the disqualifications which it is sought to remove.

5. If the Bill become law, a few natives will have received, or will be in a position to receive, authority to try European British subjects; but the benefit, if there be any to the administration, can only be gained, so far as my experience goes, at the expense of the feelings of by far the greater portion of the present European community in Bengal.

6. It is in the interests of justice that any person placed on his trial charged with an offence should have confidence in the court which is to try him, and should feel that the court is capable of fully understanding his actions or omissions; and the privilege or right of trial by one's own countrymen can be justified on this ground.

7. Natives of India, who have not been educated in England, cannot enter into the feelings and motives which prompt Englishmen, and more particularly Englishwomen, to action, and a native Judge or Magistrate in that position is, on that ground, not so qualified to deal with Europeans as is a countryman of the latter. Some of the native gentlemen who have been to England might have the necessary qualifications; but a general rule should not be based on a few exceptions.

8. On litigation generally, the views of natives and of Europeans differ materially. Some years ago, when I was in Chittagong, the Magistrate-Collector visited a village in that district, and was told that the family of a young man who had then recently died at a comparatively early age, had sustained a great loss because the young man, though not a lawyer, only a litigant, had already successfully fought out a number of cases in our courts. The narrator admiringly added—"What would he not have done had he lived longer." This love of litigation is general, and is always borne in mind by Judges and Magistrates. It is characteristic of the people in Bengal. I believe few Englishmen who are not professional lawyers would ever think of either profit or pleasure in litigation, or would not rather avoid it.

9. I have on many occasions found courts, presided over by native gentlemen, rejecting evidence, almost as a matter of course, because it consisted of statements made by relatives or dependents of one or other of the parties. Would a general assertion of that description be frequently or ever used in courts of justice in England? Such reasoning implies that perjury and subornation of perjury are believed to be ordinary weapons of attack and defence; and it shows that judgments are based largely on the probabilities arising out of the circumstances of the cases under inquiry.

10. It is not, however, only in modes of thought and characteristics, but also in habits of living, in social and domestic institutions, that Europeans and natives differ. A native, however well educated, must find it difficult to understand a European; and I therefore think that the objection of Europeans to being judged by natives rests on more than a sentimental foundation.

11. Englishwomen are more disadvantageously situated in this matter than Englishmen. Is it not even an indignity that European ladies should be liable to be tried by men who allow polygamy, and who regard females as inferior beings, not fit to be trusted to appear in public.

12. It may be urged that natives are tried by Europeans; but this is an anomaly

which probably cannot be removed till Europeans cease to govern India, and which exists within comparatively narrow limits. Most trials of natives are presided over by native officers, and in all sessions courts in Bengal trials are held either with assessors or with jurors, some, generally all, of whom are natives. Even if one admit, which I do not, that natives object to being tried by Europeans, that is no reason why Europeans should be unnecessarily subjected to a tribunal which they deem to be objectionable.

13. It is said that race-feeling should be allowed no weight. That is true if the term be used in an invidious sense ; but if it mean superior trust in men believed to have inherited those qualities which have given actual pre-eminence to any particular race, its existence cannot be ignored in practical legislation.

14. In a country like India, where many different races exist side by side, and where personal privileges are extensively recognised, legislation should studiously avoid raising questions of race unnecessarily. Judged by this standard, and by the result of its introduction, the Bill must be condemned.

15. I think the Bill is erroneous in principle, because it tends to place certain persons who may be charged with offences under disadvantages to which they are not now subject. It can only be justified on the ground of some existing and definite administrative difficulty ; it is entirely unjustifiable if it be based in any degree on the wish of individuals to exercise jurisdiction. Where no legal or moral principle is involved, that person has the right to the greater consideration who has the greater interest at stake. Whether, then, is the question now in issue of more importance to the accused or to the Judge? Clearly a Judge, acting simply as such, has nothing to gain or to lose by trying any particular person. It is not alleged that the present system enables criminals to escape justice, and till there be administrative necessity for a change, there is no good reason why a change should be made.

16. It has been suggested that opposition to the Bill indicates a wish to hinder educated natives of India from advancing socially and politically ; but this is wrong. Ample field for their energies is being opened out to them in the system of Local Self-Government now under consideration.

17. The question of administrative inconvenience raised in connection with the Bill hardly falls within my province ; but I fail to see that any such inconvenience as would justify the Bill has arisen, or is likely soon to arise. If it should ever hereafter arise, it might be met by giving the Local Government authority to invest selected Magistrates of Districts or Sessions Judges with the necessary authority. I myself, however, see no present likelihood of that necessity arising.

No 508 J., dated 21st April 1883.

From—C. F. WORSLEY, Esq., Magistrate of Monghyr.

To—The Commissioner of the Bhagulpore Division.

With reference to your No. 456J., dated 2nd instant, forwarding copy of letter from the Judicial Secretary to the Government of Bengal, No. 1518J., dated 27th ultimo, on the subject of "A Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects," I have the honour to report as follows :—

2. In one of two reports which, as Magistrate of Mozufferpore, I submitted to the Government in 1880 and 1881, on the Bill to amend the Code of Criminal Procedure, Act X of 1872, I suggested myself, (1) that Native Civilians holding the appointments of Sessions Judge and District Magistrate should be Justices of the Peace by virtue of their appointments ; (2) that the Government should be authorized to appoint such Native Deputy Magistrates as it might think fit to be Justices of the Peace ; and (3) that the privilege of selecting their own court of appeal should be withdrawn from European British subjects in cases tried by Magistrates. I based my first proposal on the grounds that it was anomalous that an officer in the high position of a District Judge or District Magistrate should be debarred from exercising powers possessed by his own subordinates, and that if such an officer was competent to discharge properly the important and multifarious duties which devolved on him generally, it was unreasonable to suppose that he was unfit to try a European British subject. My second proposal was founded on the experience which I had gained as a District Magistrate, and in the course of which I had known Native Deputy Magistrates and Native Subordinate Judges to act with impartiality and due consideration towards European complainants and witnesses in criminal cases, or towards European parties and witnesses in civil suits. Some of those native officers enjoyed the fullest confidence of the non-official European residents of the Mozufferpore district. My third proposal was dictated by a sense of the injustice which might, at any time, be caused by a wealthy appellant compelling a poor complainant to defend a case before a distant appellate court, and of the unfairness of allowing a convicted person of a particular race to take his choice of two appellate courts which the law presumed to be equally competent to hear his appeal.

3. I still retain the opinion which I formerly expressed on the third point ; but on the first and second points I have seen reason to modify my views.

4. I admit that I was wholly unprepared for the exhibition of angry and stormy feelings which the present Bill has aroused among Europeans in India. Some of this animosity

sity may be the result of ignorance, some the effect of example ; but I feel sure that in the main it is far too real and serious to be treated as a passing storm. One effect of the agitation and counter-agitation that have been set on foot has been to place before the public all that can be possibly urged for or against the Bill ; and, for my own part, I am bound to say that I can no longer regard the changes proposed in the Bill merely in an administrative point of view. To estimate "the principle of the Bill" aright, it seems absolutely necessary to take into account the state of social relations between Europeans and Natives, which, though apparently friendly, and in some instances cordial in recent years, seem, when put to the test, to have rested generally on little solid foundation. In such a state of society, I cannot consider the principle of the Bill to be sound. If the Bill becomes law, it is only too probable that the European community will separate itself more than ever from the people of the country ; that the position of the Native Civilians who may be appointed Justices of the Peace will be made extremely unpleasant for themselves in civil stations ; that on the occasion of every trial (for some years at least) of a European British subject by a Native Magistrate in the Mofussil, bad feelings will be excited, and that an attitude of sullen hostility to the Government of India will be maintained by non-official Europeans throughout the country.

5. While I wish to state emphatically my own belief that Native Civilian Judges and Magistrates would be very unlikely to misuse their powers as Justices of the Peace, and that their sympathies would be more with the Europeans than with the Natives of their districts, I can well understand the natural preference which Europeans charged with criminal offences must feel for courts over which their own countrymen preside, and, considering the peculiar privileges enjoyed by certain classes of natives—privileges which, in some respects, are calculated to defeat the ends of justice (*e.g.*, it is impossible for a Judge to observe the demeanour of a *purda-nashin* witness, or to feel satisfied always of the identity of such witness),—I submit that nothing short of administrative necessity should be made ground for withdrawing from European British subjects a privilege which they have shown in the most unmistakable manner that they very highly cherish, and which is not productive of any injustice whatsoever. I beg, therefore, to submit my opinion that at the present time, and under present conditions, the principle of the Bill is not sound, and that infinitely more harm than good will be done by proceeding further with the Bill.

6. With regard to the latter part of the Government letter, I have no hesitation in stating that neither in this district, nor in any other district in which I have served, has any administrative inconvenience arisen from the exclusion of Native Covenanted Civilians from the power of trying European British subjects on criminal charges. In every Behar district there are always one or more Justices of the Peace besides the Magistrate of the district ; and until the number of Native Civilians becomes very much larger than it is at present, I do not see how any administrative inconvenience can possibly arise.

7. I have not thought it necessary to enter into any lengthy arguments for or against the Bill, as everything that can be said on one side or the other has already appeared in the newspapers or in petitions, and I presume that it is my opinion, more than lengthy reasons, that is required.

No. 614J.D., dated 15th May, 1883.

From—F. B. PEACOCK, Esq., Secretary to the Government of Bengal.

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 591J.D., dated the 12th instant, I am directed to

\* From the Commissioner of Dhaka, No. 258M., dated the 7th May 1883.

From the Commissioner of Patna, No. 349G., dated the 6th May 1883.

forward, for the information of the Government of India, copies of letters\* from the Commissioners of the Dhaka and Patna Divisions reporting on the Bill to amend the Code of Criminal Procedure, 1882.

No. 258M., dated 7th May, 1883.\*

From—N. S. ALEXANDER, Esq., Officiating Commissioner of the Dacca Division,

To—The Secretary to the Government of Bengal, Judicial Department.

With reference to your letter No. 1518J., dated 27th March last, regarding the amendment of the Code of Criminal Procedure, 1882, I have the honour to submit the following report for the information of His Honour the Lieutenant-Governor of Bengal, and to submit annexed extracts from the reports of certain officers whom I have consulted, and my notes thereon.

2. In my opinion the Bill as it stands steers an unfortunate *middle* course. It goes far enough to rouse the indignation of one powerful section of the community, while it does not go far enough to satisfy the cravings of another ; and as such it must be condemned as impracticable and ineffective. To give half a dozen Civilians powers to try Europeans will not remove any anomaly, or cause to cease any administrative inconvenience, for the reason that inconvenience is only likely to arise in cases which occur in sub-divisions (in sudder stations there must be generally one European officer with the powers of a Justice of the Peace).

This being the case, a Bill which does not invest all Sub-Divisional Officers with powers to try Europeans is simply a nullity. The Bill as it stands will certainly not remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinctions. If such is to be carried out, very many officers not mentioned in the present Bill would have to have these powers conferred on them.

3. I see no objection on principle to Government being empowered to invest Native Civilian—those entered in clause (a) with the powers provided in the Bill, if it be granted that such officers have really attained the status of European gentlemen by their education, habits of life, and through general intercourse with Europeans; but it may not be good policy for Government to give such powers.

4. As regards the officers specified in clauses (b), (c), (d), in my opinion to confer on them such powers, and not to confer them on any of the many able and educated Deputy Magistrates and Sub-Divisional Officers of Lower Bengal—such men as Nawab Abdool Latif, Baboo Ram Sankar Sen, and others—would not only be invidious, but doubtless unintentionally, yet distinctly, casting a slur on the latter officers, and be as great an anomaly as any that the Bill is supposed to do away with.

5. There are out of the sudder stations only two places in this Division where many Europeans reside, *viz.*, Naraingunge and Goalundo, to which places only also steamers with European commanders ply. There are no indigo planters, and only one or two traders in country produce, who reside away from these two places and the sudder station. At Naraingunge there has been hitherto posted an European Magistrate, and till Mr. Badshah was posted, the same was the case at Goalundo also. There have not hitherto been any cases in which any administrative inconvenience has occurred in this division, nor does it appear to me that any are likely to occur, except perhaps at Goalundo. Hitherto the Europeans in this place charged with any offences have been content to waive their privileges and submit to be tried by Mr. Badshah (such cases have of course been petty ones). A case might perchance any day arise, in which the defendant might refuse to waive his privilege, and this might cause some inconvenience to parties, but not, in my opinion, to any very appreciable extent. Furrerdpoore is only 20 miles off, and the Magistrate might easily go out that distance, dispose of the case, and return within a day or two to his head-quarters.

6. Mr. R. C. Dutt, district officer of Backergunge, writes:—"As the extensive scheme of railway communication now in the course of rapid execution is fully developed, there would hardly be a district in Lower Bengal where criminal cases implicating railway officials or European settlers would not sometimes occur. The number of Indian members of the service, of the rank of District Magistrate or District Judge, will be greater, and the districts available for them under the present law will be fewer. The difficulty which it is now proposed to pass over will have to be faced a few years hence, and perhaps the same remedy will have to be proposed, the same agitation would be excited, and the same bitter and painful feelings evoked." It seems to him to "be far better, now that the question has arisen, that it should be finally set to rest, and it can only be finally solved in the way in which the Government of India has proposed to do it."

7. Mr. Dutt goes on to say:—"It will not strengthen a district officer in keeping peace in his district, for which he is responsible, when he is told, and the people of his district are told, that he has no power over one privileged class of people; that he cannot punish and cannot deal with a disturbance if committed by that class, perhaps even in the bazar of the station in which he resides; and that for dealing with such cases he must have recourse to the authorities of a neighbouring district. It is not desirable that the people should be told that in districts administered by native officers there is no redress against petty acts of violence by European offenders unless the complainants choose to seek such redress by submitting themselves and their witnesses to the hardship and inconvenience of travelling to a different district. Unfavourable opinions will be formed by the people of an officer in whom Government seems not to repose full confidence, and who is not empowered by Government to keep all classes of people in his district equally in order. It is to be judged whether it is desirable to weaken the hands of a district officer who is held responsible by Government for the peace and criminal administration of his district. The real question was decided when it was decided that the Indian members of the Covenanted Service should be allowed to hold executive and judicial charge of districts. This was a generous and a bold concession, for with that concession the vast powers and responsibilities of ruling the people, which had hitherto been exclusively held by Englishmen, were generously shared by them with qualified native gentlemen. Having admitted them to a share of those great powers and responsibilities, having called upon them to administer districts, collect revenue, extend education, and keep down crime, having required from them the same degree of efficiency and administrative vigour and wisdom as has hitherto been manifested by trained English administrators, it is no longer possible for Government to meddle with the powers which naturally belong to that position, and which are necessary for the responsible work which has to be done. Little distinctions, small curtailment of powers, petty disqualifications based on race or caste, are out of place, are virtually impossible, when it has been decided to entrust the administration of districts to the natives of India. Legislation cannot halt where it is; it must proceed or move backwards. Shut out the natives of India from the great work of district administration, and the Amendment Bill now published may be abandoned. Make them District Magistrates and District Judges, and the powers which have hitherto been reposed in such officers, and which are necessary for efficient and successful



administration, cannot be withheld. The question arose in 1872, *i.e.*, the year after the first native of India entered the Bengal Civil Service, and it was postponed because a practical necessity for the change had not yet arisen, although men like Lord Mayo and his Commander-in-Chief, as Sir George Campbell and Sir Richard Temple, accepted and advocated the change, and saw that it was inevitable. The question has now arisen again in a practical form, as the same native officers are now getting charge of districts; and the proposal can neither be abandoned nor be postponed with due regard to the interests of efficient administration.

8. "Previous to the enactment of the Criminal Procedure Code of 1872, a native member of the Civil Service was not legally debarred, as such, from exercising jurisdiction over European British subjects. Under section 3, Act II of 1869, any Covenanted Civil Servant could be appointed Justice of the Peace, and under sections 39-42, Act XXV of 1861 (the old Criminal Procedure Code), any Justice of the Peace, being a first class Magistrate, had powers to try Europeans for certain petty offences, and to commit them for trial. It was by the so-called 'compromise' between Sir James Stephen and certain non-official Europeans that by the Code of 1872, the Indian members of the Civil Service were legally disqualified to try or commit Europeans, and it was for the first time then enacted that no Magistrate or Sessions Judge should try a British-born subject, unless he was himself a British-born subject. It is well, therefore, to understand that, legally speaking, the right of which it is said the present Bill would deprive Europeans was created in 1872.

"This right of Europeans in India, as it has been called, is one which the large majority of Europeans in India, residing in Calcutta, Madras, and Bombay, do not enjoy, and do not feel the want of. The reason which has been assigned for still keeping intact this privilege in favour of a minority of Europeans residing in the mofussil is that public opinion is not as strong in the mofussil as in the presidency towns, and an act of injustice may therefore be committed in some remote district without its exciting public attention. This argument, which was perhaps valid twenty years ago, is entirely fallacious in the present day. The present agitation against the Bill would in itself show how strong English public opinion is in the interior of the country. The agitation which took place when Mr. Meares was punished by the Magistrate of Jessore is another instance in point. He records his simple conviction when he states that the punishment of a European in the interior would be far more keenly criticised by the English public of India than a similar punishment in Calcutta, and would excite far greater indignation. He says he records his simple conviction when he states that the liberties of Europeans are in this respect safer in the interior than they are in the presidency towns. There is absolutely no reason, therefore, for perpetuating a personal privilege which has in the present day ceased to be necessary, which is not enjoyed by the large majority of Europeans in India, and which involves a serious administrative inconvenience.

9. "The principle on which the Bill is framed is that the power to try European offenders will be bestowed according to personal fitness, and not according to the nationality of the Magistrate and the Judge. It does not remove any of the existing distinctions between native offenders and European offenders. It only removes all distinctions between European and Native Judges. The object of the Bill is not to remove or alter any of the numerous and special provisions which now exist to guard the liberties of Englishmen in the mofussil. Under these special provisions, Englishmen have the benefit of the Habeas Corpus Act (embodied in the Civil Procedure Code), which the natives of India do not enjoy. They have the right of appeal in every case, which natives do not have. The District Magistrate and Sessions Judge have a far more limited power of punishment with regard to them than with regard to natives, while the humbler and less able class of Deputy Magistrates, who mainly administer justice among natives, have (unless they are Europeans and Justices of the Peace) no jurisdiction over Europeans. The proposed Bill respects all those provisions, but enacts that, with those special provisions in his favour, the European will be triable by native and European Judges alike. Indeed in one respect it adds to the privileges of Englishmen. English Deputy Magistrates who are Justices of the Peace try English offenders under the present law as stated above, but they will not be allowed to try them after the present Bill is passed. A higher class of officers, *i.e.*, the covenanted officers alone, will be empowered to try Europeans; but among such officers there will be no distinction made on the ground of nationality. Thus the Bill involves three principles:—In the *first* place, it respects all the existing special provisions to guard the liberties of European subjects; *secondly*, it requires a high degree of fitness in the officers (higher than under the present law) competent to try such subjects; *thirdly*, it does not require that such highly-qualified officers must necessarily be Englishmen.

10. "The only question on which, as it appears to me, there is room for difference of opinion, relates to the extent to which legislation should be carried in the direction indicated. Should district officers and Judges only be empowered to try Europeans, or should covenanted assistants be empowered to do so under special circumstances? Should the power be confined to the officers selected by competition in England, or should it also be extended to those in this country under the Statute? As in heavy districts the district officer scarcely does any judicial work, it would be better perhaps to have a provision for empowering specially selected covenanted assistants to try Europeans. With regard to the officers selected under the Statute, it is not apparent how the power to try Europeans can be very well withheld from them if they prove themselves fit by their work to have judicial or executive charge of districts."

11. As to the administrative inconvenience which has arisen, Mr. Dutt remarks that great inconvenience might have occurred when he was in charge of the Balasore district, to

which no European officer was at the time posted. If any European had then been charged with an offence, he would have had to have been sent either to Cuttack, a distance of 100 miles, or to Midnapore, still further off, but I do not understand Mr. Dutt to say that any such case did actually occur.

12. Mr. Waller, the Magistrate of Mymensingh, writes as follows:—

“The principle of the Bill seems based on the assumption that the only logical criterion of the propriety of conferring the proposed jurisdiction on certain Native Magistrates to try Europeans is that of their competency to discharge high judicial duties, and that this being admitted, the propriety of conferring the proposed jurisdiction follows of course. It is also apparently taken for granted that all judicial disqualifications based merely upon race distinctions in this country at the present time are indefensible

“Besides this mere question of moral and intellectual competency, there are other elements to be taken into account in considering the policy of the measure proposed in the Bill.

“In the administration of criminal justice it is an admitted axiom that it should be so conducted as to secure the sympathy and support of all good and orderly citizens. Now the exercise of a criminal jurisdiction over Europeans at present in this country, even by the select Native Magistrates whom it is proposed to empower by this Bill, would not only not meet with the sympathy or support of the orderly and law-abiding European population of this country, but would inevitably range on the side of the European accused person the sympathy of the otherwise law-abiding Europeans in the country, and that no matter how defensible, from the point of view of the judicial and intellectual competency of the Native Magistrate, his exercise of the proposed jurisdiction in any given case might be.”

“This, however, it may be replied, is merely the outcome of an unreasoning and unjustifiable race antipathy which no Government can be called upon to recognize or to allow to influence it in considering the adoption of measures of reform demanded both by abstract justice and good policy.

13. “An Englishman’s desire to be tried, where life or liberty are concerned, by his fellow-countryman, is, owing in a great measure to the fact that the Englishman knows that, though there may be exceptions in the great majority of cases, the English Judge who will have to try him will be a man who he knows has been brought up in certain well-defined principles, regulating in the most powerful and effective way his ideas of his duty to God and his neighbour, and that it is this code of the most exalted morality by which, in the discharge of any serious and trying duty, he (the Judge) will be more or less strongly influenced. But what do the majority of Englishmen know of the principles which guide, or the code of moral obligations that is binding on the Native Magistrate? And having no knowledge of this how can they be expected to place the same confidence in him as in an Englishman as their Judge?

14. “Again, in criminal trials especially, it is the clear right of every subject to have the best and fairest trial, both as regards the agency and procedure available, that the Government can afford to provide. Now in coming to a decision on evidence in trials, a very considerable amount of the premises on which inferences are based are axioms laid down by the Judge out of his own experience of the conduct, feelings, motives, habits, &c., in every-day life of those whom he has seen or known.

15. “This being so, it cannot be held that a native of India, by living three or four years in Europe, from the age of, say, 16 or 17 to 20 or 21, alone in a foreign country, and his entire time engaged in study for examinations, and without facilities for mixing in society, can in that short time get a sufficient knowledge of the inner, or even of the outer life of Englishmen, to enable him, on his return to India, to form, in a criminal trial of an Englishman, those inferences, above-mentioned as based on experience, equally correctly with an Englishman born and bred among his own countrymen, and therefore intimately acquainted with their social habits, religious and other feelings and ideas. He ventures to say that not even a Frenchman or a German, though of races much more nearly allied to the English in customs and feelings than any native of India, could be found who, even after years of intimacy with English life in England, would be regarded by Englishmen at home as, from this point of view, equally fitted with themselves to sit in judgment on Englishmen; and this would, he is convinced, hold good *vice versa* of any other civilised nation: for instance, a German or an Italian would be dissatisfied to have for his Judge in a criminal trial one of another European nationality, and that even though the foreigner might understand his language well and be quite competent in that respect; and in this connection one cannot fail to remember that the other nationalities of Europe have not allowed the Turkish Government to exercise jurisdiction over their subjects on Turkish soil;” while, as an illustrative phenomenon, he mentions the not unfrequent outcries in the English Press, caused by the exercise over Englishmen of the criminal jurisdiction of other European nations of those countries.

16. Mr. Waller assumes that he has shown that, for the reasons stated, an Englishman could not be said to have been given the best trial as regards agency which the Government could give him, if he were made over for trial in a criminal case to a native of India who had resided in England for some four or five years as above described, and who, for the reasons stated, was not equally qualified with an Englishman, by every-day experience of English men and women of the middle and lower classes, to decide in the trial whether he might (in the words of section 164 of the Evidence Act) presume the existence of any fact as likely to have happened, regard being had to the common course of human conduct in its relation to the facts of the particular case.



The deduction therefore resulting is that the Government is bound in criminal trials to give Englishmen, where it is possible, an Englishman to try them, as being undeniably more qualified by knowledge of 'the common course of human conduct' among Englishmen, than those Native Civilians on whom it is proposed to confer jurisdiction to try European British subjects in the mofussil.

17. As regards the class of officers coming under clauses (b), (c), and (d), Mr. Waller remarks:—

"As to those Native Magistrates who have never been to England, and whose acquaintance with Englishmen and their ideas and habits are derived from the slight amount of intercourse they may have had with them in this country, of course the argument just formulated applies very much more strongly to show that Government would not be doing its duty towards Englishmen in providing the best agency, if it were to make them over to these Magistrates for trial in criminal cases.

"This incapacity of inexperience throws no slur on the moral or intellectual capacity of the Native Magistrate; and to make the former necessarily connected with the latter quality is entirely illogical and untrue.

"These gentlemen may be qualified to hold posts of high position and trust as executive or judicial officers, their moral and intellectual capacity may equal that of the most upright and able Englishmen, and yet the disqualification above indicated must exist. Unless, therefore, it be shewn that Government cannot provide English Judges for Englishmen in the mofussil, or cannot do so without causing serious administrative inconvenience, it is not a good policy to make law the measure proposed in the Bill.

18. Mr. Badshah, Assistant Magistrate of Goalundo, writes as follows:—

"Under the present law, administrative inconvenience is felt. I have been in charge of the Goalundo sub-division for nearly two years, but I have not the powers of a Justice of the Peace. Being stationed at an important railway terminus, European British-born subjects are often brought up before me. Unless they choose to waive their privilege they must be sent on to Furreedpore. This would cause serious inconvenience to them on account of the want of proper accommodation. The European vagrant is found everywhere; and unless the law on this subject is amended such people may terrorise to their heart's content over the people of the district where the Magistrate and Collector is a native. Besides this practical inconvenience, there is the complaint made by some of the Native Civilians that, on account of the anomalous character of the law, Government will doom them to serve in unhealthy places."

19. Mr. Badshah, however, goes on to say: "The case against Europeans in the mofussil are generally difficult to try. They require, on the part of the judicial officer, force of character, sound judgment, tact and discrimination. It is difficult for natives to enter into the ways and ideas of an European, to understand his feelings, his prejudices, and, if he is a non-official, his sublime ignorance of the native character and habits. Consequently it will be generally a difficult task for a Native Magistrate to distinguish between the different shades of an offence committed by an European."

20. On the whole Mr. Badshah thinks "that, in the interests of justice, the Bill should be withdrawn for some years at least. Nothing can be more pernicious—nothing more detrimental to the welfare of society—than to compel men to be tried by Judges whom the former will not trust. It will not only be rash, but disastrous to public policy to invest the latter with new powers. It will be rash because an experiment will be tried against the wishes of those who are most interested in the Bill, whose co-operation will be required to make it useful, and who will throw difficulties in the way of its success. It will be disastrous, because there will be a constant cavilling at the justice of the Native Judge. Every decision of his will be scrutinized, every judgment that he will pass will be ridiculed, every sentence that he will pronounce will be considered too harsh. Every newspaper correspondent will rush into print with his exaggerated tale of the horrors inflicted on the European British subject, and in passionate language will call upon the whole European community to rise in indignation against the Native Magistrate. The native papers will retaliate in the same violent manner. The sore will be kept open, justice will be degraded. What possible respect can men have for their Judges and their judgments, if the former are lampooned and the latter despised?

21. "The tendency of the lower class of natives is to think that *sahibs* are unjustly favoured when they are acquitted on good grounds. The impartiality of the Native Magistrate will be impeached by the Europeans, if in any case an European British subject is punished; it will be impeached by the Natives if he is let off. To equalize rights, to remove the irritation and friction which attend their inequality, is certainly high and noble policy. But if the privileges of a class are infinitesimal, if they injure no person and irritate a very small body of men, if their removal is associated with the degradation of justice, and tends to bring Judges into contempt, it is still higher policy to let alone the privileges, so that the sacred name of justice may not be sullied, nor Judges become the targets for universal ridicule and abuse. It has been the aim and object of every civilized nation to secure their Judges from attacks on their impartiality. I cannot suppose that the present Government of India, if they were informed of all the facts, would depart from the declared policy of the civilized world."

22. Baboo Okhoy Coomar Sen, my Personal Assistant, thinks that "there can be no doubt as to the soundness of the principle of the Bill. As Government is now administered in this country, the people, rightly or wrongly, look upon the District Magistrate as the representative of the executive power of Government in the district. He is the chief Magistrate, and is

responsible for the preservation of peace and order in his district. To this end he is vested with powers to try on criminal charges all classes of the people in his district, of whatever creed or nationality, and it seems to me that in the interests of good government, he should continue to exercise such powers. A District Magistrate without such powers would be an anomaly. Not only would the classes lying beyond the pale of his jurisdiction, but even those within it, would naturally look down upon him; the former would consider themselves above his authority, and the latter would distrust him as one not in the confidence of Government, and not able to protect them from certain privileged classes." His position would be lowered in the eyes of both, and Baboo Okhoy Coomar Sen is afraid that, with half powers, a Native Magistrate would find it difficult to keep the peace in any district in which there might happen to be a number of Europeans of the lower orders. For these reasons, he ventures to think that the District Magistrate must, as now, have criminal jurisdiction over his European fellow-subjects, and that if an Indian Civilian be not fit to be entrusted with such jurisdiction, he should not be appointed to that high and responsible post at all.

23. By parity of reasoning, the Sessions Judge, of whatever creed or nationality, should have the same jurisdiction; one not fit to be entrusted with such powers should not be placed in that high position at all.

24. As to whether Local Governments should be empowered to appoint any covenanted civilian or any member of the Native Civil Service, constituted under the Statute 33 Victoria, Cap. 3, he believes it is only fair to the wise and experienced heads of Local Governments that they should have such powers, which they are sure to exercise with great caution and judgment. They are responsible for the good government of the country entrusted to them, and should have all the necessary powers to that end. A member of the Native Civil Service would probably be made a Justice of the Peace only when a covenanted European civilian was not available, or when he had, by especially meritorious services, gained the confidence of the Local Government.

25. With regard to the question whether any administrative inconvenience arises, or is likely to arise, in the future from the exclusion of the native covenanted civilians from the power of trying European British subjects on criminal charges, he states that, to his knowledge, no case of inconvenience has yet arisen in this division, or indeed in any district in which he has served; but he apprehends that, as more and more native gentlemen are appointed to high posts in the mofussil, such are not unlikely to occur in the future.

26. Mr. Paul, the Magistrate of Dacca, writes, as follows:—

"I object to the Bill as being unnecessary and uncalled for on the grounds of administrative inconvenience, as calculated to widen the breach between Natives and Europeans (non-officials), and as wanting in finality.

"I further object to it as depriving Englishmen of their most cherished right of being tried by their peers, by men who can feel for them and can understand them, and as exposing them, in isolated and distant spots particularly, to the danger of ruin through conspiracy and false charges.

27. "The Magistrate of a district, as a general matter of fact, seldom if ever tries a criminal case; consequently any possible difficulty that can be anticipated could be easily met by the appointment in such cases of an European Joint-Magistrate, who might well be chosen from the judicial branch, so as to leave no possibility of insinuation of rivalry between Magistrate and Joint.

"Besides this, owing to the increased and increasing facilities for communication, more particularly in those districts into which European enterprise has chiefly penetrated, there would, in case of necessity, be no difficulty in sending a special officer, such as is often done for natives themselves—*vide*, for example, the great Tikkari case.

"The present Bill would be more likely to cause inconvenience through disqualifying European Deputy Magistrates, as so forcibly pointed out by the Honourable Mr. Thomas; while, if this error has to be corrected, we again open the door to further agitation to invest all classes, covenanted and uncovenanted alike, with jurisdiction over Europeans.

"That the proposed change is likely to widen the breach between Europeans and Natives is obvious from the agitation that is setting in on both sides, and the violent accusations, brought by each. From my own long experience in dealing with tea-planters, and also indigo-planters, I greatly fear the consequences that may ensue from setting a native in judgment over such persons. Whether rightly or wrongly it matters not, but the fact remains that Europeans in this country do not trust in the impartial administration of justice by natives (that even natives have no implicit faith in their native courts is curiously illustrated at this present moment in this very district, where I have received quite recently affidavits accusing no less than three of my senior native deputies of partiality, and begging for transfer of cases from their file); and unless there is trust, administration cannot proceed smoothly. A slight error or excess in exercising these powers by a native magistrate (and such mistakes are inevitable even with the best) might lead to open violence and resistance, the consequences of which would be most deplorable, and the final effect of which cannot easily be foreseen."

28. "If in the Bill it had been proposed to confer these powers on native civilians alone [class (a)], I could have understood the arguments adduced in favour thereof, and would not so vehemently have opposed the measure, but have contented myself with merely pointing out that, for the sake of the sentiments of so very few, it were impolitic and unnecessary to raise such a dangerous and burning question. I would at once have acknowledged that these

few Anglicised civilians, isolated from the bulk of their countrymen, would be more than ordinarily careful not to let race prejudice or race connections carry them away, while, added to this, their long sojourn in England must have given them some insight into European ways, and opened their eyes to the motives and principles that underlie English social life and customs. I would have admitted that there was some logic in arguing that men who, though of different race, creed and clime, have gone through the same educational course, have passed the same educational tests, and have to a certain extent foregathered with their European comrades are capable of exercising the same powers and bearing the same responsibilities as their European colleagues. But such reasoning cannot be applied to the other classes this Bill proposes to include. If these latter are judged fit to try Europeans, under what disqualification does an old, experienced, and tried Deputy Magistrate labour as regards any distinction between them? Both are Government nominees; in neither class is there any provision that they shall have had an European education; and as a fact there is nothing to prevent an uncovenanted deputy, with interest, from being promoted into the ranks of the covenanted, on whom this Bill proposes to confer exceptional powers. It follows that if this Bill is passed, Government will not be able to stop at the covenanted services, but will be carried on to sweep away what little privileges and safeguards the European retains."

29. Mr. Sharp, Magistrate of Furreedpore, was also asked for his opinion, but he has not up to date sent it to me; and as an urgent telegram asking for the submission of the report has to-day been received from Government, I cannot delay the report to admit of his opinion being considered.

No. 349G., dated 6th May, 1883.

From—F. M. HALLIDAY, Esq., Commissioner of the Patna Division,  
To—The Secretary to the Government of Bengal, Judicial Department.

With reference to your letter No. 1518J, dated 27th March last, on the subject of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to submit the following, after consultation with the district officers of my division, and the subordinate officers, European and Native. I have also had the advantage of receiving the opinions of several European and native non-official gentlemen who have been consulted by the district officers.

2. With some few exceptions on the side of the native officers opinions vary with their nationality, the native being in favour of the Bill, and the Englishman against it. As might be anticipated from the public discussion that has ensued on the introduction of the proposed measure, this as a fair representation of the general division of sentiment on the subject, all Europeans being violently opposed to the change, and almost all natives here giving to it what is in fact a languid support. From the Magistrate of Patna I learn that the gentlemen consulted, official and non-official, Europeans and natives, are, to a man, unanimous in considering the Bill unnecessary, and (with one exception) in condemning it. My own personal enquiries show me that Patna native opinion is quite indifferent on the matter.

3. An expression of opinion has been asked for on the three points—

I.—The principle of the Bill.

II.—The administrative inconvenience at present arising from the exclusion of native Covenanted Civilians from the power of trying European British subjects.

III.—Such administrative inconvenience being likely to arise in the future.

4. Taking the principle of the Bill, I would urge with all earnestness that neither in the Statement of Objects and Reasons, nor in the draft of the Bill, nor in the arguments adduced in the discussion of the Bill on its introduction by its advocates, has any consistency of principle been successfully demonstrated.

It has been aptly pointed out to me by the Magistrate of Durbhanga that both advocates and opponents of the Bill call its principle abolition of distinction between natives and Englishmen. Opponents, in fear, call it the thin end of the wedge: advocates, in hope, call it an instalment of justice. In the discussions in Council, the Bill was said to have no principle; it was not the thin end of the wedge, nor an instalment of justice. It had no tendencies nor object beyond itself; it was merely a Bill to equalize native Civilians' powers inside and out of Calcutta. The introducer of the Bill stated it had a principle—to remove from the Code judicial disqualification arising from race. In the words of the Statement of Objects and Reasons, "to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, *at once and completely, every* judicial disqualification which is based merely upon race." Now, in legislation, it is simply impossible, with the smallest degree of honesty, to promise finality, and in this Bill such a promise as that insinuated in the Statement of Objects and Reasons is not supported by its conditions, for any one who approves of the provisions cannot fail to see much more of the same kind at hand to be done.

The Magistrate of Shahabad rightly draws attention to the fact that the Bill itself cannot be said to accomplish the object set forth, and indeed it merely makes a pretence of attempting to deal with a part of the subject. It leaves untouched the right of the Englishman to be tried in all serious cases by a jury the majority of whom must consist of his countrymen. Thus race is still to be a judicial disqualification for deciding on the innocence or guilt of an European British subject. The other judicial privileges of Englishmen are left intact by the Bill,—as

the right to be tried by a court of higher grade than that which deals with the offences of natives, and the right of appeal in every case. As Mr. Nolan has remarked, "the law, as it will stand when modified by the Bill, will still bristle with race distinctions," so that the whole position of a native with regard to criminal courts will remain, as it now is, inferior to that of Englishmen. The Bill declares natives to be capable of exercising jurisdiction over Europeans, but it provides that they must be natives of certain services, selected merely because they contain very few natives.

The bulk of the native magistracy is in the Uncovenanted Service, but this is carefully excluded from the field out of which the Executive Government may select the future Justices of the Peace; and why? Because it is native, and for no other reason. Cantonment Magistrates, Statutory Civilians and Members of the Non-Regulation Commission, have not, as a body, a better education than the Deputy Magistrates, and their legal training is very inferior to that of the senior members of the service to which the latter belong. Clearly, then, it is not on account of superior intelligence or judicial ability, that they are selected, while the men bearing high university degrees—some of the members, or former members, of the Bengal Legislative Council, who form the first rank of the Uncovenanted Service,—are excluded.

The only reason which can be assigned for the distinction is that of race. At present Cantonment Magistrates and members of the Non-Regulation Commission are Europeans, while Statutory Civilians have been affiliated to an European service. Thus even in the selection of Judges and Justices of the Peace, the one point with which the Bill professes to deal—the object of abolishing race distinction—race distinctions regulate the Bill. Concurring with the Magistrate of Shahabad, I am of opinion that it is an egregious mistake to raise this most invidious question, if it is not to be settled. The Bill, far from effecting such a settlement, would only shift the superstructure of European privilege to a new and hollow basis. Whether there is a justifiable need for such a settlement of the question, I shall remark upon further on.

5. Again, it has been explained by the introducer of the Bill that European cases are difficult, and therefore should be reserved for the higher courts. My own experience, and that of all my officers, confirms the well-known acceptance that the majority of European cases are exceptionally easy; but if they were difficult, this would not of itself induce the legislature to reserve them for the higher courts, and the courts for which they are to be reserved, as those of Cantonment Magistrates are not higher. The most difficult classes of cases are perjury, libel, concealment of birth, adultery, wounding religious feelings; and these offences are triable by Deputy Magistrates who, under the Bill, would be excluded from being allowed to decide, on his own confession, that a European soldier was drunk and disorderly. The anomaly is striking on the face of it, and the position assumed by the Bill cannot be defended. If it cannot be defended, the position cannot be long maintained; and I fully agree with my district officers in thinking that if such indefensible ground is to be occupied, we may look forward to a long period of agitation, such as that through which we are now passing. It is manifestly impossible that the Bill, if passed, can be maintained without giving rise to propositions for various further amendments, embodying the real principle sought, *viz.*, abolition of distinction between Englishmen and natives. Indeed, I observe now from the public prints that from the native partisans of the proposed measure, a further pressure of the thin end of the wedge has been already applied, by the suggestion of an amendment to the present Bill, with reference to the disqualification therein of all Uncovenanted Europeans, other than such as may be Assistant Commissioners or Cantonment Magistrates; that jurisdiction over European British subjects should be given to all Deputy Magistrates, whether European or native, with first class powers.

6. I heartily agree with my most experienced district officers, and I would press the opinions upon the Government for the most serious consideration, that the proposals embodied in the Bill are politically disastrous, and calculated, both from an economical and social point of view, to work irremediable mischief. The ultimate object which must be of a certainty pressed upon us in all consistency, should the present Bill be passed, is the principle, as I have said above, of total abolition of distinction between Englishmen and natives, and this principle cannot be followed without destruction to the Empire.

7. In dealing with this part of the subject, I beg to submit the views of Mr. Boxwell, the Magistrate of Durbhunga, with which I concur entirely. He points out that at the outset we must discriminate between this principle of the abolition of the distinction between Englishmen and natives, and another principle with which a Bombay advocate for the Bill has confounded it. He supports the Bill because he approves of the association of natives in the administration. These two principles seem to be exactly the right and the wrong lines of direction. The Indian Empire is a military despotism, tempered by liberal ideas from England. Popular government of the Empire is impossible, and the idea is absurd; stated nakedly, no one entertains it, but some men, in their treatment of certain questions, seem to postulate it. The Continent of Europe will have a popular government ages before the Continent of India. The government of the Empire is not Bengali nor Hindustani, nor composite, but British. The Empire is held together solely by British supremacy, and a declaration of equality between the British and the natives would be nonsense. The Army furnishes the clearest and simplest illustrations. The Army in India is the backbone of the Government, and what would be the fate of any proposal to equalize Englishmen and natives in military matters? To equalize commands or arms, as by distribution of forts or artillery? The fact is that as long as, and because, we



have the British Army at our back, almost any experiment in mixed administration may be tried.

The mischief is that in peace this foundation of the British rule is dropped out of sight, and wild things are said by native lawyers and orators about equality. What is the meaning of abolishing little distinctions, and doing away with little anomalies, while we keep 70,000 British soldiers holding the Empire, and paid by it for doing so? The fundamental principle of the British Empire in India is race distinction between the British who hold it and the nations who constitute it.

8. But the whole question in this phase has been so thoroughly advocated and discussed in the public prints, that I hesitate to add to the discussion. It has been most truly represented in a recent paper I have seen, containing arguments against the measure, that if the principle embodied therein is supported by arguments based on the so-called anomalous character of the present law, all such anomalies, if such they be, must remain as inseparable constituents of the paramount anomaly of all, namely, the existence, in fact, of the supremacy of British rule in India. In the face of this anomaly, there is no special or unreasonable anomaly in the existence of the right which the proposed measure seeks to take away.

It is not difficult to understand that the other principle mentioned above, *viz.*, association of natives in the administration, is of almost equal rank, and practically as important. We must make all possible use of the natives, both for the sake of the work they can do, and for the sake of giving them work. The more numerous, lucrative, and honourable careers are open to them, the better for every one, and for the Empire. But acts done on this right principle are by thoughtless people supposed to be done on the other wrong and impossible principle. Mr. Boxwell forcibly puts it in this way: a Bengali might liken Baboo Kristo Dass Pal to Mr. Bright; but Mr. Bright sat in Parliament because *the people* sent him there, and in the Ministry, because Parliament sent him and his party to govern; whereas the Baboo sits in the Viceregal Council because the Viceroy chooses to listen to his advice and take it or not, as he pleases. I would note that the introducer of the Bill speaks of a *disqualification*; but the word is unmeaning in this place. It pre-supposes something of a *claim* or *right* to office and equality, but nothing of the kind exists, or can exist. There is no right, inherent or conferred, in the appointment of a native to the Civil Service, which has been wrongfully invaded. The so-called disqualification is not a disqualification of the Judge, but a privilege of the European, which he claims as a long inherent right; and as it has been very aptly stated in the general public discussion of the measure, it would be as reasonable to speak of the privilege of Europeans to demand a jury composed of one-half or more of Europeans, as a *disqualification* of native jurors.

10. One of the arguments put forward in earnest in support of the Bill is that it involves loss of dignity to a native Civilian to be barred from trying any class of subjects of the Empire. The argument really deserves no consideration. The desire of a native Civilian to be able to try an Englishman is no more commendable than would be in an English Magistrate to see a privileged Rajah in his witness-box in court. It would be much more reasonable to withdraw from a Rajah the privilege conferred, and always held so dear by him, of exemption from appearance in court, than to withdraw the privilege from Europeans, which the present Bill would do.

11. I am reminded by the Magistrate of Chumparun, Mr. Henry, that it is not contended in favour of the proposed amendment of the law that there has been any practical failure of justice since the passing of Act X of 1872, owing to the non-concession to certain native officers of criminal jurisdiction over European British subjects. As there has been no practical failure of justice, it becomes necessary to consider who are the persons that will gain relief by the proposed alteration of the law, and what title they have to claim this relief.

From all that has passed, and has been written, regarding this measure for the last two months, it may be assumed that application for relief is not the outcome of national sentiment, nor does the demand for it emanate from the people, or from any considerable number of the people. It comes from a very small section of the community in Bengal, and a still smaller in Behar, who are totally unable to show on what grounds they claim relief, except upon the general and not intelligible ground that there is an anomaly to be removed, and that the proposed measure, if passed into law, would make the Criminal Code more symmetrical from a lawyer's point of view. While the Bill, then, confers no benefit on any class of people (unless the attempt to meet the wishes of a few native officials be considered a benefit), it causes the greatest pain, consternation and exasperation to the whole European community, and will end by alienating them altogether, without conciliating the natives.

Notwithstanding the remarks which have been made in Council as to the position which the Government should assume in this question, to meet the so-called attempt of the European community to *force* the resignation of their Bill, it seems to me that the attitude, feelings, and representations of such community pressed with such honesty of purpose, is not a matter to be lightly treated, but is one requiring the gravest consideration. It would, I think, be folly to blind one's self to the obvious fact that those opposed to the Bill—that is, the Europeans—have the power to embarrass the Government in India, though the wish to do so may be, and no doubt is, very remote; but while the agitation continues, it will do harm, even more than has already admittedly arisen.

12. I think it right to submit to Government the following opinion received from an English gentleman, a Barrister of Patna, having a large experience of the natives, as showing

what native opinion among the *people* has arrived at, with those who have given the matter any consideration. It may be urged that this sort of opinion is only the outcome of native ignorance, and is worthless; but under the peculiar conditions of our rule in India, I am not at all prepared to admit that such expressions of opinion on the action of the Government can, with any wisdom, be totally disregarded. The following is an extract of the remarks above-mentioned:—"Again, the Bill is nothing more or less than a concession to the clamour of natives. But a concession is never regarded as a grant by a semi-civilized man, but a *surrender* or a *retreat*, and so the present Bill is regarded in that light already. The idea prevailing in the bazars is that the Raj of the *Angriz* is gone, that is, the Sirkar, an undefined and unseen power, has taken from the *Angriz* a privilege which gave them power over the Hindus, and consequently now they are all equal. The bad effects of such an idea prevailing amongst the general populace can be conceived, and I apprehend that the passing of the Bill will but strengthen and confirm the erroneous impressions of the people, and will tend to render administration more difficult, and will jeopardise the safety of isolated Europeans."

13. Taking the case from the side of the accused Englishman, there is something more to be said than the argument about his right to be tried by his peers, in which, I am bound to say, I am inclined to think a good deal of nonsense has been talked. On the question of the general qualifications or the individual merit of selected native officers for exercising the jurisdiction proposed by the Bill, I do not wish to touch. Though several of my officers have dwelt on this point, it seems to me a secondary consideration, for it matters little whether the native civilian be, from his birth, education, and habits of thought, qualified or not qualified for the purpose intended, if it be once conceded that the real principle of the Bill is to be adopted—in that the total abolition of distinction between Englishmen and natives is accepted, and the long inherent privilege of the Englishman is swept away.

14. There is, I think, much to be considered in the argument put before me, that, on the whole, it is difficult to conceive any but an Englishman could properly restrain and keep in order a violent and lawless Englishman. Our estimate and the native estimate of crimes of violence and chicanery are different. Mr. Boxwell, the Magistrate of Durbhunga, has rightly put it in saying that we are determined that our views shall prevail. We are strong enough to keep our countrymen in check, and determined not to let the natives reply by false accusations, and we assert that the natives are not strong enough to do this. Therefore we say, for the good and for the safety of both natives and Englishmen, leave accused Englishmen to be dealt with by Englishmen. The motive of the Bill, as set forth by the introducer, looks like an inversion of reason. As Mr. Boxwell expresses it, "there is a big thing of wide-reaching importance—justice between Englishmen and natives; and there is a little thing of no importance—the fancy of a Judge for an increase of dignity. The Bill proposes to let the little frivolity determine the great matter of justice."

15. In concluding upon this portion of the subject, I cannot do better than submit the following remarks in quotation from the views submitted by the Magistrate of Durbhunga. He says—"The coincidence of the Bill for Local Self-Government throws light on the question. The title of that Bill is a misnomer, and for this reason the scheme has a chance of success. The Government hands over for administration by local bodies certain departments of work, with responsibilities and funds. These departments are no more Government, than a railway company or a school or a ship is Government. But the title of the Bill—Local Self-Government—and the reasons for the present Bill—removal of disabilities or disqualifications, together with the license permitted to both English and native newspapers, and the mildness of the despotism generally—all unite to create a false idea that the Government of the Indian Empire is something other than a British despotism. I think the only very bad thing about the Bill is its principle. If it had been introduced as an administrative necessity, and anything like a necessity had been shown for it, then it would have been taken like other disagreeable necessities. But as it is plain that the British Empire, containing many natives of almost every degree of civilization, from savages upwards, counting its languages by scores and its subjects by hundreds of millions, must be governed as a despotism, it seems absurd to base administrative reform on any principle of equality or abolition of disqualification, or other outcome of the growth of popular Government.

"It is certain that the issues here raised are real and not imaginary. The men who want the Bill are a few English-trained natives of Bengal and Behar; and they want it, not for any improvement in justice, but as an admission of a claim to equality. I say the claim to equality cannot be listened to, even to reject. It is irrelevant to every question. Englishmen do not claim individual superiority. We are the subjects of the despotism as much as our native comrades. The Government takes all the advice it thinks needful, and appoints each man to his appropriate work. This notion of equality has been picked up from English books. Bengalis grant no equality to Sonthals, Hindustanis grant none to Bengalis, Brahmins grant none to other castes. Nor does any one think about such a thing, except a few English-dressed natives who grasp a small part of an idea."

16. Taking the second and third heads of the question, as to the administrative inconvenience at present and in the future, I concur in the unanimous opinion of all the officers of the Division, that no inconvenience exists or is likely to exist. I am of opinion that the administrative difficulties anticipated are altogether visionary, and I assert this with the full experience of the administration of a Division having a particularly large community of European residents, the number of which has been recently computed at some 2,300. I would call



attention to the fact—a significant one—that the Bill itself, and I refer particularly to the Statement of Objects and Reasons, makes no mention of “administrative inconveniences.”

It seems *now* to be put forward by the supporters of the measure. I have before me the opinion of another English Barrister of Patna, who emphatically adds his testimony to those who are against the change contemplated, after more than eight years’ residence in the mofussil, where he has, during the whole period, practised uninterruptedly in his profession in the province of Behar. This gentleman has stated that in his experience, since the promotion of the Indigo Planters’ Association, the number of criminal charges brought against planters are few, that the most serious ones are found false, that no case has been found so serious as to necessitate a trial before the local sessions court.

Other classes affected by the contemplated change would be zemindars, European managers of native estates, railway employes, including contractors on railway works, merchants, and shop-keepers. At present no inconvenience in the administration of justice is felt in dealing with any of the classes mentioned. Taking the district of Chumparun as a typical district, where there is a large European population, and where some idea of the value of the capital sunk in one industry alone, over which the Europeans have control, may be formed from the fact that the Chumparun indigo sold during the season of 1881-82 realised over 55 lakhs of rupees, the figures of European crime for the last five years show 19 cases. The Magistrate has reported to me that in seven of these cases the complaint was either rejected or the defendant discharged. Six of the remaining 12 cases were cases of assault or causing hurt; three more cases came under section 506, Indian Penal Code (criminal intimidation), and were compromised out of court. There was one case of criminal trespass (compromised), one case of wrongful confinement, and one case of wrongful restraint. Thus, during a period of five years, 19 complaints were preferred against Europeans.

Seven of these cases, on inquiry, were found to be groundless, and of the remaining 12, 11 were petty offences against the person, with one case of criminal trespass. Had there been no European judicial officers in the district, no appreciable inconvenience could have been experienced, even if, during the course of five years, it had been necessary to bring in officers from neighbouring districts to deal with, on the average, something less than four cases during a year. It appears, moreover, that during the years 1878, 1879, and 1880, there were in all only five cases, one of which was dismissed, and three of which were simultaneously instituted against one accused, and compromised out of court. It may be asserted, therefore, that so far as the experience of the last five years can guide us, the state of European crime in the district has been such that no possible inconvenience could have been experienced in dealing with it, if the whole district judiciary had laboured under the disability of not being able to try European British subjects.

17. Turning to the list of the Covenanted Civil Service, I find that since 1870, namely, during the last 13 years, there have been appointed to the Covenanted Civil Service in Lower Bengal, by open competition in England and by appointment without competition in India, 13 gentlemen who are not European British subjects. Thus, the entrances into the Service have been at the rate of one a year. This, moreover, is the average that will probably be maintained for some time to come, as the average number of appointments has not exceeded eight a year, and the proportion of natives of India is not to exceed one-sixth of the total number. Experience has shown that covenanted civilians in these provinces rarely begin to act for short periods as Magistrate-Collector or Judges before 10 to 12 years, while it takes much longer to attain the substantive rank of either Magistrate-Collector or Judge. Thus, during the next 10 years not more than 13 native covenanted civilians will have to be provided for. Of these about five or six will probably select the Judicial line, while seven or eight will probably select the executive line. With regard to those who select the Executive line, it has long been held that it is not the function of the District Magistrate to try criminal cases, and as a fact he very rarely does try such cases. Important criminal cases are almost invariably tried exclusively by the Joint-Magistrate or senior covenanted or uncovenanted assistant at head-quarters. Districts in which an experienced Subordinate European Magistrate is not ordinarily stationed are at the same time districts in which Europeans are rarely met with, and these may therefore be left out of the question. There are 46 districts in Lower Bengal. When, therefore, these seven or eight Native Civilians, in the course of the next ten years, rise to the rank of Magistrate-Collector, there will be practically no difficulty whatever in posting them to districts containing an experienced European Assistant, or in providing them with one from the large number that are constantly returning from leave or seeking a transfer. During the next ten years, therefore, the administrative inconvenience will be infinitesimal.

After 20 years the case will be much the same. Let us suppose that the full proportion of one-sixth has then been attained, and that out of 46 districts, one-sixth *i.e.*, seven or eight districts, are administered by natives; we thus obtain the very same situation that has just been considered. It must therefore be admitted that as long as the proportion of Native to European Covenanted Civilians does not exceed one-sixth, so long will any administrative difficulty, as regards the executive branch of the Service, be practically unfelt.

To take now the Judicial branch of the service: there are fewer judicial than executive appointments, and in consequence fewer Civilians select the Judicial branch of the Service. At the end of the years not more than five or six Native Civilians are likely to be occupying the post of District Judge. There are 30 Judgeships in Lower Bengal, including Chota Nag-

pore: one-sixth of 30 is five; so that at no time may we expect to find more than five or six Native District Judges in Lower Bengal. Now the number of cases in which Europeans appear as accused persons in the mofussil is, as I have endeavoured to show above, admittedly small; but instances of Europeans being committed to the Sessions Courts for trial are extremely rare.

Perhaps these five Native Judges might have between them one such case in a year. If, in the exceedingly rare case of an European being committed to the Sessions Court for trial, the Sessions Judge should happen to be a native of India, the inconvenience of transferring such a case to a neighbouring district for trial will be practically unfelt. In the matter of appeals it is much the same. In the rare cases in which Europeans appeal from decisions given by European Magistrates, there would be practically no inconvenience in having such appeals decided in a neighbouring district. Appeals are usually decided on the record; and it may be assumed, from present public opinion, that an European would infinitely prefer incurring the expense of prosecuting his appeal in a neighbouring district, rather than have his appeal decided by a native tribunal. I think, therefore, we need not hesitate to dismiss as practically non-existent the alleged administrative inconvenience in the Judicial branch of the Service also. In Behar especially, so far as my division of Patna is concerned, the extensive railways all over the Division, the almost perfect means of communication opened out everywhere, both by road and river, have made every place in each district easily accessible, so that I cannot conceive a single instance where "administrative inconvenience" would ensue, when it was found necessary to transfer a case on account of defect in jurisdiction.

18. Considering this question in another phase, I am reminded that the direct effect of the proposed legislation would be to diminish considerably the total number of officers competent to try Europeans; for while there is to be no increase in the numerical strength of the Covenanted Civil Service, from which body alone Justices of the Peace are hereafter to be selected, the proposed Bill does not empower local Governments to appoint to this office members of the Military or Uncovenanted Services, or of the non-official community, even to fill up the vacancies caused by the retirement of the uncovenanted officers and others who are now Justices of the Peace.

The result brought about will be that the number of Justices of the Peace cannot exceed the numerical strength of the Covenanted Civil Service. How great this reduction in numbers will be may be inferred from the fact that, exclusive of military officers and non-officials, there are at present 40 Deputy Magistrates who are Justices of the Peace. It is obviously convenient that European Deputy Magistrates should be Justices of the Peace when in charge of sub-divisions, or at head-quarters of districts filled with Europeans; and the only reason to the contrary can only be the fear of making a distinction between them and Native Deputy Magistrates. The Magistrate of Shahabad points out particularly to me the inconvenience in the adoption of the Bill, from an administrative point of view, in the case of Sessions Judges. A native would preside over the court, while the majority of the jury, in a case where an European was the accused, would be Europeans. Speaking as responsible for the due prosecution of such, I should regard such a mixed tribunal as the most unfavourable for the ends of justice, as long as the Europeans retain present opinions. The jury would distrust the Judge—a state of feeling pregnant with administrative inconvenience. Justices of the Peace act without juries in trying Europeans for offences which in England would be cognizable by juries; they have a difficult and invidious task to perform, even when the presiding officer commands the respect of the community. If natives summarily condemn Europeans without the verdict of juries, we may apprehend considerable administrative difficulties, particularly when the accused are soldiers, and the offences charged are not of a kind to alienate the sympathy of their comrades.

Mr. Nolan in Shahabad, speaking from the experience of something of the relations between a regiment on the line of march and a Native Civilian in charge of the Sasseram sub-division, says, with much force I think, that he has no doubt that, if an affray had occurred between ryots and soldiers as to the collection of supplies, and the Native Civilian had attempted to try the European soldiers, the result would not have been all that could be wished.

19. In conclusion, I beg to say that the opinions I have submitted above embody a verdict against the proposed Bill, as being eminently impolitic and absolutely uncalled for, given by every one of the seven district officers of my division without exception.

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No. 651J.D., dated 18th May, 1883.

From—F. B. PEACOCK, Esq., Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 614J.D., dated the 15th instant, I am directed to

\* Letter from the Commissioner of Bardwan, No. 204, dated the 7th May 1883, and enclosures.

Letter from the Commissioner of the Presidency Division, No. 38 J. J., dated the 7th May 1883, and enclosures.

submit, for the information of the Government of India, copies of letters\* from the Commissioners of the Burdwan and Presidency Divisions, reporting on the Bill to amend the Code of Criminal Procedure, 1882.

From—JOHN BEAMES, Esq., Commissioner of the Burdwan Division,  
To—The Secretary to the Government of Bengal, Judicial Department.

I have the honor to reply to your No. 1518J., dated 27th March last, calling for my opinion on the Bill to amend the Code of Criminal Procedure.

2. All the European officers whom I have consulted are unanimously of opinion that the principle of the Bill is absolutely indefensible, and that no inconvenience has ever arisen from the present state of the law. I am also of this opinion.

3. As regards any inconvenience that might theoretically be assumed to result from the inability of certain native officers to try European British subjects on criminal charges, the experience of myself and the district officers of this division must, I think, be held to have peculiar weight. Here, if anywhere, such inconvenience, if it ever existed, would have shown itself unmistakably.

4. The Burdwan Division, comprising the whole of Western Bengal, contains the populous and important town of Howrah, with a larger population of British inhabitants than any place in Bengal outside of Calcutta. It also contains the large railway depôts of Raneegunge, Assensole, and Rampore Hât, the population of which is principally European, as well as 225 miles of railway along which trains worked by Europeans are constantly passing. In and around Serampore, there is also a considerable European population, and there are numerous Europeans engaged in the silk and indigo industries in Midnapore and Bankoora, and employed on steamers and in engineering works on the rivers and canals.

5. Several of the Native Civilians who were appointed in England, and several of those appointed under the Statute in India, have also served, or are still serving in this division.

6. In spite, however, of all these conditions having existed for several years past, there has never been the slightest difficulty in bringing Europeans to trial. On the rare occasions when there has been no European Magistrate at Raneegunge, it has been found perfectly practicable either to bring the accused by rail to Burdwan, a journey of only two hours, or the Magistrate of Burdwan has been able, without any inconvenience, to go to Raneegunge to try him. Similarly, it has always been found easy to provide for the trial of railway servants in the case of accidents occurring on the line in the Howrah and Hooghly districts. In petty cases, such as drunkenness, Europeans have invariably shown themselves very reasonable, and have waived their right to be tried by an European Magistrate, rather than delay the disposal of their case.

7. There is no undue obstructiveness on the part of Europeans in such petty matters, and there is consequently not the shadow of a reason for supposing that, under the present constitution of the Judicial Services, the changes contemplated by the Bill are in any way necessary.

8. Even if, however, any such reason did exist when the Bill was first introduced, the events that have occurred since then are so serious, and the state of feeling excited by it is so grave and so suggestive of grounds for anxiety in the future, as to outweigh any considerations that may have seemed forcible to those who introduced it. Only a few months have elapsed since the Bill first made its appearance; but already we, who live among the people and have the best possible opportunities of gauging public opinion, tremble for the results that must ensue if it becomes law.

9. In common with all right-thinking men, I deeply regret and disapprove of the intemperate language used by Englishmen at public meetings, and it is with equal disapproval that I have read the scurrilous and offensive articles that have appeared in native newspapers. Serious men on both sides, I am well aware, deplore these ebullitions of bad taste and bad feeling; but unfortunately political contests cannot be fought out by serious men alone; there must always be excitable and irrepressible followers on either side, who embitter the discussion by personalities, and sometimes render reconciliation impossible.

10. I see only too much reason to fear that the animosity and ill-feeling that has been roused by this Bill will not soon die out. Bengalees will not soon forget the scathing contempt shewn towards them by Englishmen, nor will the latter forget or forgive the insulting taunts of the native papers. So much of evil has this Bill already worked, and it seems probable that these sentiments will deepen into a permanent antagonism of race against race, which will seriously injure the Government and retard the development of the country.

11. Before this agitation began, the relations between the Englishman and the Bengalee, as far as my extensive experience goes, were on the whole very friendly. The Englishman believed, as he always has, and always will, in his own personal superiority and in the superiority of his race, but he readily admitted the intellectual ability and other good qualities of the Bengalee. We indulged, perhaps, among ourselves in a little good-natured satire on certain features in the habits and manners of the Baboo, which seemed to us ludicrous; and he, on his side, I doubt not, laughed behind our backs at some of our eccentricities. But the two races lived together on very friendly terms, and there were frequent instances of acts of kindness done by one to the other. A very overwhelming majority of the native population were quite contented to take an attitude of inferiority to Europeans generally. The acuteness which is one of their strongest characteristics led them to see that more was to be got by approaching the proud Englishman humbly and by flattering his vanity than by opposing him and striving to wring concessions from him by force.

12. But there has been growing up of late years a class of natives who, though numerically few, have become, by their extravagant pretensions and excessive self-conceit, by their unreasonable and unsatisfied longing for power, and by their morbid discontent and disloyalty, a serious danger to the stability of our rule in India. It is we who have created these men, and we have now to fear lest, as the poet writes, "we perish by this people we have made." If we perished, the Bengalee would not hold his own country long; he would be conquered and enslaved by manlier races, and the country would relapse into the chaos from which we rescued it little more than a century ago.

13. It may be thought that I am letting my forebodings carry me too far. I can only say that I am expressing, as faithfully as I can, the impressions formed by long years of residence among and intimacy with the people. It is true this present Bill may be but a small thing, and some people may wonder at its giving rise to so much agitation. But it is generally some very small thing that sets kingdoms in a blaze, especially if it has been led up to by a course of action which has caused much smouldering discontent.

14. The Stamp Act of 1776 was in itself a small thing, but it led to the revolt of all the American colonies, and their permanent severance from the British Crown. If, as is hinted, this present Bill is only put forward to pave the way for wider measures by which the majority of posts in the administration of this country are to be held by natives, then this Bill may have consequences as far reaching as the Stamp Act, and far more disastrous.

15. Of the three classes to be considered in relation to this Bill, I will take first the Englishman (by which I mean the European British subject). The Englishman would not have been so much excited about this present Bill had it not been the last of a series of measures which he has for some time watched with unconcealed annoyance. The admission of natives to the Covenanted Civil Service and to the Bench of the High Court were both very unpopular measures with Europeans of all classes. Then came the so-called statutory Civilians, whose creation was felt to be a direct and bitter insult to the English Covenanted Civil Service. While a young Englishman of good birth, who has lived from his childhood in an atmosphere of the highest civilization that the world has yet attained, has been educated at an English public school and university, and has gone through a period of special training besides, is first subjected to a severe competitive examination, then to two years' further training in England, followed by a second examination, before he is allowed even to enter the Civil Service, a young Native gentleman, who has had none of this training, who is often very imperfectly educated, and whose childhood has been subjected to the far from elevating influences of native society, is considered fit to be admitted to the Service at once, and without any preliminary test of his qualifications. It is impossible to imagine what justification there can be for such an amazing anomaly as this.

16. All these things have been felt very bitterly by Englishmen, and there has been added of late years the very great difficulty which Europeans settled in India have found in providing for their children. One department of Government after another has been closed to all but Asiatics; and even when not absolutely closed, the preference shewn for these latter has been so marked, that a man of European birth has had no chance of employment. The Roorkee Resolution was the last of this series of measures by which men of the ruling race have been excluded from rule, or even from subordinate employment.

17. In its laudable anxiety to do as much as possible for its Asiatic subjects, Government seems to have forgotten that it had a large number of European and Eurasian subjects also whose claim upon it was at least as great as that of Asiatics.

18. Consequently the outcry against this Bill must be regarded as the explosion at least of long pent-up discontent. I am sure that the wiser and more thoughtful among us do not for an instance begrudge the native his share in the posts at the disposal of Government: we only claim for our countrymen our share also. Many of us, among whom I may be reckoned, though sincere well-wishers to the natives of this country, which we have spent the best years of our lives in serving, think that the native as a rule has not yet reached that pitch of development at which he is fitted for high appointments. I think they are fitter for judicial than executive work; but certainly, in the latter line, I have never seen any native who was, in my estimation, fit to be anything higher than a Deputy Collector. As second in command, a native is admirable, but as first he is utterly deficient.

19. All the feelings which I alluded to above will be much intensified if natives are allowed to try Europeans on criminal charges. It is galling enough to my countrymen to have natives placed on a level with themselves. It is worse still when a native is admitted without test to posts which the European can only obtain by repeated trials and severe examinations. It is worse still to have one's children excluded from posts under Government, while natives are admitted, even if acknowledged to be inferior. But it is indeed the last straw when the Englishman, already placed at so great a disadvantage in the struggle for existence, is liable to be tried as a criminal by native Magistrates.

20. For it can hardly seriously be contended that a man brought up in a Bengalee village or town, receiving all the education he can boast of at a zillah school and a Calcutta college, can become perfectly acquainted with English ideas and tones of thought, and with the motives that actuate English men and women, by a residence of two or three years in London.

21. I remember hearing about one of these gentlemen who had spent three years in England, and was asked what he thought of our country. His answer was: "I really know nothing whatever about it. I spent all my time in a room at Nottingham studying, and



I know no more of England than I could learn in my daily walk from my lodgings to the lecture-room."

22. This is one of the men whom the Honourable Mr. Hunter wishes to persuade us are "more English than the English." It is an unfortunate phrase to use. The Honourable gentleman probably had in his mind the description of the disorderly English of the tale, who were *Hibernis ipsis Hiberniores*—more unruly, more bloodthirsty, more treacherous, and more opposed to their lawful sovereign, than even the wild Irishry of the interior. Are we to understand that the Bengalee, who is more English than we ourselves are, is so in the same sense as the English in Ireland in the 17th century, namely, in that he imitates us and surpasses us in all our vices? If so, the phrase is hardly a recommendation.

23. I have been led insensibly from describing what I believe to be the feelings of my own countrymen to discussing the attitude of the second of the three classes affected by this Bill—the educated native. I have said that this class is a creation of our own. Natives educated to such an extent that in the opinion of some persons they have become thoroughly English in their ideas, and fitted to hold the highest posts under Government, are to be found chiefly in Bengal, and it is therefore the educated Bengalee whom we must consider in this connexion.

24. It is well known to every student of history that, down to the establishment of English rule in Bengal in 1765, that province was the most distant and neglected portion of the Mogul Empire, and Bengalees themselves freely admit that their rise in wealth and civilization has been effected entirely under British rule. We may be proud of the improvement that has taken place during the last century and a quarter, and we may fairly ascribe much of it to the education which has been imparted to the people.

25. But in one respect at least it seems to me that this education has led to awkward consequences. What is called the higher education has been pushed on because it yielded more brilliant results, while we have neglected the less showy but more solidly useful task of educating the masses. In Bengal, where wealth is concentrated in the hands of a very limited number, while the great majority of the people have very small incomes, the youths who pursue their studies up to the highest level are for the most part poor, and have to earn their bread in after life.

26. Now, if the country at large had been educated *pari passu* with this small class of youths—if it had attained to a civilization in any way resembling that of European countries—these educated young men would readily find a livelihood in liberal professions, in commerce, or artistic and scientific employments. But the civilization of the country has lagged so far behind the higher education, that there is little or no occupation for members of the liberal professions.

27. A certain number of the graduates of the University find employment as pleaders and law agents, and a few earn a livelihood by the practice of medicine. But these are only a small fraction of the multitudes of educated youths who are yearly turned out of our schools and colleges. In default of any other means of earning their bread, most of them press into the Government service, and as the lower ranks get more and more overstocked, they push forward into the higher ones. They are not hindered by any modest doubts as to their own fitness for high employ. Those who are not successful become naturally discontented and outwardly at least disloyal. It is men of this already numerous class who take to writing in the native newspapers in a tone of disaffection to Government, which is partly adopted to make their papers sell, and is partly nothing more than the jaundiced views of life held by all disappointed and unsuccessful men.

28. Unfortunately the natives of this class have succeeded in persuading influential persons in India and England that their views and their utterances represent the real feelings and aspirations of the native population in general. Nothing could be more entirely mistaken than this idea. There is in reality no disloyalty or discontent in the minds of the people at large, nor is there, in point of fact, in the minds of the class who write most disloyally. If the editor of the most seditious paper in Bengal were to get a well-paid appointment to-morrow, he would assert that the British rule in India was a pattern of excellence, justice, and enlightenment. It is a pity that so much weight is attached to the opinions of these people. They are doubtless very clever, and write and speak very eloquently. But all their opinions are in truth nothing but place-hunting and power-hunting, more or less artfully disguised. By the mass of their countrymen these people are regarded as aliens, as more than half English, and are looked on by the orthodox classes with positive dislike, as men who have forsaken the faith of their fathers. If we wish to gratify the natives of this country by giving effect to their wishes and consulting their opinions, we must not go to this class, whose eagerness for power and discontent with their present condition render them the very worst possible exponents of the real feelings of their countrymen.

29. I now come to the real native of the country. I mean by this term those native gentlemen of respectability and experience who have not severed themselves from the mass of their countrymen, but who still remain leaders of such public opinions as exists, and true representatives of national feeling. Many of them know English, but their knowledge has not led them into discontent with their lot or disloyalty to their rulers. In an informal way I have taken pains to get at the opinion regarding the Bill held by the principal members of this class.

30. I find that their prevailing feeling is one of indifference to the whole question. They

however, admit that they would always much rather have an Englishman to try their cases than a native, and they think it highly reasonable that Englishmen should have this feeling also. They think that the passing of this Bill will be very disastrous to their interests, as it will tend to produce in the minds of the Englishmen, whom they still persist in regarding as the ruling power in India, feelings of hostility to natives, and a cessation of that kindliness and interest in their welfare which they have always experienced at their hands. I am afraid that this apprehension is already being justified. I am not the only one who has noticed a growing dislike to natives on the part of Europeans, and a growing impertinence and insubordination on the part of natives of the educated classes, and, what is still more lamentable, on the part of school-boys and youths at college, who are too young to understand the real questions at issues, and do but give expression noisily and offensively to the opinions of others. The natives as a class do not think that they will be in any degree compensated for a loss of the favour and protection of English officials by the elevation to positions for which they are not (in their opinion) fitted, of a small number of ambitious young men who, while ceasing to be genuine Hindus, have not succeeded in becoming genuine Englishmen.

31. I have endeavoured, in the preceding paragraphs, to give the results of my own observations as to the real opinions of all classes concerning this Bill. I have not thought it necessary to go into all the legal arguments for and against the measure. This task has been ably and exhaustively performed by better men than me, and it would be superfluous for me to attempt to improve on their speeches or writings. I will merely sum up by expressing my firm opinion that the measure is not called for by any administrative inconvenience, that it is not desired by the natives as a body, that it is intensely distasteful and humiliating to all Europeans, and that it will tend seriously to impair the prestige of British rule in India. In fact, under a very simple and insignificant form, it conceals the elements of a revolution which may ere long prove the ruin of this Empire.

32. Is it worth while to risk all this to gratify the vanity of a small class in one only out of the many nationalities into which India is divided? These nationalities have no bond of union, and there are very few of them that would consent to be governed by Bengalees. These young men who now clamour for this privilege knew when they entered the Civil Service that they would not be allowed to try Europeans; yet they strive to make out that conditions which they accepted with their eyes open are now felt by them as a slur and a hardship.

33. I do not of course lose sight of the assertion of Government that this small measure is complete in itself, and that no further concessions are intended. I have no doubt whatever that Government is perfectly sincere in making this assertion. But this, or any succeeding Government, may be driven by force of circumstances to make further concessions. When you have once set your foot on an inclined plane, it is difficult to avoid sliding to the bottom.

34. And although Government thinks it can stop at this point, the educated natives do not think so, and they have told us, through their public organs, that they will not be satisfied with this measure, but will continue to agitate for still greater concessions, and to press their claims until not a single appointment is left to Europeans. They are at the present moment full of exultation and the hope of a coming triumph: for as a triumph over their former masters they regard it, and make no secret of their opinion.

35. On the other hand, the minds of Europeans are full of apprehension, of coming defeat and humiliation, and even the uneducated natives are getting dimly to perceive that a great change is at hand, which in some mysterious way, and for reasons which they can no more comprehend than we ourselves can, will lead to the putting down of the "Sahib" and the raising up of the "Baboo."

36. Now, if already, within the short space of time that has elapsed since the Bill was first heard of, these feelings have arisen, is it possible for Government to say that they will go only so far, and no farther? And it matters little—it will affect the peace of the country very little—for Government to say that they never intended that people's minds should get into this state of excitement and exasperation. Whether intended or not, the feeling is here before us, and it seems to my humble judgment that a wise statesman, when he sees that a Bill which he thought innocuous, has for some reason roused up a bitter spirit of mutual antagonism between different classes of the community, and has been an apple of discord suddenly thrown among them, would at once withdraw the cause of offence. He would study the views and tempers of those for whom he had to legislate, and feel carefully the public pulse before he again proposed so delicate a measure.

37. Of course we are all aware that there has hitherto been so little public opinion in India, especially among Europeans, that an Indian legislator has been able, without risk of causing dissatisfaction, to frame his measures to a great extent in disregard of what the people may think. But on the present occasion we have a distinct and unmistakeable expression of opinion, which, though disfigured at first by some intemperance of expression, is undoubtedly deep and lasting, and of such a character as no statesman, no ruler who is not a mere autocrat supported by armed force, can afford safely to disregard.

38. All who wish well to this great Empire, and take an earnest interest in the prosperity and progress of all classes, whether native or European, cannot but earnestly hope and pray that this most mischievous Bill may be withdrawn, and that means may be found for gratifying the legitimate aspirations of the educated natives, without placing them in the perilous position of being hated by their European fellow-subjects.

39. It has been pointed out by several writers in the public journals, and by several of



the officers whom I have consulted, that the Bill as it now stands will render it impossible for any European Deputy Magistrate who may hereafter be appointed, as well as for the numerous European Honorary Magistrates in the interior, to try their own countrymen. Surely this is creating a far greater anomaly than that which it is desired to remove; and this step has not even the recommendation, if recommendation it be, that the rest of the Bill has, for it cannot in any way tend to remove whatever slur there may lie on native civilians, to cast a slur on European Magistrates.

40. I have selected three of the letters I have received for submission to Government. The letters of the Magistrates of Burdwan and Midnapore are, I think, very forcibly and ably written. The third letter is by Mr. Brojendronath Dé, Joint-Magistrate of Hooghly, and may be taken to express the views of the small section of native society to which he belongs. Mr. Dé entirely fails, in my opinion, to see the real point at issue, and there is a tone of dislike to Europeans, and almost disrespect towards Government, that augurs badly for the future conduct of this class, if they got the power they desire into their hands. I look upon this letter as one of the strongest arguments against Mr. Dé's view of the case that could be imagined.

No. 43G., dated 13th April, 1883.

From—W. R. LARMINIE, Esq., Magistrate of Burdwan,

To—The Commissioner of the Burdwan Division.

With reference to your circular memorandum No. 50, dated 4th instant, forwarding copy of letter No. 1518J, dated 27th ultimo, from the Secretary to the Government of Bengal, and asking for an expression of my opinion on the subject of the proposed amendment of the Code of Criminal Procedure, I have the honour to state as follows:—

2. The question in its general aspect has been so thoroughly discussed in the public prints and elsewhere, that it seems unnecessary for me to undertake a detailed examination of the various arguments for or against the proposed Bill. It will, I think, suffice for me to set forth briefly what appear to be the salient points on each side of the controversy, and to state what my own views are, giving my reasons therefor, whether derived from general considerations or from personal experience.

3. The arguments in favour of the Bill are two-fold—*first*, it is alleged that it will get rid of an unnecessary anomaly, and remove a judicial disqualification which is based merely on race distinctions; *secondly*, it is urged that the passing of the Bill is necessary to prevent serious administrative inconvenience within a measurable distance of time. The first argument is based upon a general principle, involving a question of national policy: the second depends upon an actual state of facts.

4. It is impossible for any man holding liberal views to deny the expediency of removing distinctions founded merely on differences of race or class, provided that the evil consequences of such removal do not more than counterbalance the benefits that must naturally result from action founded on sound general political principles, and provided that the proposed change is one of sufficient magnitude to justify the rousing of an opposition which, even if unreasoning, is in itself an actual evil.

5. The opponents of the Bill traverse both these provisos. They allege that the race antagonism which has been excited by the mere proposal of the Bill, and which would be perpetuated if it were passed, will be productive of infinitely greater mischief to the country than any amount of theoretical relief to sentimental disabilities can possibly counterbalance, and they further argue that the anomaly which it is proposed to remove is of such an isolated and superficial character that the mere fact of the existence of a bitter opposition on the part of those to be affected by the change is sufficient to condemn the whole proceedings.

6. To the allegation that administrative inconvenience would necessarily result unless the Bill be passed, a point blank denial is given.

7. In addition to these demurrers, there has been made the further positive assertion that the men whom it is proposed to vest with the powers of a Justice of the Peace are actually unfitted for the exercise of those powers.

8. In my opinion the opponents of the Bill are victorious all along the line. The most intense animosity has been excited amongst those who would be affected by the change. I can testify that in this district the feelings of Europeans of all classes are unmistakeably roused, and I have no doubt that, if the Bill were passed, the hostility which is now felt to the measure, and possibly to its more prominent supporters, would, in the case of many, extend to the whole machinery of Government. It would be well to hesitate before allowing the possibility of such a disaster to occur.

9. Further, on general principles, it is of the highest importance that those subject to the jurisdiction of certain courts should have confidence in the fairness and justice of those courts; but if the Bill were to become law, a whole community would be subject to tribunals which they not only distrusted, but viewed as alien and almost hostile. Indeed, in some parts of Bengal, I have not the slightest doubt that an attempt on the part of a Native Magistrate to carry out the law by imprisoning a British European subject, more especially if of the female sex, would lead to a serious disturbance, possibly resulting in loss of life. From all these practical considerations it seems to me that it would be impolitic, nay almost dangerous, to the interest of the country to run in the face of a wide-spreading and almost fierce opposi-

tion, merely for the purpose of removing a disability which can possibly affect but few, and in the removal of which I believe that some even of those few are but slightly interested.

10. Next as to the alleged administrative inconvenience. As far as I can see, there is little or no probability that any such would accrue. Magistrates of districts seldom try cases and there are very few, if any, districts frequented by Europeans in which there are not several Justices of the Peace. As regards Sessions Judges, the extension of railroads will prevent any serious inconvenience being experienced. It may be well to observe, however, that even if Native Magistrates were vested with the powers of a Justice of the Peace, it is very improbable that they would be appointed to districts in which there were a large number of Europeans, for there are many considerations, of almost greater importance than that now under discussion, which would render it impolitic that such appointments should be made.

11. It might illustrate the above argument if I were to instance the case of the Ranecgunge sub-division. Although there are a large number of Europeans resident therein, but little inconvenience would result if the Sub-divisional Officer were not vested with the powers of a Justice of the Peace, for any case of European British subject could easily be tried in Burdwan, or a competent officer could be sent to Ranecgunge. At the same time I think it would be very injudicious to place a native Magistrate in charge of the sub-division, for this reason, amongst others, that he could not secure the co-operation of the European residents in the administration of affairs, or in carrying out any works of public utility.

12. It now remains for me to discuss the question of personal fitness. I would gladly avoid doing so, for I number several of the native members of our service amongst my friends, but it is absolutely necessary to give the result of experience in regard to this element of the discussion as opposed to the general allegations made by some who evidently spoke without knowledge. I have had the advantage of having official relations with six native members of the Covenanted Civil Service, three of whom were appointed after competition, and three by selection. My personal acquaintance with one of the former was slight, and I shall therefore say nothing with regard to him; but with reference to the others, I have no hesitation in saying that I would remove from their file any case in which the personal liberty of a European was concerned. I do not say this with any intention of attributing to them any want of zeal or honesty of purpose, nor do I think they would always err on the side of harshness; but they are undoubtedly deficient in that strength of character which would be absolutely necessary for the trial of such cases.

13. Influences of various sorts would be brought to bear upon them, and I candidly confess that I do not think they would be able to withstand them.

14. To sum up, then:—The theoretical advantages which the Bill proposes to secure are of the slightest: the immediate practical advantages are non-existent.

The passing of the Bill would excite a violent storm of hostility to Government, and perpetuate a race animosity most injurious to the interest of the community.

The individuals whom it is proposed to invest with powers hitherto withheld are not fitted for their exercise.

No. 1435, dated 28th April, 1883.

From—R. H. WILSON, Esq., Magistrate of Midnapore,

To—The Commissioner of the Burdwan Division.

As requested in your endorsement No. 50, dated 4th April, I have the honour to submit an expression of my opinion regarding the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. It appears to me that the Bill involves no question of principle. It may be theoretically desirable that all classes of Her Majesty's subjects in India should be placed by the law in a position of equality. But this end would not be attained by the proposed legislation, which would merely slightly shift the line distinguishing European British subjects from persons of other nationalities. Moreover, as the English Empire in India exists, and is justified in maintaining itself only because Englishmen have proved themselves to be stronger and more capable of ruling justly than the natives of the soil, it is solely on the ground of expediency that our position can be reasonably defended, and principles applicable to institutions developed elsewhere from indigenous elements might lead to conclusions incompatible with the maintenance of our rule. In the remarks which follow, I shall therefore confine myself to the practical aspect of the question under consideration.

3. I do not think that any administrative inconvenience is likely to result from allowing the law to remain as it is. In most Bengal districts there is a Joint-Magistrate who has charge of the criminal judicial work, whether the accused persons are of European or Asiatic blood. I have been for some years Magistrate and Collector of large districts without trying a single original criminal case, and a Bengali gentleman occupying my position would naturally, and as a matter of course, act in the same way. There are some small districts which are often left without a Joint-Magistrate, but there can hardly be any administrative necessity for posting to such of these small districts as contain non-official Europeans a Magistrate and Collector of Asiatic blood. In districts containing a large body of non-official Europeans, it will always be necessary to have a European Collector, and this necessity would

be in no way affected by the proposed legislation, arising, as it does, not from any artificial provision of law, but from natural causes over which Government can exercise no control. A Lieutenant-Governor who placed a Bengali gentleman, however upright and enlightened, in a position in which an important part of his duty would be to exercise personal influence over a large body of English planters would, in my judgment, show a lamentable want of discretion. No one can regret more than I do the recent outburst in the public press of hostility between Englishmen and Bengalis; but I cannot shut my eyes to the fact that the two races are in many respects different, and I am of opinion that it is, and will continue to be, sometimes the duty of Government to distinguish between them in selecting for particular duties those of its servants who are most capable of discharging them efficiently.

4. Apart from the question of administrative inconvenience, discussed in the preceding paragraph, the chief argument used in favour of the Bill is founded on the propriety of removing the slight put by the present law upon officials of Asiatic blood, and through them on Her Majesty's Asiatic subjects generally. This ground of objection to the law as it stands is sometimes stigmatized as sentimental; but what may be called mere sentiment is often a very important political force, and it appears to me that the argument, so far as it goes, is a good one, which should have its due weight. But the class which feels, or at all events which till recently felt, itself slighted is comparatively speaking a very small one. The native gentlemen whom the heads of Government meet in Calcutta are not fully representative of any large class throughout the country. Till the present proposal was brought forward, I do not believe that it had ever occurred to a single person among the two-and-a-half millions of Midnapore to feel himself slighted because civilians of Asiatic blood cannot, out of a Presidency town, try a European British subject. Now of course the case is somewhat different. An angry strife of words having arisen between Europeans and Bengalis, it is but natural that members of the latter class should take part with their fellow countrymen.

5. The opposition to the Bill has its first justification in the peculiar position of non-official Europeans in the interior of the country. An Englishman so placed must often have interests clashing with those of some of his neighbours and dependents, and must therefore expect to be made the subject of false criminal charges, which he has to meet at a considerable disadvantage, because he is no match for a Bengali in intrigue, and does not consider it justifiable to meet perjury with perjury. On referring to the General Administration Report for the year 1881-82, I find that of the criminal charges enquired into by the Bengal Police 9·6 per cent. were found to be entirely false. There are no similar statistics about non-cognizable offences, but the percentage of false charges under this head must be considerably larger. This is sufficient to show what an important element false complaints are in rural life in Bengal; and indeed to those who have any knowledge of the country, no such proof is necessary. Living, then, as he must in an atmosphere of intrigue, in which systematic perjury is among the ordinary incidents of every-day life, I think that the position of the most inoffensive English planter would be considerably less secure if he were liable to be tried by an Asiatic Judge or Magistrate. This opinion implies no distrust of the probity of native officials, many of whom, in positions much below that of a civilian, I know to be thoroughly upright and just; but it is always difficult for a judicial officer in this country to set at the real facts. Much more weight has to be given here than in England to circumstantial evidence and probabilities as compared with the direct statements of witnesses, and I cannot but think that a Bengali Judge's necessarily imperfect knowledge of English life and character would often place him at a great disadvantage in weighing the circumstances and probabilities of a case in which the accused person was an Englishman. Nor can I conceal from myself the fact that, partly through their own faults, partly from the force of circumstances, non-official Englishmen are very often objects of dislike to the native community, and that a Bengali Judge is likely to be sometimes unconsciously influenced by any strong wave of feeling moving the society in which he lives. It may be said that this argument applies to the trial of Bengalis by European Magistrates, and I think that there are certain classes of cases which a Native Deputy Magistrate can try more satisfactorily than a European Joint-Magistrate; but there is a considerable difference between the two cases, because the English Civilian has, and the Native Civilian has not, devoted his life to work involving a study of the character and habits of the foreigners to be brought before him for trial.

6. The above considerations have special force in the case of Englishwomen. You are aware that one of the commonest Bengali devices for annoying an enemy is to bring a false charge of such a character as to involve the appearance in court of some female relative of the person accused, and it is not probable that this weapon will be forgotten or laid aside if Englishwomen should be made liable to the indignity of appearing before a Judge whose ideas regarding their sex and its character, and regarding the lines which separate respect from insult, are altogether different from those which prevail in Europe. The Civilians of Asiatic blood appointed by competition have, I believe, all adopted the European mode of life; but the Bill draws no distinction between them and the nominated members of the Service.

7. It may be said that the evils which I apprehend from the proposed measure have not arisen in the presidency towns; but a very little consideration is sufficient to show that the two cases differ widely. In a presidency town a non-official European has generally nothing to do, except in the way of commercial business, with any natives of India except his own servants. He lives very much as he would in England, and has no hostile intrigues to contend

against. Circumstances of publicity unfavourable to successful perjury make the institution of false charges comparatively rare, the percentage in Calcutta for 1881-82 being 2·8 instead of 9·6, as in the mofussil. There is so little to bring him into collusion with his neighbours that an Englishman in Calcutta does not look upon the Magistrate's court as an institution personally concerning himself at all. He reads, or more probably does not read, the reports as he would in England, and that is all. But the management of land in almost any part of the province involves more or less of strife, as the history of our Government estates sufficiently shows. A planter cannot hope to be without enemies, who may at any time bring him into court, and the present question is therefore to him one of great practical importance. I am far from thinking that an English planter is always or generally in the right in his disputes; but the fact that he has to be controlled as well as protected from false charges only makes it the more necessary that as strong a hand as possible should be placed over him.

8. There can be no doubt that if there is no reasonable ground for the existing feeling against the Bill on the part of the European community, this feeling will in time subside and disappear; but it will be apparent from what has been said above that in my judgment their hostility is justifiable, nor do I think it likely that the time will ever come when Englishmen in India or elsewhere will acquiesce in a measure subjecting their wives and daughters to the criminal jurisdiction of Judges whose ideas on the subject of women and marriage are not European, but Oriental.

*Note on the Criminal Procedure Code Amendment Bill by BABU BROJENDRO NATH DE, Joint-Magistrate, Hooghly.*

The present report has been called for on two points —

I.—The principle of the Bill.

II.—Whether any administrative inconvenience at present arises, or is likely to arise in the future, from the exclusion of Native Covenanted Civilians from the power of trying European British subjects on criminal charges.

I.—On the first point it is needless to say much. All that could be said for or against the principle of the Bill has been already said in the course of the preliminary discussion of the Bill in the Supreme Council; and it is not possible to add to the clearness and force with which the arguments *pro* and *con* were there stated. It may not, however, be entirely useless to mention one or two considerations in favour of the principle of the Bill. A great deal has been said by the opponents of the Bill about the Briton's birthright. It is hardly necessary seriously to refer to these arguments. The only ground on which the principle of the Bill can be impugned is on an assumption that European British subjects cannot expect, and will not receive, justice at the hands of the officers who will be invested with jurisdiction over them if the Bill becomes law. Such an assumption can only be justified by a reference either to the proved incapacity or ignorance of the officers in question, or to their proved corruptibility. If it can be shewn that these officers are either so ignorant of what will be required of them in the trial of European British subjects, or are so likely to be swayed by unworthy race feelings that European British subjects will not receive a fair trial in their courts, then, but then only, should the Bill be thrown out.

I will take the two points separately:—

(a). The alleged incapacity or ignorance.—It may be said that a few years' residence in England cannot enable the officers in question to distinguish the nicer shades of a European British subject's feelings and springs of actions or the nicer social distinctions or considerations which may become the subject of consideration in the course of a trial in which European British subjects are the parties. It has also been said that these officers will be unable to unravel the skeins of falsehood and fraud, in the meshes of which a European British subject may be thrown by the class of natives of the country who consider the institution of false charges their only weapon of offence. This last argument is so manifestly absurd that it may be dismissed with a very few words. There can be no doubt that a Native Magistrate will be better able to detect the falsehood of a charge got up by his compatriots than a European, and if in these cases Europeans desire to be tried by their compatriots, such a wish can only be explained by an assumption on their part that European Magistrates are so thoroughly imbued with the idea that a European can do no wrong, that nothing but the strongest evidence would induce them to hear a complaint against a European while they would receive a complaint by a European with implicit confidence not only in his good faith, but in his ability to understand thoroughly the motives of his opponents and their modes of thought and action. I need not say that I do not believe that European Magistrates act on the principle just mentioned, and I mention it only as an assumption on the part of such Europeans as may have to stand before a Magistrate as offenders against the laws.

I will now turn to the other and more reasonable arguments founded on the alleged ignorance of the officers in question. I do not think that these arguments are valid, for the following reasons:—In the first place, the existence of this ignorance is simply a matter of assumption, and no proof has yet been adduced to show that it exists. These officers have resided in England, have studied English literature more or less thoroughly, and have attempted to learn and understand English modes of thought and action; and it is only reasonable to ask that they should not be adjudged ignorant of such modes of thought and action till the con-



trary is proved. In the second place, cases are tried on the broad principles laid down in the Penal Code and the Evidence Act, and not on individual or even national idiosyncracies or modes of thought. In the third place, it is almost the everyday experience of a Magistrate that in the trial of cases which come before him, he is confronted with modes of thought, combinations of motives, and conjunctures of events and circumstances of which he was entirely ignorant up to the moment. There cannot be a case more to the point than that of the newly-arrived European Civilian. He has, generally speaking, only a very superficial book knowledge of the language, and is entirely ignorant of the way in which the men to whom he has to administer justice think and act; yet if he hears what the parties have to say with patience, and tries to master the facts of the case and to understand how and under what circumstances they acted, he is generally able to hold the balance of justice evenly. And even in the case of European officers of lengthened experience and I may even add Native Magistrates trying natives, and English Magistrates trying Englishmen on English soil, is it not a fact almost of daily occurrence that the Magistrate has to decide on combinations of circumstances and motives, which are new to him, and which he would have considerable difficulty in imagining for himself? If the Magistrate possesses the amount of intelligence expected of a man in his position, and attempts to master the facts of the case and to enter into the motives and thoughts of the parties with patience and judicial impartiality, he can generally arrive at a correct conclusion; and I am aware of no circumstances which should induce any one to hold that the officers in question will be found wanting in these essential qualities in the trial of these particular cases.

(b.) I now come to the more serious matter of corruption. But as this charge has not been seriously made by any responsible person, but has only been insinuated in newspapers and by irresponsible public speakers, I will say nothing about it. In concluding this part of the note, I may say that although Native Covenanted Civilians have not tried many Europeans, except Mr. B. L. Gupta, who, as Presidency Magistrate, has done so, they have tried many cases in which Europeans were the complainants, or were more or less directly interested; but not one case has been yet pointed out in which they either displayed gross ignorance or laid themselves open to the faintest breath or insinuation of being actuated by unworthy race feelings. I may say that if such cases have not been pointed out, it has not been from any want of will on the part of the opponents of the Bill. The *Englishman*, which has "so ably focussed the opposition against the Bill," has not been slow to publish what it could get hold of against Native Magistrates and Judges, but up to the present moment it has only succeeded in reproducing the judgment of a Munsiff in a case which is yet *sub judice* and that of a Deputy Magistrate which was passed as long ago as 1877, and when the particular officer had been a Deputy Magistrate for only about a month.

II.—I now come to the second point on which an opinion has been called for. On this point, and generally in the course of the whole note, I have to refer somewhat frequently to my personal experiences and circumstances; but this is inevitable, as I am a party somewhat interested in the Bill. During nearly the whole of my service I have been in districts in which there was a fair sprinkling of non-official Europeans, but till lately no administrative difficulty has arisen, unless I may call the fact that I could not be placed in charge of one of the Tirhoot sub-divisions, although I served, I may at least say, without discredit at Durbhunga, an administrative difficulty. Administrative difficulties, however, began to arise when I was transferred to Raneegunge. I am not in a position to say what induced Government to transfer me to a sub-division like Raneegunge, and to transfer me again from the place after such a short period as two and a half months. I may, however, say that when I was transferred to Raneegunge, it was on condition that I should withdraw my application for privilege leave, which I had then made, and should not make such an application for six months. I do not say that this last condition made it compulsory on Government that I should be kept in Raneegunge for a similar period. In the exigencies of the public service I could no doubt be transferred from Raneegunge on the very day after I had received charge there; but in the absence of such an exigency, I could reasonably count on being kept at Raneegunge for at least six months. I am not aware whether any such exigency arose or not, but none came within my cognizance, except that I was supposed to have come into collision with the non-official Europeans. If my early transfer was necessitated by an administrative difficulty, it is undoubtedly to be laid at the door of the disability under which I laboured.

While at Raneegunge I had to try several cases in which European coal-proprietors were very much interested. In one case, Messrs. Apear and Company charged some of their tenants in Santa village with the culpable homicide of one of their peons, and in another I had to convict and punish some of the servants of the Walipur Concern on a charge of rioting and assaulting police officers while in the execution of their duty. In both these cases I came to conclusions adverse to the Coal Companies. While I had jurisdiction to try those important cases in which, and specially in the latter, the concerns were vitally interested, I could not try a paltry case in which the *khansama* of Mr. Whyte, the manager of Messrs. Burn and Company's works, charged the latter with committing an assault on his person. For the trial of this case, in which Mr. Whyte did not plead guilty, but which resulted in a conviction and a fine of Rs. 5, the District Magistrate had to come up all the way from Burdwan to Raneegunge, to the manifest detriment, I should think, of his other duties. If Mr. Whyte had in a straightforward manner pleaded guilty, it might have been a question whether I, as a native of India, could have entered into his feelings and adjudged

him the proper punishment, but when he shielded himself behind a denial which must, now after his conviction, be considered to be false, I do not see why I could not have tried and punished him like any native offender against the law. I ought to mention that, as this case was tried after my transfer, what I have stated is from my recollections of what I heard from Mr. Inglis, my successor, in the course of private correspondence.

Another administrative difficulty has arisen within the last few days. I need only refer to it very briefly, as it must be within the recollection of the District Magistrate and the Divisional Commissioner. I refer to Mr. Warde-Jones' appointment at Serampore. I say nothing about Mr. Jones' fitness for the post, but it is certainly somewhat incongruous that he should have been placed in charge of the sub-division, over the head of a senior Deputy Magistrate like Babu Gobindo Chunder Bose. I think that if the Joint-Magistrate had not been a native of the country, he would have been deputed to Serampore, and this incongruous arrangement would not have been made.

I am clearly of opinion that where these administrative difficulties have arisen in the case of a single officer while he is yet a junior, greater difficulties must arise in the case of those who have attained to higher ranks, and that these difficulties will increase year after year.

No. 38 JJ., dated 7th May, 1883.

From—J. MONRO, Esq., Offg. Commissioner of the Presidency Division,  
To—The Secretary to the Government of Bengal, Judicial Department.

With reference to your No. 1518J of 27th March, I have the honour to submit the report therein called for regarding the Bill to amend the Criminal Procedure Code.

2. I forward herewith the reports of district and sub-divisional officers, and I may mention that I have had frequent conversations on the Bill with other gentlemen, both European and Native.

3. My opinion is asked on two points—(a) the principle of the Bill; (b) whether any administrative inconvenience at present arises, or is likely to arise in future, from the exclusion of Native Covenanted Civilians from the power of trying European British subjects on criminal charges.

4. So much has already been written on the subject, and the arguments on both sides have been so fully laid before Government, that any very lengthened report from me on the points at issue is not necessary. In reporting on the Bill, I have only in reality to repeat arguments already much more ably laid before Government.

5. It will be observed that every District Magistrate in the division condemns the principle of the Bill, and every European officer is of opinion that no administrative inconvenience is likely to arise if the law is allowed to remain as it stands. The Native officials, on the other hand, approve of the principle of the Bill, and, with one or two exceptions, are of opinion that administrative inconvenience is likely in the future to arise. In short, official opinion on the Bill is identical with non-official views, all Europeans condemning, and all Natives approving, the principle of the Bill.

6. The object with which the Bill has been prepared is set forth in the Statement of Objects and Reasons: it is "to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race distinction."

7. It seems to me that, while the principle of the Bill is, when viewed as an abstract proposition, apparently good and logical, it is practically unsound and illogical with reference to the tenure on which we hold, and the circumstances under which we carry on, our administration in India.

8. It is impossible to ignore the fact that we hold the country by right of conquest; and although it is our bounden duty to do all we can for the benefit of the various races in India, any attempt to govern them on principles of universal equality must involve political suicide. This may appear a harsh doctrine: but with reference to the facts of history and present administration, it must, it seems to me, be admitted that, so long as the numerical proportion of Europeans and Natives is what it is, government of the country on principles of universal equality is impracticable.

9. It is further impossible not to recognize the fact that there are race distinctions between ourselves and the people of India. We do recognize the existence of such race distinctions morally, socially politically, and until now, judicially. It is now, however, proposed to wipe away race distinctions as regards judicial qualifications and disqualifications of Natives, while allowing such distinctions to remain as before, when regarded from a moral, social, or political point of view. We continue to admit that, as regards morals, social customs, political status, the Natives of India stand, owing to race distinctions upon a different platform from that of Europeans, but we propose to consider the races as amalgamated and homogeneous as regards judicial qualifications. We continue to send missionaries to convert the followers of Mahomet and the idolatrous Hindoos. We lament the low standard of morality which prevails amongst both these races. We are constantly exhorting them to develop female education, and make woman a companion instead of a prisoner. We decry early marriage, polygamy, and prohibition of re-marriage of widows. We find it necessary to exclude Natives from the European



army, and to prevent them having arms except under license ; in all these, and many other respects, we acknowledge, in our moral, social, and political code, that there are wide race distinctions between Europeans and Natives of India, which must tend to keep the races widely apart. It has hitherto been customary to make a similar distinction between the races as regards judicial qualifications. Such distinction it is now proposed to abolish.

10. I confess that I hardly see why it should be considered sound policy to make this innovation judicially, while the causes and effects of race distinctions between Europeans and Natives in other respects are untouched. It seems to me inconsistent to create, or attempt to create, homogeneity as regards judicial qualifications or disqualifications, when the two peoples remain separated by distinctions of race, morally, socially and politically. I venture to think that, so long as there is such a wide divergence between the races as regards moral standards, social customs, and political status, any abolition of race distinction, with reference to judicial qualifications or disqualifications, must be considered premature. When the two races approach more nearly to one another morally and socially, the necessary divergence which now exists, as regards judicial qualifications or disqualifications, will disappear naturally ; but it will not disappear by virtue of a legislative enactment, which in principle attempts to anticipate the effects of probably centuries of association between different races.

11. I make these remarks, because it seems to me impossible to ignore the fact that the proposed change in the law is looked upon by both Europeans and Natives as involving a race question. It may to the Native seem improper that the European should hesitate to give up any privilege which he has hitherto enjoyed, simply on the ground of pride or prejudice of race. But none the less is it a fact that Europeans do hold this view, and in discussing the question, we have to deal with facts and not with theories. That Natives regard the question as one involving race distinction is everyday proved by the articles in the native press ; and although every Hindoo would regard with horror any proposal to diminish the race distinctions of a Brahman, or remove the perpetual race disqualifications of a Sudra, it is considered by all an unbecoming anomaly that Europeans should refuse to part with a privilege which they enjoy as members of the dominant race, in favour of those who amongst themselves retain race distinctions with merciless severity.

12. I proceed now to discuss the principle of the Bill.

I am opposed to the principle proposed for the following reasons :—

First of all, it is, in my opinion, unjust to Europeans.

India has now been at peace internally for a quarter of a century, and the increase of commercial prosperity during that period has been marvellous. There seems to me to be a decided tendency to undervalue the fact that such prosperity has been achieved by European exertion and European capital. Whether we look at railways, shipping, trade, commercial enterprise of every kind, the mark of the European is everywhere visible ; and apart from the question of dominant race altogether, it seems to me that the interests of the large non-official community, whose exertions have made India commercially what it is, merit the highest consideration in dealing with any question which vitally concerns them. I do not by any means ignore our duties to the vast Native population. In that respect none of the officers of Government have ever been wanting ; but the performance of such duties is, and ought to be, perfectly compatible with the due recognition of the high claim to consideration of their interests, which the efforts of Europeans towards the development of the country have created.

13. I consider that the principle of the Bill is unjust towards Europeans, *firstly*, because it withdraws from them a privilege which as a matter of fact, and of right, they have always enjoyed—the privilege of being tried by Europeans. There is no doubt that the possession of such a privilege has been, and is, highly valued by all Europeans in the country. There is absolutely no evidence that Europeans by their acts have done anything on account of which such privilege should be withdrawn ; it is incontrovertible that Europeans are entitled to retain their privilege unless they choose to waive it, and the retention of that right was guaranteed to Europeans at the time of the passing of Act X of 1872. I need adduce no arguments on these points. Upon none of them is there any doubt, and the compromise which was entered into in 1872 is on record in the Debates which took place on the Act of that year. There can be no doubt that the non-officials then agreed to accept the proposals of Government for extending the powers of Magistrates over Europeans, on the distinct understanding that such Magistrates or Justices of the Peace were to be European British subjects.

14. *Secondly*, the principle of the Bill is unjust towards Europeans, because it subjects them to a system of judicial administration which for good and sufficient reasons they distrust.

15. Europeans make no special complaint against the present system of judicial administration, or, at all events, they accept it, with all its defects, as the best system which, under the circumstances of the country, we can devise. But they are not prepared to accept a change which will place them judicially under officers whom they certainly do not trust as they do their own countrymen, and to whose exercise of jurisdiction over them they strongly object.

16. The objections which they entertain are of two kinds—*first*, with reference to the native officers themselves on whom it is proposed to confer jurisdiction over Europeans ; *secondly*, with regard to the consequences likely to result, so far as Europeans are concerned, from the presence in districts of native officers armed with powers to try European British subjects. It cannot be denied that natives generally are not so trustworthy as Europeans. This is most fully admitted by natives themselves, who, I have no hesitation in saying, prefer

to have their cases, when possible, tried by European officers. On the impartiality of European officers, the great body of the people most thoroughly rely; they have not the same confidence in the unswerving fairness of their own countrymen. The reason for the existence of this state of feeling is not far to seek. The training of natives from their childhood, the enervating influence of the zenana on their up-bringing, early marriage, a low moral standard resulting from caste distinctions, and the influence of centuries of subjugation, all tend to hinder the development in Bengalis of those manly and straightforward qualities which, under other conditions, are found in Englishmen. A Bengali's first idea of duty, as I have been told by one of themselves, is to please his superiors, not to satisfy his own conscience; and in any difficulty his moral weakness, not his moral strength, is conspicuous.

17. What reasons, then, are there for supposing that in intricate questions in which Europeans are concerned (and we are assured that such cases generally are complicated and difficult)—what reason is there for supposing that native officers will show any higher qualities than those which they exhibit under other difficult circumstances? There is no reason, and on this account Europeans strongly object to be placed under them. They see their weakness and they distrust their impartiality, especially when any question of race or class prejudice is concerned.

18. I do not wonder at Europeans entertaining objections to any such change as is proposed. I am quite sensible of the progress which has been made in the education of the natives of India. I have had under me for years a staff of native magisterial officers who have performed their duties most creditably, and whose exertions I have had pleasure in acknowledging; but I am not on that account prepared to say that these officers were fitted to perform satisfactorily the duty of trying Europeans accused of criminal offences in the mofussil. And when I see of late years such active manifestations of race dislike as are chronicled in the native papers, I am all the more inclined to attach weight to the views held by Europeans, that justice might not be impartially administered to them by native officers.

19. It is further alleged that the particular danger to which Europeans in the mofussil are exposed is the institution of false charges, and that this danger would be very materially increased, were the power to try Europeans made over to native officers. On this point I entertain no doubt whatever, and it may safely be predicted that, whatever might be the merits of a Native Magistrate entrusted with the powers proposed to be conferred, the litigious enemies of any European in a district would feel encouraged to accuse him, in the hope that their efforts might be attended with more success than would probably result when such charges were tried by Europeans.

20. This danger from false cases is a very real one. About ten in every 100 police charges now preferred are declared by Magistrates to be deliberately and maliciously false. This is of itself alarming; and when it is borne in mind that in only 18 per cent. of such cases is any effort made to bring the malicious complainants to justice, it will easily be understood with what impunity such charges may be preferred.

21. It is difficult for official Europeans, protected by their position from many annoyances and attacks, to fully realise the dangers to which their non-official countrymen in the mofussil are often exposed. But such dangers are none the less real because they are not easily and to the full extent appreciated by those who are not exposed to them. I have no hesitation in expressing my belief that, in districts with Native Magistrates vested with the powers of trying Europeans, these dangers would be very largely increased. With a Native Magistrate acting as head of the District Police, with powers to direct enquiry into, as well as to try charges against Europeans, and believed, rightly or wrongly, to be not emancipated from race prejudices unfavourable to the aliens in his district, it would be strange if false cases did not increase, and if methods of judicial harassment of Europeans were not much more frequently resorted to than at present. To subject European men and women to the probability of such harassment by the adoption of the principle of the Bill would inflict on them, in my opinion, a grave injury, and give rise to more serious political dangers and anomalies than arise under the present system of judicial administration.

22. *Thirdly*, the principle of the Bill involves injustice to Europeans, inasmuch as, while it contemplates the bestowal on certain selected classes of natives of jurisdiction which they never as a body possessed, it deprives a large number of European officers and non-officials of powers which they have hitherto exercised. In future no European, who is not of the selected classes mentioned in the Bill, will be eligible to act as Justice of the Peace, and those Europeans who have hitherto been exercising the powers of a Justice will be disqualified from acting in that capacity. I see no justification for such a procedure. The number of Europeans who have hitherto been exercising those powers is by no means inconsiderable; and to deprive experienced and capable European officers of the jurisdiction in the case of European British subjects seems to me unjust, and tends to create administrative difficulties, the removal of which is one of the chief objects of the Bill.

23. Not only, however, does the adoption of the principle of the Bill involve injustice to Europeans, but its detailed provisions are at variance with the principle itself, and create distinctions amongst classes of natives, which they may well style unfair.

24. As stated above, the Bill proposes to remove at once and completely from the Code every judicial disqualification which is based on race distinction. If this is the principle of the Bill, why are other privileges of Europeans—privileges which they enjoy undoubtedly by virtue of race distinction—left untouched? It seems to me, for example, much more anomalous that

a European should be allowed to choose his court of appeal, than that he should be compelled to waive his right to be tried by his fellow-countrymen.

25. As regards the natives who are to be empowered to try Europeans, I cannot see that the provisions of the Bill are logically defensible. The Bill divides the native officers practically into three classes—*first*, covenanted civilians who have obtained their appointments by competition in England; *secondly*, nominated members of the Civil Service; *thirdly*, Assistant Commissioners in Non-Regulation Provinces. I exclude Cantonment Magistrates, as we are told that natives will not ordinarily be appointed to such posts.

26. This classification practically announces the fact that the vast majority of the native officers, *viz.*, all who are in the regular Uncovenanted Service, are not at present fitted for the exercise of the powers of trying European subjects; that is to say, that race disqualification in the case of all members of the Uncovenanted Service in Regulation Provinces is to continue, and that only in the case of a few selected members of the Covenanted and Uncovenanted Service is such race disqualification to be withdrawn.

27. I can understand a proposal which maintains the existence of race disqualification on the part of all natives to try Europeans, or which confers on all native judicial officers jurisdiction in such cases; but I fail to see any consistency in the principle of a Bill which, while professing to have for its object the immediate and complete removal from the Code of all race disqualifications, denies to the great majority of Native officials the abolition of such disqualifications, and practically confers new and extended jurisdiction on a comparatively small number of their countrymen.

28. This appears to me to be a most important admission of the existence of judicial disqualifications, based on race distinction on the part of the majority of native officers; and it may be well to enquire in what respects this race disqualification has been removed or modified in the case of the classes selected for the exercise of the jurisdiction contemplated by the Bill. I begin at the bottom of the list—

(a.)—Cantonment Magistrates.

I have remarked above that these offices are not intended to be held by Natives. If Natives are fit to try European officials and non-officials of every class, I hardly see why logically they can be pronounced unfitted to try European soldiers. Politically, there are very strong objections to Native Cantonment Magistrates trying offenders of this class, and these objections all resolve themselves into one—the existence of race distinctions. If a Native officer is not to be appointed a Cantonment Magistrate, and try European soldiers, on account of political (which are really race) objections, on what principle of consistency can it be affirmed that Native officers are, in spite of the existence of race distinctions, competent to try European Civilians? On what principle of fairness can it be proposed that a Native Covenanted Civilian should be appointed Magistrate of, and vested with powers to try Europeans in, the district of Patna, but that, on account of political (which are really race) objections, he should not be appointed Cantonment Magistrate or Sub-divisional Officer of Dinapore, six miles from the head-quarters of the Patna district.

This practical exclusion of Natives from the post of Cantonment Magistrates is, to my mind, a most convincing admission on the part of the framers of the Bill as to the necessity of retention of judicial race disqualifications.

(b.)—Assistant Commissioners.

(c.)—Members of the Native Civil Service.

In what respects have the race disqualifications attaching to members of the Uncovenanted Service been modified or removed in the case of these two classes?

In the case of Assistant Commissioners, these officers are actually members of the Uncovenanted Service, and there is nothing to prevent a Deputy Magistrate in Bengal from being employed as an Assistant Commissioner in Assam. In regulation districts, it is supposed that judicial procedure is more elaborate and supervision more close than in non-regulation provinces, where the system is more rough-and-ready, and officers more left to themselves. But according to the principle of the Bill, the regulation Deputy Magistrate is to have no jurisdiction, while the same officers, as non-regulation Assistant Commissioner, is to be invested with powers to try Europeans, under circumstances and in districts where there are fewer safeguards against abuse of his authority.

The officers of the Native Civil Service come from the same classes as those from which the Uncovenanted Service is recruited. They have the same race feelings as those of their brethren of the latter service, and save that they are not so experienced or so hard-working, there is no difference in respect of race qualification or disqualification between a Deputy Magistrate and a member of the Native Civil Service under the Statute 33 Vic., cap. 3.

(d.)—Covenanted Civilians.

Between these gentlemen and those in the Uncovenanted Service, there is this difference—that the former are more highly educated, and have been for three or four years at most resident in England. Are these circumstances sufficient to do away with, or radically modify, the race distinctions which exist between members of eastern and western nations? I hope not; for if the contrary were the case, essential characteristics of western civilization must be very superficial and unreal when they can be communicated to orientals within the short period of a three or four years' residence in a foreign country. That the gentlemen who are members of the

Covenanted Civil Service have acquired some of the habits and modes of thought of Europeans, I freely admit : but my experience compels me to deny that, by their short residence in Europe, they have acquired the essential characteristics which remove or radically modify the race feelings common to them with all their educated countrymen, so as to enable them to understand the customs and modes of thought of European men and European women.

29. If, therefore, there is practically no difference as regards race qualifications or disqualifications between Native members of the Uncovenanted Service and Statutory Civilians and Assistant Commissioners, and if the only distinction between them and Covenanted Civilians is more superficial than real, on what principle of fairness to Natives are judicial disqualifications based on race distinction to be removed from some, and retained with reference to other classes of native officials? What practical benefit to Native officials, or to the judicial administration, will result from the appointment of these few selected officers, without reference to the existence of race disqualification? And on what principle of justice to Europeans is jurisdiction to be conferred on these small classes of Native officials who are, in all essentials, as disqualified by virtue of race distinction to exercise such jurisdiction as the whole body of Native Uncovenanted Deputy Magistrates to whom, under the Bill, the power to try Europeans is denied?

30. It will, I think, be admitted by all that a change in our judicial administration which is so repugnant to the feelings of Europeans in India, should not be carried out without some overwhelming necessity being shown for its introduction. Does any such necessity, exist?

31. It has been abundantly shown that Europeans unanimously condemn the principle of the Bill; and in spite of the violent and virulent manner in which the introduction of the measure has been demanded by the native press, I do not believe that the great majority of the inhabitants of the country wish for the measure at all. It is difficult to ascertain the views of the people on this point; for when any appearance of want of so-called patriotism is visited by relentless social persecution, as in the case of Rajah Shiva Persad, there are very few Native gentlemen who will hesitate to conceal their real opinion, and outwardly to commend, while inwardly they condemn, the introduction of the Bill.

32. The body who do wish for the introduction of the Bill are the political agitators of the press and their followers, and there can be no doubt that they look to the Bill as merely the thin end of the wedge, and the partial fulfilment of their hopes of obtaining increased power for natives, their ultimate object being to get rid of Europeans from important administrative posts. Of these agitators it may be said that if the language in which they have demanded, nay insisted, on the introduction of the Bill, is any real indication of their feelings, or those of Natives generally whom they profess to represent, then no more convincing argument could be found in support of the danger of entrusting any jurisdiction over Europeans to those in whom race feeling is so strongly, not to say virulently, developed.

33. Much stress is laid upon the Proclamation of Her Most Gracious Majesty as conferring rights upon Natives of India to have the jurisdiction contemplated by the Bill. But it appears to be forgotten that such Proclamation could give, and actually gave, no rights beyond those recognized by the law of the land; and it cannot be maintained that under any law had Natives of India the right to interfere with the privilege of the European to be tried by his own countrymen. I hold that the time for their interference with such privilege has not yet arrived, and that the law of the land in this respect should not be altered to remove a fancied grievance, and to gratify the political virulence of pretentious patriots.

34. That there is at present no administrative necessity for the introduction of the measure in these provinces at least, we have the assurance of the Lieutenant-Governor of Bengal; and it is superfluous for me to add my testimony to his, as to no inconvenience having, as a matter of practice, been experienced from the existing constitution of the judicial administration. Nor do I see any reason to anticipate in the future that such executive difficulty will arise for many years, as cannot be met without a change in the law of the land and in the fundamental principles of our administration. Such a remote difficulty, I think, may be dealt with in the spirit of those remarks made on another occasion by the Mover of the Bill himself: "Sufficient for the statesman if he can grapple with the problem of the day; for the distant future he must leave posterity to provide."

35. The proposal to introduce the Bill has led to a display of acrimonious feeling on both sides, which is to be lamented. There is no appearance of such feeling subsiding or diminishing in bitterness, and there cannot be the least doubt that the change in the system of judicial administration, if carried out, will lead to consequences which must be disastrous to the best interests of the country. The mischief which has already been done cannot be undone; but it may, and certainly by passing the Bill into law will, be increased, and the feelings of exasperation which now prevail will be intensified. The breach in the harmonious relations between Europeans and natives, which was being gradually filled up, will be widened, and friendly co-operation between the two peoples in advancing the highest interests of the country will become difficult, if not impossible. The state of matters has even now led to a feeling of insecurity, which has already led capitalists to be chary of investing money in schemes for the development of the country; and if this feeling spreads, the consequences to the country will be financially disastrous.



36. On the whole, therefore, I am opposed to the principle of the Bill and its being passed into law—

(a) Because it contemplates the abolition of race distinctions judicially, while such race distinctions are allowed to remain untouched socially, morally, and politically;

(b) Because such abolition of judicial race disqualifications, under such circumstances, is premature, and therefore not advisable;

(c) Because the withdrawal of the privilege of being tried by their own countrymen is unjust towards Europeans, and opposed to the conditions of our occupation of the country—

1st—in ignoring their claim to retain a privilege which they have always enjoyed, and which was guaranteed to them in 1872;

2nd—in subjecting them to the jurisdiction of officers whom, for good reasons, they do not trust as they do their own countrymen, and in whose impartiality and freedom from race-feeling in the administration of justice they do not believe;

3rd—in depriving a large number of European officers of the powers which they have all along exercised;

(d) Because the detailed provisions of the Bill are at variance with its principle of immediate and complete abolition of race distinctions;

(e) Because the partial bestowal of jurisdiction on some classes of natives, who are equally fit (or unfit) with the selected officials to exercise such jurisdiction, is logically and practically indefensible;

(f) Because the selected classes of officials are not in reality more free from the influence of race feelings than those who, by the provisions of the Bill, are declared unfitted to try Europeans;

(g) Because there is not at present any administrative necessity for the change, and because there is no probability of any such necessity arising for years;

(h) Because the introduction of the measure is not desired by the great body of the natives but only by a few political agitators amongst them, and will confer no real benefit on natives at large;

(i) Because the adoption of the principle of the Bill, and its being passed into law, will widen the breach already existing between Europeans and natives, and will result in consequences disastrous to the best interests of the country.

No. 868G, dated 19th April 1883.

From—E. J. BARTON, Esq., C.S., Magistrate of Jessore,

To—The Commissioner of the Presidency Division.

In reply to your No. 32JJ of 17th instant, I have the honour to inform you that I do not consider it to be expedient to give to native civilians criminal jurisdiction over European British subjects.

2. Hitherto no administrative inconvenience of any kind has arisen in this district from native Magistrates not having criminal jurisdiction over European British subjects. Jessore has for nearly a century been an indigo district, and at one time there were many European planters in it, and there are still several. As long as a European Magistrate is kept in this district, no European British subject could possibly escape trial for an offence. I may say that, in an experience of Jessore extending at intervals over a period of 14 years, I never heard, either from European or native, a whisper of discontent or complaint or any administrative inconvenience of the kind. The same remark applies to other districts of Bengal, of which I have been Magistrate and Collector, and where there are non-official European residents.

No. 756, dated 21st April 1883.

From—H. MOSLEY, Esq., Magistrate of Moorshedabad,

To—The Commissioner of the Presidency Division.

With reference to your No. 11JJ, dated 2nd April 1883, I have the honour to enclose copies of reports by the District Superintendent of Police and my Sub-divisional Officers on the Bill for amending the Code of Criminal Procedure.

2. The District Superintendent and Mr. Beames are both opposed to the measure, and their principal arguments amount to this, that the natives are not fitted for the power proposed to be given to them, and I quite agree with them in this, that if Europeans could be tried by native Magistrates, it would be impossible to feel sure that race prejudices and an inclination to flaunt a temporary superiority would not interfere with the due administration of justice.

3. The Sub-divisional Officer of Jungipore thinks the Bill should be passed, but his only reason seems to be that it would "affect merely an infinitesimal portion of the public, and the jurisdiction would be limited to a very selected few"—an argument which would be full of weight if he had used it to show that no change was necessary.

4. The Sub-divisional Officer of Kandi would pass the Bill, because if a native is fit to be in the Covenanted Civil Service, he is fit to exercise these powers.

5. For my own part I object to the Bill as unnecessary and dangerous.

6. I have had many years' experience of districts in which European British subjects have been comparatively numerous, and have never known any in which any inconvenience would have arisen if the Magistrate of the district had been a native. In point of fact, the Magistrate of the district hardly ever tries cases himself. He has no time to do anything of the sort, and as regards actual necessity, it would be almost more reasonable to enact that a District Magistrate should *not*, than that he *should be*, a Justice of the Peace.

7. During the whole of my service (and I have been much in European districts), I only remember one district in which I have tried European British subjects, and then it was as Joint-Magistrate. That district was Chittagong, and the defendants referred to were mostly English sailors of the lowest kind, to keep whom in check it was considered necessary to have English police, though only two were employed. I should be very sorry to try the experiment of having only native Magistrates to try these men, without very largely increasing the English police force. The danger would be extreme.

8. There *is* such a thing as moral power; an English Magistrate, as such, has a power over a low class Englishman which no native Magistrate could ever have; and no Native Civilian could ever, in my opinion, be safely sent as Magistrate of Chittagong, unless he had an English Joint, Assistant, or Deputy; that is to say, there would be as much administrative inconvenience in this regard, if the Bill were passed, as there may be now.

9. It is true that the present Bill only contemplates giving the power absolutely to native members of the Covenanted Civil Service, who become District Magistrates (Sessions Judges may be taken for the purposes of this letter as being included in the term), but it also gives Government power to include others. And my experience of the Native Civil Service (under Statute 33 Vic., cap. 3) tells me that, as regards this branch, the power would be most dangerous. As regards Cantonment Magistrates, I can scarcely conceive a more dangerous enactment. It may be said that the powers would not be lightly given; but I am afraid that the matter would drift into one of form, and that powers *would* be given in time almost as a matter of course.

10. It is also said that it is not contemplated going any further; but though that may be the intention now, it is quite possible, nay probable, that future Governments may refuse to be bound by present declarations, and that native clamour may induce the further extension of the present Bill to all Magistrates, which would have a most calamitous effect.

11. As matters stand at present, the parties most immediately affected are the European British subjects, and they have expressed in the most decisive manner their objection to the measure. Their opinions are deserving of most earnest attention. They, if they work well with the authorities, are of the greatest assistance to district officers in many ways; if they are alienated (and I can conceive of no more effectual way of alienating them than this Bill), they would be the cause of the greatest difficulties; and I can see no object in depriving district officers of their often invaluable assistance for the purpose of getting over a difficulty that has never been felt.

12. The arguments that district officers, when natives, would lose prestige because they could not try cases that a subordinate could, is, I think, untenable. They, as a rule, never do try cases, and certainly no District Magistrate ever adds to his prestige by trying cases, or loses it by not trying them.

13. If in future years it should be found that the present state of the law causes grave inconvenience, then will be the time to amend it; but it is a pity to alienate a powerful body of subjects, to whose enterprise and capital a large part of the prosperity of the country is due, for the sake of an idea.

14. The Bill has already done an incalculable amount of mischief by rousing race prejudices (on both sides) that were gradually dying down. It will be long before this is remedied, even though the Bill were withdrawn; if the Bill were passed, it would simply be perpetuated.

15. I may add that the distrust of Native Magistrates is not confined to Europeans. Very often (and I think all other Magistrates could say the same) I have had petitions from natives to transfer their cases to a European Magistrate, because they felt more sure of obtaining justice. If, then, this is the feeling where there are no race prejudices, what would it be in the contrary case?

16. I repeat, then, that I think the Bill unnecessary and dangerous. As to its getting rid of an anomaly, it should first be considered whether that anomaly is inconvenient. I do not think it is, and I certainly think that there are many other anomalies which might with great advantage be first attacked. There are numerous anomalies (*e.g.*, exemption from attendance in civil courts granted to natives, but not to Europeans; indulgences to native women, which are never granted to their European sisters), which might better be attacked than the one now spoken of, which, as far as my experience goes, has never caused the slightest difficulty, nor seems to me likely to do so.

No. 106, dated 11th April 1883.

From—H. B. BEAMES, Esq., Deputy Magistrate, City Moorshedabad,  
To—The Magistrate of Moorshedabad.

In reply to your circular No. 635 of the 7th April, I have the honour to submit the following.



The first objection which forces itself on one is that the jurisdiction over Europeans is to be taken away from Uncovenanted Magistrates, who have hitherto exercised their powers in this respect to the entire satisfaction of the public, and given to members of the Native Civil Service, who are not better qualified by education and training than the European members of the Uncovenanted Service, and who, in consequence of their nationality, are infinitely less capable of forming a correct judgment in matters in which Europeans are concerned.

2. I speak from experience when I say that cases in which Europeans are defendants and natives complainants require the most delicate handling on the part of the Judge.

3. Take a case of assault, for instance. In cases where gentlemen of position and high principle are defendants, the matter is simple enough. The defendant is asked whether he committed the offence or not. If he admits it, or part of it, it remains only to give judgment accordingly, or after such examination of the prosecutor and his witnesses as may be thought necessary.

4. If, on the other hand, the defendant is a low-born European, who fights the native with his own weapons and denies the charge point-blank, it remains to be seen whose story is true; and in so doing, to allow for the habitual exaggeration and disregard for truth displayed by natives in the criminal courts, and so with difficulty to sift the true from the false.

5. I myself would gladly forego trying such cases, for with the best intentions one may err, and the consciousness of the delicacy of the situation is productive of great anxiety.

6. Now, if I a European feel this, how much more awkward must a native under the same circumstances feel, supposing him to be bent on performing his duty conscientiously and to the best of his ability.

7. He would know that if he made a false step public opinion would be eager to charge him with injustice or malice, as the case might be, or he might think that, in convicting the European, his motives would be certainly attributed to race feeling, and this might make him err on the side of leniency to the European.

8. On the other hand, a European is secure against all this, and this natural independence of character would, in any case, render him more indifferent to the voice of public opinion than the native.

9. Lastly, there is another objection which is paramount, and which, in the absence of all others, is, in my opinion, fatal to the amendment.

10. I allude to the case of a Native Judge with strong race prejudices, or open to corrupt influences.

11. That there have been such is well known; that there will always be such is highly probable.

12. I have had very painful personal experience of Judges of this sort, so that I am well qualified to speak on the subject.

13. In Rajshahye, in 1871, a civil suit was brought against me, for the alleged use of abusive language, by a mookhtear.

14. The feeling in the place against Europeans ran very high at that time, and every one, from the Judge and Magistrate downwards, was abused in the weekly papers in the most infamous and abominable language.

15. The plaint in the case just mentioned was filed in the court of the Moonsif of the place, and on going into the court to ask what date was fixed for the trial of the case, the Moonsif's behaviour was so insulting that I felt certain I should never get justice there, and so I got the case removed to the court of the Subordinate Judge.

16. Here, though the Judge himself was most courteous and polite, the pleaders were so insolent, and made so many open and offensive remarks, that to avoid insult I was obliged to get the District Judge to take the case up and try it himself.

17. Twenty-eight witnesses were cited to perjure themselves on this occasion by the prosecutor, and men I had hitherto looked on as highly respectable, and treated with habitual courtesy and kindness, came into court and lied to as the manner born.

18. The Judge's experienced eye saw through them from the first, and in dismissing the case gave me permission to prosecute the complainant for bringing a false charge.

19. The next case was in Gya, where I was prosecuted civilly for a legal act done by my predecessor.

20. The suit was dismissed by the Subordinate Judge, on the grounds that the act was legal, in the first place, and that, secondly, my predecessor, not myself, had done it.

21. No Judge could well have given a different decision; but a Judge hostile to Europeans might have made matters very unpleasant for me.

22. The last and most serious case was before another Subordinate Judge of Gya, in which I was prosecuted conjointly with one zemindar, by another rival zemindar, for giving the former possession, under section 530, Civil Procedure Code, of certain land and crops in dispute between them.

23. I was most ably defended by the Government Pleader, and the last day before the Doorga-pooja holidays, the Judge informed the pleader that he was quite satisfied with the defence, and that he need say no more, and that he would give judgment after the holidays.

24. What was our astonishment when the Judge came into court after the holidays, and gave judgment against us.

25. We appealed the case to the High Court, and for three years I was in the greatest anxiety as to the result; but the present Chief Justice, Sir Richard Garth, reversed the decision of the Subordinate Judge, complimented me on my action in the matter, giving me heavy damages, and seriously censured the Subordinate Judge for his conduct in the case. This judgment was printed and circulated by the Government of Bengal.

26. I am of opinion that the time has not come for natives in the Civil Service, even much less for natives in the Native Civil Service and the Commission, to be charged with such tremendous responsibilities as are contemplated by this amendment.

27. In my Administration Report, I have also pointed out what a deterrent effect this amendment, if passed into law; would exercise on the in-flowing of European capital, and consequently what a disastrous effect it would have on the country itself.

No. 404, dated 11th April 1883.

From—A. ANLEY, Esq., District Superintendent of Police, Moorshedabad,

To—The Magistrate of Moorshedabad.

Having been asked in your circular No. 635, dated the 7th instant, to give an expression of my opinion regarding the proposed amendment of the Criminal Procedure Code of 1882, so far as relates to the exercise of jurisdiction over European British subjects by Native Magistrates, I have the honour to state—

1. That I am directly opposed to such a course being adopted.

2. Such a procedure would, I firmly believe from my 20 years' experience as a police officer, be used by the natives as a means of annoyance and insult to European ladies and others.

3. I could quote innumerable instances which have directly come under my personal notice, in which utterly false cases have been brought against Europeans by the natives, and in which, had they been tried by Native Magistrates, they would not, owing to ignorance of European character, have received that justice which has been meted out to them.

4. As a police officer of some experience, I can candidly say that times innumerable have I been called up as a witness in different courts, and in some Native Magistrates' courts have been subjected to cross-examinations, not only utterly irrelevant, but to questions simply put with a view to insult, which would never have been allowed in the court of a European.

5. If native character is so opposite to the European—the natives do not mix with the Europeans; the European officials are compelled to study the native character; the natives, on the other hand, have neither opportunity nor inclination to study the character of Europeans—that, in my opinion, to put such a power in the hands of a native as to allow him to try a European would be dangerous in the extreme; would lead to many complications; would, in a district where there are many non-official Europeans, paralyse trade, inasmuch as, with the prospect of being hauled up in a totally false case before a Native utterly ignorant of European manners, customs, character and habits, would induce many Europeans to give up their business rather than submit to such an indignity.

6. Furthermore I see no necessity for the measure. The ordinary native criminal would far rather be tried by a European Magistrate. The Europeans so far have been tried only by Europeans, and the European has so far been allowed the right to demand being tried by his countrymen; why then alter this? I do not believe, on the one hand, that a Native would wish to try a European any more than the European would wish not to be tried by the Native.

No. 238—12M., dated 18th April 1883.

From—BABOO SARADAPROSAD SERKER, Sub-divisional Officer of Kandi,

To—The Magistrate of Moorshedabad,

With reference to your circular No. 635, dated the 7th instant, I have the honour to report that the vesting of the power to a certain selected class of Natives has not created, among the Native community, the same feeling of rejoicing as that of agitation among certain European quarters. The rule of the admission of Natives into the Indian Civil Service has secured, for some selected few, with powers to hold higher offices for purposes of administration. The gradual increase of social connection between European and Natives in this country necessitates the vesting, in the same officers occupying highest posts in a district, with jurisdiction over both classes. When the privilege of admission was given to hold such posts to Natives, I do not consider that any feeling of race distinction ought to be allowed to stand. If the officers be considered efficient for every other work, why they could be considered inefficient for some special work? The men who are now proposed to be vested with the power have got special training, and their number is very few, and so they are the fit object for a trial; and if they prove inefficient, it lies in the power of the Legislature to withdraw it. "A breathe can make them as a breathe has made" (*sic* in original).

No. 142, dated 13th April 1883.

From—BABOO JUGGO BONDHU BHATT, Deputy Magistrate of Jungipore,  
To—The Magistrate of Moorshedabad.

I have the honour to acknowledge the receipt of your letter No. 635, dated 7th instant, calling for an early expression of my opinion on the Bill drafted to amend the Code of Criminal Procedure of 1882, and in reply to submit as follows.

2. So much has of late been said and written on the subject that any opinion I might offer will simply be of no value. The Bill has been discussed in and out of the Imperial Council; it has been made the subject of debate at meetings held throughout the length and breadth of India; it has been commented upon by newspaper editors and political critics both here and at Home, and was at last brought on the tapis in the noble House of the Peers of Great Britain. The sum and substance of the discussion, it appears to me, is that the Natives of India look upon the provision of the Bill as just, and such as Government ought equitably to concede to them. The oppositions, on the other hand, think it unsafe and imprudent to jeopardise the safety of the person and property of British-born subjects, by entrusting it to the hands of Natives. But, considering the facts that the measure proposed by the Government of India will affect merely an infinitesimal portion of the public at large, inasmuch as the exercise of the jurisdiction is to be limited to a very selected few, it appears to me the Bill ought not to be objected to, but passed into law.

No. 888, dated 23rd April 1883.

From—W. CLAY, Esq., Magistrate of Khoolna,  
To—The Commissioner of the Presidency Division.

I have the honour to reply to your memorandum No. 11JJ of the 2nd instant, desiring me to express my opinion upon the subject mentioned in the letter No. 1518 of the 27th March last, from the Officiating Secretary to the Government of Bengal to your address (Bill to amend the Code of Criminal Procedure, &c.).

2. I beg to state that, for the following reasons, I am distinctly opposed to the Bill, both as to its principle and on account of the absence of any administrative ground, either in the present or the near future, for a change which is so serious and so obnoxious to those most concerned.

3. The "Objects and Reasons" of the Bill are stated to be solely the removal from the Code of Criminal Procedure of anomalous distinction and all judicial qualifications arising from merely race distinctions. It appears to me that an uniformity of the kind aimed at is not desirable, but that rather, as far as possible, special provisions should secure to distinct races the opportunity of being tried by those of their own race. The principle of the Bill is, in my view, the opposite of what it should be.

4. I consider that the principle followed in the existing procedure, of allowing European British subjects to be tried only by those of their own race, should not be departed from, unless it is shown to produce public inconvenience or injustice.

5. As regards the question of administrative inconvenience arising in the present or future from the exclusion of Native Covenanted Civilians from the power of trying European British subjects on criminal charges, I can reply, as regards the district now in my charge, that there is at present no Native Covenanted Civilian in it; but if hereafter one should be placed in charge of the district, not having the power to try Europeans, I feel confident that no substantial inconvenience will arise, since the district is connected directly by railway with other districts, in one or other of which there will always be a Justice of the Peace to whom any European may be sent for trial, or who may come to this place for the purpose.

6. I think that some slight alteration might be made, authorising the intermediate detention of an European British subject in the jail of the district of the Magistrate who issues the warrant; but, excepting any such alteration, I would deprecate any change in the existing procedure.

Dated 26th April 1883.

From—BARU RAM SUNKER SEN, Deputy Magistrate of the 24-Pergunnahs,  
To—The Commissioner of the Presidency Division.

With reference to your memorandum No 11JJ., dated the 2nd April last, I have the honour to submit in brief my views on the Native Jurisdiction Bill.

First as to the principle of the Bill.

I think that, in introducing the present Bill, the Legislature proposes partially to carry out the broad principles laid down in the various Acts of Parliament as noted in the margin, enunciating the fact that "fitness was henceforth to be the criterion of eligibility" to the public service, and that distinctions of race and creed were to be ignored. As a result of this policy, several Natives of India, trained under the system of high education introduced in the country in the reign of Lord William Bentinck, which was improved upon under the

(a) 3 and 4 William IV, clause 85, section 87.

(b) Parliamentary Discussions in 1853, for throwing appointments in the Civil Service to open competition.

(c) 21 and 22 Victoria, clause 106, section 32.

(d) Her Majesty's Proclamation issued in 1858.

Great Education Despatch of 1854, secured for themselves appointments in the Covenanted Civil Service, in open competition in England; and it is with a view to invest these gentlemen with the powers which, under the Criminal Procedure Code of 1872, re-enacted in 1882, they cannot at present exercise over European British subjects in the mofussil, that the present Bill has been mainly brought. The legal disqualification under which they at present labour has been regarded by the educated portion of my countrymen as opposed to the declared policy of the Imperial Legislature, and the removal of the ban will tend to prove that the Indian Government is no longer willing that it should continue in the statute-book. The fitness of the Native Covenanted Civil Servants being admitted, there is no reason why, as District Magistrates and Sessions Judges, they should not be allowed to try European British subjects, while in the subordinate posts they will share that privilege in common with their European compeers, when they have attained the requisite experience.

I cannot, however, speak with the same confidence regarding the Native Civil Servants appointed under the Statutory Rules, as, from the system of nomination at present in vogue, I do not feel convinced that most of them possess the necessary qualifications to exercise the powers which the Bill proposes to invest them with.

2. Then, as to whether or not any administrative inconvenience at present exists from the exclusion of Native Covenanted Civil Servants from the power of trying European British subjects in criminal charges, I think that Government is in a better position to judge on this question than any outsider; but if, when the District Magistracy of Jessore fell vacant, Government had to move the European Magistrate of Bogra to make room for Mr. Dutt or Mr. Badshah, whose turn for a district magistracy had arrived; or if, when in consequence of Mr. Gupta's being Sessions Judge of Beerbhoom, a European criminal has to be tried at Moorshedabad, I would reckon such cases as causing not only administrative, but public inconvenience.

Dated 20th April 1883.

From—NAWAB ABDUL LUTEEF, C.I.E., Deputy Magistrate of Sealdah,

To—The Commissioner of the Presidency Division.

I have the honour to acknowledge the receipt of your memorandum No. 11JJ., dated the 2nd instant, forwarding copy of a letter No. 1518J., dated the 27th ultimo, from the Officiating Secretary to the Government of Bengal in the Judicial Department, to your address, as well as a copy of the Bill No. 8 of 1883, being "A Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects," and asking me to report, for the information of the local Government, my views in connection therewith. The matter is one of great importance and difficulty, and cannot require too much of thought and deliberation. I have made most of the time allotted for the reply, and I trust that any deficiencies in this report may be excused.

2. The principle of the Bill, I take it, is this: that the fitness of a Judge to exercise jurisdiction in criminal cases should be tried, not by his race, but by his personal qualifications. The Sovereign and the Parliament of the United Kingdom have oft declared their intention to remove all distinctions of race or creed in the matter of all offices under the British administration in India; and every rule or regulation which forbids a Native of India to exercise any portion of the duties of his office merely on account of his nationality is, in my humble view, an infringement of the spirit, if not the letter, of the said declarations of the highest authorities in this Empire.

3. It has been said that such anomalies are common enough in India, where various classes of the Native communities have peculiar and personal laws and privileges; but when all these Native privileges are summed up and analysed, it will, I submit, be plain that none of them entitles a Native to select the tribunal in which a case in which he is concerned should be tried. The personality of the Judge or Magistrate is a thing wholly out of the pale of Native privileges, and the so-called privileges are mostly the result of the declared policy of Government not to interfere with the religion or social customs of the people of this country which latter are again often intimately connected with their religion. Further, it will be found that few, if any, of these privileges are recognized in the criminal procedure, however much they might be in the civil procedure.

4. The change which the Bill proposes to introduce will affect only a small fraction of the privileges already possessed by European British subjects in criminal matters,—for instance, it would leave unaffected their right of appeal against every sentence, and their right to apply to the High Court for a writ of *Habeas Corpus*, which are very substantial advantages, from which the Natives of India are debarred, and of which the former is not enjoyed by European British subjects in any other country, inclusive of their own.

5. I believe there is no country whose laws and regulations would be deemed worthy of imitation, where the jurisdiction of Judges in civil or criminal cases is circumscribed by reason of their place of birth or their nationality. Such distinctions, I believe, are not recognised in the other colonies of the British Empire.

6. I may here be permitted to remark that, to a certain extent, the Bill under consideration only seeks to remove invidious distinctions of recent growth. Before 1869, Government had the power of appointing any person, whom they considered fit, as Justice of the Peace

in the Mofussil. And every Justice of the Peace, of whatever nationality, had, by virtue of his office, jurisdiction to try European British subjects for petty offences, and to commit them to the High Court sessions for serious crimes. I myself have held the appointment of a Justice of the Peace for Bengal, Behar and Orissa, and, as such, I have tried at the Alipore Police Court European British subjects for many years. In 1869,\* it was enacted that only Europeans or

\* Act II of 1869.

Covenanted Civil Servants should hold the appointment of Justice of the Peace in the Mofussil. The Native Members of the Covenanted Civil Service would still, however, have continued to be eligible for the appointment of Justice of the Peace, and the exercise of jurisdiction over European British subjects in such capacity, but for Act X of 1872, by which it was further enacted that only Europeans who were Justices of the Peace could try or commit European British subjects.

7. That Act, whilst it took away from the native members of the Covenanted Civil Service the eligibility for trying European British subjects in the official capacity of Justices of the Peace, increased the jurisdiction of certain European officers in the mofussil for the trial of European British subjects. It was admitted on all hands, at that time, that it was a great administrative inconvenience that European offenders in the mofussil could not be speedily and conveniently tried within a reasonable distance of time and space. "There is, no doubt,"

† *Vide* Proceedings of the Legislative Council of India, dated 16th April 1872.

said Mr. Fitz-James Stephen,† "one way in which the present system is a great and real grievance to the natives. It extends practical impunity to English wrongdoers." "The difficulty," said Mr. Barrow Ellis, "attending the conviction,

in the mofussil, of offenders, being European British subjects, was admitted to be a great evil, and the question was how to remove the evil without risk of injustice being done to those concerned." "The exigencies of the time," said Mr. W. Robinson, "clearly call for an extension of the jurisdiction of up-country Justices of the Peace in respect to the trial and punishment of European British offenders; and the Committee adopted this view." His Honor the Lieutenant-Governor of Bengal (Sir George Campbell) remarked, during the course of the said Debate, that "he entirely acquiesced in the general view of the case which was put forward by the Hon'ble Member in charge of the Bill. As he truly stated, the real and practical evil was that, at present, Europeans in the mofussil committed petty offences with impunity. That had been found to be a practical evil, and these provisions were designed to meet that evil as far as it was possible to meet it."

8. The number of Europeans in the country has increased since 1872, and I venture to think that administrative inconvenience of the same description is sure to be felt in districts or divisions of districts which might be under the charge of Native Sessions Judges or Magistrates, whether as members of the Covenanted Civil Service or as members of the Statutory Native Civil Service.

9. To transfer the particular class of cases to subordinate officers of European nationality would produce administrative inconvenience of another character. To declare a superior officer disqualified from performing a part of his official functions, and relegate the same to a subordinate officer on the ground of a mere distinction of race or nationality, would substantially lower the prestige of the superior officer in his own eyes and in the eyes of the people at large, and would be well calculated to disturb the discipline of the administration, and diminish his usefulness as a public servant.

10. The native members of the Covenanted Civil Service have so completely adopted the English habits of life and thought, that they may, for all practical purposes, be treated as European British subjects. Indeed the definition of the term "European British subject" in the Criminal Procedure Code is so artificial that the native members of the Covenanted Civil Service can, without any great stretch of ideas, be brought in within the spirit of that definition. To the mass of the native public, these gentlemen are not distinguishable from the class of European British subjects as defined in the Act; and the Executive and the Legislature should also, in my humble opinion, on the question of jurisdiction, treat them as such.

11. There remains the question of the Native Civil Service constituted under the Statute 33 Victoria, cap. 3. The members of that Service already suffer much in prestige and public estimation on account of the diminished salaries that they draw; and to exclude them as a class from exercising any jurisdiction over European British subjects would still more seriously diminish their prestige and usefulness. The Native Civil Service would in such case be hardly distinguishable, for many years to come, from the ordinary Subordinate Executive Service.

12. To retain the present race disqualifications would always hamper the Government in placing a Native of India in charge of a District as Magistrate, where there is no European Joint-Magistrate, or as Sessions Judge where there is no European Assistant Session Judge. The Native Members of the Covenanted Civil Service have, some of them, already attained rank as District Magistrate and Sessions Judge, and in time the members of the Native Civil Service are also expected to attain similar rank in the Service. The inconvenience, therefore, to the public administration will go on increasing, unless the race distinctions are removed.

13. I may be permitted to add, in conclusion, that, so far as my own official experience is concerned, I have exercised criminal jurisdiction over European British subjects, as a matter of right, in my capacity of Justice of the Peace for Bengal, Behar, and Orissa from



1852 to 1869, and in 1877, during my incumbency as Officiating Presidency Magistrate for the Northern Division of Calcutta. I have also, since 1872, as Police Magistrate in the Suburban Courts of Alipore and Sealdah, exercised criminal jurisdiction in numerous cases over European British subjects, where they have waived their privilege of being tried by a European Magistrate. I venture humbly to trust that, during the entire period of my long official career, no complaint has ever been made, much less substantiated, that there has been any failure of justice, in the case of any European sentenced by me, on account of his being tried by a Native Magistrate.

No. 710JG, dated 30th April 1883.

From—W. V. G. TAYLER, Esq., Magistrate of Nuddea,  
To—The Commissioner of the Presidency Division.

With reference to your memorandum No. 11J.J., dated 2nd April 1883, forwarding a circular of the Bengal Government regarding the Bill to amend the Criminal Procedure Code, I have the honor to forward the opinions of my Sub-divisional Officers, the Joint-Magistrate and senior Deputy Magistrate at the Sudder, which speak for themselves. The principle of the Bill is to remove an alleged anomaly and certain supposed administrative inconveniences that exist or hereafter are likely to exist. As regards the first, however, it seems to me that the proposed Bill, while removing such anomaly, retains various others which are of equal, if not of more importance. It vests native civilians with powers that Native Magistrates have hitherto never enjoyed, and which, in my opinion, they are not fitted for, while it debars, in future, Uncovenanted European Magistrates, a class of officers who are fitted for, and who I believe have proved themselves fit to be Justices of the Peace, from holding such powers. It, moreover, takes away a long-existing and deeply-cherished privilege of the European community, but in no way interferes with privileges and personal laws enjoyed by the Hindus and Mussulmen; and finally, the effect of such measures is certain to create a feeling of insecurity in the minds of the European communities, and thereby in all probability considerably affect the investment of European capital, and arouse feelings of race antagonism which cannot but be disastrous.

2. As regards the second point, I beg to state that, during the course of my long service no administrative inconvenience has ever been experienced, nor do I think such is likely to occur. District Magistrates, as a rule, never try original cases, except in small outlying stations, and even in such there could, I take it, be no difficulty in appointing at least an Uncovenanted European Deputy Magistrate with full powers, and with those of a Justice of the Peace. So far, then, from Native Civilians being kept out of the larger and more important stations, the effect would be, if any, quite the reverse. Committals of Europeans to the Sessions Court are of such very rare occurrence (I cannot call to mind one such during my service of 27 years) that I scarcely think that such need be taken into consideration.

3. I fully concur with Mr. Ritchie that the right of Europeans should be at least respected as far as to ensure them a fair trial by the best Judges procurable, but I differ from that officer in considering that Native Civilians who have passed in England should be vested with powers to try *only* ordinary European cases. If they are not competent to try all European cases, I think it would be a great political mistake to bring about the results above named merely for the sake of partially removing the anomaly.

4. The experience of Mr. Holmwood confirms that which I have from the first considered to be more than probable, *viz.*, that Native Civilians in England are not likely to be introduced into good society, and even if now and then so introduced, that they could not spare time from their studies to become thoroughly acquainted with the social habits and customs of the people.

5. As regard other Native Civilians, I agree with Mr. Ritchie that there exists no reasonable grounds for supposing that they are competent for these powers, and I concur with Baboo Rakhal Das Mookerjee that there are many Deputy Magistrates of experience and tried ability, who ought with better reason to be so vested, and that, so long as the latter are considered unfit, as they apparently are, I fail to see on what grounds the former are considered to be qualified.

No. X, dated 23rd April 1883.

From—J. G. RITCHIE, Esq., Offg. Joint-Magistrate, Kishnaghur,  
To—The Magistrate and Collector of Nuddea.

With reference to your memorandum No. 586JG, dated the 6th instant, forwarding a circular of the Bengal Government regarding the Bill to amend the Criminal Procedure Code, I have the honour to submit the following statement of my views on the points noted in the circular.

2. In the first place as to the principle of the Bill. Ought the privilege claimed by the European British subject, to be tried by his own fellow-countrymen, to be respected or not? I think it ought to be respected just so far as this, that he ought to be assured of as fair a trial—a trial as much in accordance with the spirit of English law out in India—as he would get if he were tried at home.



Can we assure him of such a trial at the hands of the Native Magistrates included in the classes specified in section 1 of the Bill?

3. First come the members of the Covenanted Civil Service. These gentlemen have proved their superiority to the prejudices of their fellow-countrymen by breaking caste and going home; in England they have familiarised themselves with the practice and the spirit of English courts of law, and have become conversant with English manners and customs. On their return to this country they hold responsible positions in various districts, and in time are considered fit for promotion to the all-important posts of Magistrate-Collector and Sessions Judge. No stronger proof can be given of their character for probity and loyalty to English rule, and of the fact that they are thoroughly imbued with western as opposed to oriental ideas, than that the Executive Government should be ready to entrust them with the functions of the posts which I have mentioned. I think an Englishman would be as fairly tried by one of this class as he would be by his own countryman, and that, as a class, they are fit to be vested with the proposed jurisdiction at the discretion of the local Government.

4. In giving this opinion, I am thinking of the ordinary class of cases in which an European is likely to stand as accused. There are other cases of rare occurrence, where both parties are Europeans, in which it is imperative that the Judge should himself be an European British subject: such cases as indecent assault, assaults prompted by suspicion of a wife's fidelity, and matrimonial cases generally. There would be no difficulty in having these cases transferred to the file of the nearest European Magistrate, or a proviso might be inserted in the Bill, to the effect that cases in which both parties are European British subjects should not be tried by a Magistrate other than an European British subject himself, except with the consent of the parties.

5. It may be said that by making this exception I am proving too much, and that, if it is admitted that a Native Civilian is not sufficiently English in habit of thought to try all cases, he is not qualified to try any cases in which Europeans are accused. The experience of every European Magistrate in trying men of another race teaches him that with an ordinary knowledge of native habits and customs he can hope to do justice and give satisfaction to the parties in the great bulk of cases which arise out of the ordinary business of life, but that he is more or less in the dark in the exceptional cases which come before him, involving nice family and social questions. He is only too glad if he has the opportunity of handing over such cases to be tried by a co-religionist of the accused.

6. Coming next to the members of the newly-constituted Native Civil Service, I find none of the guarantees of fitness for trying European British subjects which exist in the case of Covenanted Civilians. They are nominated chiefly on the ground of birth, most of them have never left the country, nor have risen above caste prejudices; they have had no opportunity yet of proving their worth; their only experience of the administration of criminal justice is in the mofussil courts. I think it hardly possible for a Magistrate, bred up in the atmosphere of these courts—the constant scene of wholesale lying, reckless imputation of motives, subornation of perjury, chicanery, and vindictiveness,—to understand the true spirit of English criminal law. I think that as a class, therefore, members of the new Native Civil Service should not be rendered eligible for investment with powers to try European British subjects.

7. Turning from the principle of the Bill to the policy and expediency of making it law, I fear that the race feeling, so deplorable in some aspects, which animates the classes who are most likely to figure in the courts as accused, would prevent them from respecting the jurisdiction of Native Magistrates. As is well known, there is no European criminal class in the mofussil. The classes mentioned consist of (a) those of an inferior social position, such as railway *employés*, seamen, store-keepers; (b) planters and large employers of native labour. Every severe sentence passed by a Native Magistrate on a member of these classes would, I believe, raise a storm of that race feeling which it is so undesirable to stir up, and of obloquy against the unfortunate sentencing Magistrate, while the same sentence passed by an European would, if grumbled at a little, be acquiesced in. In other words, I think the occasional lawlessness of independent Europeans can be far better controlled by the authority of members of their own race, than by giving jurisdiction to natives of this country, and that the jurisdiction of the latter is open to the fatal objection that it would not command the respect of the accused.

8. Those who have been educated at our public schools, where the prefectorial system is in force, will understand the analogy when I say that, if the present Bill is passed, there is likely to prevail in places the same state of things which sometimes occurs when, by right of cleverness, a youthful and puny set of boys hold the position of præpositors or præfects. Their authority is defied by the big stupid fellows in the lower forms, who bully the little boys, disregard the punishments by which their youthful superiors attempt to re-assert their authority, and which have a tendency to be inordinately light or inordinately severe, and finally by open resistance cause the authority of the headmaster to be invoked.

9. Coming lastly to the question of administrative convenience. Looking back to the occasions on which I have had to try a European British subject, and considering what would have taken place if I had not been empowered as a Justice of the Peace, I can only recall two cases in which any administrative inconvenience would have resulted from the parties having to travel to a more distant court. In each case they would have had to travel about 20 more miles each way.

Dated 23th April 1883.

From—BAHOO TABINI KUMAR GHOSE, Deputy Magistrate of Nuddea,  
To—The Magistrate of Nuddea.

With reference to your memorandum No. 586JG, dated the 6th instant, and subsequent reminder, I have the honor to submit the following opinion on the Criminal Procedure Code Amendment Bill.

2. The principle of the Bill, *viz.*, the removal of judicial disqualification based merely on race distinction, is one in consonance with the declared liberal policy of Government.

3. Natives who are thought fit to be appointed to the high office of a Sessions Judge or a District Magistrate may be presumed to be fit to try European British subjects. Section 2 of the Bill, therefore, appears to be appropriate.

4. As regards the other native officers mentioned in section 1 of the Bill, the investment of them with the power to try European British subjects is left to the discretion of the Executive Government, and thus there is little risk of that power being conferred on incompetent officers.

5. As to the question whether any administrative inconvenience at present arises, or is likely to arise in future, from the exclusion of Native Covenanted Civilians from the power of trying European British subjects, I do not venture to express any opinion.

No. 242G, dated 12th April 1883.

From—P. G. MELITUS, Esq., Assistant Magistrate of Kushtea,  
To—The Magistrate of Nuddea.

I have the honour to acknowledge receipt of your memorandum No. 586JG, asking for an expression of my opinion on the Bill to amend the Code of Criminal Procedure.

The object of the Bill is to remove the alleged administrative inconvenience felt, or likely to be felt, from the exclusion of Native District Magistrates and Sessions Judges from the power of trying European British subjects on criminal charges.

There are two questions on which my opinion is asked—

1. Is any administrative difficulty felt, or likely to be felt, under the present system?
2. Is the principle of the Bill good?

The second question, in my opinion, depends on the first: the negative of the first carries with it the negative of the second.

The Bill is prospective. There are at present only two or three native officers in Bengal who are in a position to be District Magistrates and Sessions Judges, but it is said that in a few years the number will increase, and then the inconvenience will be felt.

There is a certain amount of inconvenience arising from the fact that all Magistrates of sub-divisions are not empowered to try European British subjects; but as European officers may be, and as a matter of fact always are, appointed to districts and sub-divisions where charges against Europeans are likely to be at all numerous, the inconvenience is slight. The Bill, moreover, does not propose to remove this. The argument that Native Civilians are, under the present law, shut out from the advanced districts into which European capital has been introduced, does not support the principle of the Bill. These districts are sought after by European officers on account of the society; but a native finds society wherever he goes, and it seems to me that no supposed benefit to the few native officers concerned would be sufficient grounds for a material alteration like this in the law.

I do not see what difficulty can arise from the fact of a Native District Magistrate being unable to try European British subjects. A District Magistrate is not, as a rule, a judicial officer: in fact it is my experience that he tries as few cases as he possibly can. The Joint or other European officer under him would be fully able to deal with all the charges against Europeans. It is said that there are many districts in which there is no Joint-Magistrate; but these are chiefly the backward districts in which there are no non-official Europeans or very few, and where there is small likelihood of European British subjects being charged with criminal offences.

With respect to Sessions Judges, the case is different, and I admit that some little inconvenience might be felt by seekers after justice if a large proportion of Sessions Judges were natives. As the law at present stands, some inconvenience is felt from the fact that a Sessions Judge's powers over European British subjects are limited to one year's imprisonment, and in serious cases the parties are put to the trouble and expense of going to the High Court. But charges of this kind against Europeans in the mofussil are, I believe, very rare, and hence the inconvenience is slight. I do not think that any serious additional inconvenience would be experienced if Native Sessions Judges remain excluded from jurisdiction over European British subjects, because—

*First.*—A Sessions Judge, who is himself an European British subject, could easily be appointed to districts where there are many Europeans.

*Secondly.*—The number of cases triable by a Court of Sessions, that is, which cannot be punished with three months' imprisonment, and which do not require a heavier

penalty than one year's imprisonment, must necessarily be few. The vast majority of charges against Europeans are of trifling offences, which can be disposed of by a Justice of the Peace.

*Thirdly.*—Except in the Sudder Sub-division and the parts adjacent to it, it does not follow that the parties would be put to any greater trouble or expense in going to the next district than to the sudder station of their own district. The people of Kushtea think far less of going to Pubna than to Kishnaghur; the people of the Ranaghat would find it no hardship to go to Alipore; the people of Culna can more easily get to Kishnaghur than to Burdwan; and endless other instances might be given. Means of communication are easy now-a-days, at least in Bengal, and railways are being rapidly introduced into the backward parts, into Eastern Bengal and Assam. Facilities for locomotion will be considerably increased by the time that any large number of natives get to be Sessions Judges. Thus—

- (1). There is very little administrative inconvenience in the law as it at present stands.
- (2). The inconvenience is not likely to increase to any serious extent in the future so as to warrant a change in the law in the face of the strong feeling against it.

No doubt public feeling has been misled by the prevailing excitement. The general idea, so far as we can judge from its expression, seems to be that the new powers are to be conferred on all Native Magistrates, and not only on Native Civilians. But there is this much justification for the present agitation, that the Bill proposes to give these powers to the members of the Native Civil Service who are men of the same class, qualifications, and disqualifications as the native members of the Subordinate Services.

There seems to me an essential difference between the native members of the Covenanted and Statutory Civil Services. The former class have been to England, gone through a course of European training, and mixed more or less in European society in England and at the stations to which they have been posted out here; so that they may fairly be supposed to have thrown off native prejudices, and to have acquired some knowledge of the habits and customs of Europeans. But there is no guarantee that members of the Native Civil Service will be free from the influence of native feelings and prejudices, or will have anything in common with European thoughts and feelings, so that they would not be in a position to form a correct opinion of the conduct and actions of Europeans.

The principal classes of Europeans outside cantonments likely to be affected by the Bill, are (1) planters, (2) steamer captains, railway servants, &c., (3) loafers. Leaving out of consideration the last class, with whom a Native Magistrate would probably be far more lenient than an European, we find that planters and railway servants have unanimously expressed their disapproval of the Bill. And I agree with them in thinking that a Native Magistrate would be an unsafe judge of their actions. Native feeling is stronger against planters, who have generally some sort of dispute with neighbouring zemindars and ryots, and I think there is danger of a Native Magistrate with the very best intentions, but ignorant of the ways and habits of Europeans, being misled by the prevailing prejudice against them. As to railway servants, &c., they are a class with whom the educated native can have no possible community of feeling. A Native Magistrate with native habits and ideas would, I think, be hard put to fathom the thoughts and ways of the British guard or driver or skipper.

The other portions of the Bill need no comment. The above remarks apply to Assistant Commissioners in Non-Regulation Provinces. A Cantonment Magistrate would naturally always be an European British subject.

I am thus of opinion (1) that the Bill is unnecessary; (2) that if it is to become law its operation, so far as regards natives, should be limited to members of the Covenanted Civil Service only.

No. 105, dated 27th April 1883.

From—H. HOLMWOOD, Esq., C. S., Assistant Magistrate of Meherpore.  
To—The Magistrate of Nuddea.

With reference to your No. 586J.G., dated 6th instant, I have the honour to report as follows.

2. I regard the proposed amendment in the Code of Criminal Procedure with alarm and distrust.

The various arguments against it have been so clearly enunciated by the Lieutenant-Governor of Bengal, Sir James Fitz-James Stephen, Sir Louis Jackson, Mr. Evans, Mr. Miller, and others, that it would be presumption in me to reiterate them in my own language. It is sufficient for me to state here that every European and many Natives in my sub-division fully agree with me that those arguments are unanswerable; and as I have seen no attempt to answer them anywhere, I conclude that is the general opinion.

3. With regard to the proposed change as it affects my own sub-division and personal experience, I have the honour to add as follows.

I have spoken with many of the European inhabitants of this district, who consist of clergymen of the Church Missionary Society and zemindars, and their opinion is unanimously

against the Bill. The younger men among them are already seriously thinking of leaving this country and trying a new career in Canada or Australia. The older face the proposed change with steady and calm opposition, as likely to imperil the Empire and their own livelihood. The missionaries, after full consultation with the people, report that the general body of the public prefer a European to a Native Magistrate even in the trial of Natives, and that they regard this Bill, not as an act of justice to the Native members of the Civil Service, but as a personal blow at the status and privileges of an Englishman. My own experience bears this out. Not only have I received constant applications to try cases myself when they have been referred to Native Magistrates, but objections have, on several occasions, been made to the trial of cases by the Bench in which I personally preside.

These applications have been based on a fear of the miscarriage of justice, and I have uniformly rejected them as derogatory to the authority by which such benches were set up; but the existence of the feeling of mistrust among the people cannot be doubted.

With regard to administrative inconvenience none exists. There are numbers of available European officers, and Deputy Magistrates are excluded in the proposed change. This sub-division, too, has always been under the authority of a European Magistrate for political reasons, and it could never be safe to put it into the hands of a Native Magistrate, however honourable and upright. There is such an utter disregard for truth, and such power of combination to bring false cases in this sub-division, that the few Europeans in the place would be utterly unable to stand against a succession of such cases, unless the Magistrate was one who understood European motives and feelings intimately. I have been trained with some of the gentlemen who represent the Native Civil Service in India, as also with some of the unsuccessful candidates, and I can confidently state that they do not, and cannot, understand the moral standpoint of Europeans with regard to questions of insult, provocation, and the like, but above all with regard to women. I have seen a native gentleman of the Service bring a European female of inferior rank—in fact a shop-girl—into the English law courts when he came to report cases, and show surprise that his English companions objected to associate with her on terms of equality. A Bayswater lodging-house and an occasional visit to an English theatre or music hall is not the best school for studying the morality and social characteristics of Englishmen; and as to Englishwomen, it must be laid down once for all that with the exception of a certain class, they are as a sealed book to the young candidate visiting England from this country. I admit that Indian noblemen and orators visiting England are admitted superficially to good English society; but in my experience, the candidates for the Civil Service of India are invariably relegated to Bayswater lodging-houses, and see nothing but the worst side of London life. I have seen many native gentlemen, who have never been in England in their lives, much more capable of appreciating English character and entering into English views than the gentlemen who have gone to England merely to read for the Indian Civil Services.

It may without exaggeration be stated that where an English candidate works eight hours a day, a native will work 16, and those who have seen the indefatigable perseverance of the native candidates at their books—a perseverance which is absolutely necessary to their success, owing to the examination being carried on in a foreign tongue—will readily admit that they can have had little or no time to study English character and morality.

I have enlarged on this topic, because it has fallen within my own observation and experience.

The argument of the injustice done to the native members of the Service, as also that of administrative inconvenience, has been so thoroughly canvassed elsewhere that I do not further enlarge upon it, except to state that, in my opinion, the trial of a fellow-creature is a heavy responsibility and not a privilege, and that all those who seek it as a privilege show themselves, by that very act, incapable of judicial impartiality. Every prisoner has a right to the best Judge procurable, and it cannot be pretended that Native Civilians are as good judges of the motives of European actions as Europeans, and even were they as good judges, the fact that the European public object to their jurisdiction is enough to weaken their hands, bias their minds, and render them inferior to a court in which the prisoner has perfect confidence.

No. 313, dated 12th April 1883.

From—BABOO RAKHAL DAS MUKHERJI, Deputy Magistrate of Chooadanga,

To—The Magistrate of Nuddea.

With reference to your memorandum No. 586 J.G., dated the 6th instant, endorsed on the Government letter No. 1518 J. of the 27th ultimo, on the subject of the exercise of jurisdiction over European British subjects on the part of the Native Magistrates who are members of the Covenanted Civil Service, and of other officers, I have the honour to state that the principle of the Bill published by the Government of India appears to aim at the removal of the invidious distinction between the European and Native Magistrates, who are equally members of the Civil Service, as well as to remove the anomaly that, while natives are invested with highest judicial powers and functions, and admitted into the Covenanted Civil Service, they should still be held disqualified from being Justices of the Peace, or of exercising jurisdiction over European British subjects outside the presidency towns, where they at

present exercise that jurisdiction. This principle is, no doubt, a laudable one; but I humbly submit whether all members of the Covenanted Civil Service, excepting, perhaps, one or two only, or the members of the Native Civil Service, constituted under the rules passed by the Government of India lately, would be competent enough to exercise jurisdiction over the Europeans in the interior, where too many cases would be instituted if once a door is opened for such institutions. The Indian Native Civil Servants are, as a body, all junior to many Deputy Magistrates in the line, and are less experienced also. If the latter are considered incompetent to try European British subjects, how much more force can be added to the argument that the former are necessarily incompetent to take up the trial. The subject, however, is a very large and important one, and it would be presumptuous on my part to offer any opinion or advance any argument or discussion on the principle of the Bill. This I must leave to far abler and superior hands.

With regard to the second question asked by the Government, I beg leave to state that no practical difficulty or administrative inconvenience whatever has arisen or been felt, or likely to be felt in the future, by not investing the native Magistrates with the powers in question. In the face of such large agitation against the Bill, which touches upon the long-existing privilege of European gentlemen of being tried by their own countrymen only, I see no reason whatever to pass the Bill into law, especially as, under its provisions, a very few persons only would be invested with the powers. This number of Magistrates would be so small, taking the whole interior outside the presidency town, that they would not be at all missed in the reckoning of magisterial officers for the trial of offenders. During my long service in the present line for nearly twenty-three years, I did not find a single case in any district, wherever I went, in which inconvenience or difficulty was experienced from paucity of competent Magistrates to try a European British subject. The matter may therefore be left alone for the present. There is no need whatever, in order to invest five or six officers only, throughout the Province of Bengal, with the necessary powers, to pass a law against the opposition of as many thousands, or even more.

No. 339, dated 19th April 1883.

From—BABU RAM CHURN BOSE, Sub-Divisional Officer, Ranaghat,  
To—The Magistrate of Nuddea.

With reference to your memorandum No. 586 J.G., dated 6th instant, I beg to state for your information that, so far as regards the removal of an anomaly in the Code, the amendment proposed is desirable.

Gradually, as native covenanted officers rise in grades, and obtain charge of districts as Magistrates, administrative inconvenience is likely to arise.

I am unable to state as to whether or not the alteration proposed is presently expedient.

*Note on the Criminal Procedure Amendment Bill by C. C. STEVENS, Esq., Offg. Magistrate, 24-Purganas, dated 30th April 1883.*

The Government of India "has decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code at once, and completely, every judicial disqualification which is based merely on race distinctions."

At this somewhat advanced stage, the public are taken into the confidence of Government, and Government servants are consulted and invited to express their opinions. The subject to be dealt with would be difficult and delicate under any circumstances; it is especially so when the writer feels that he is not assisting in the formation of a judgment, but confirming or contending against a judgment already formed. Unfortunately I feel it my duty to take the latter part. I will give my reasons briefly, and I trust that, in nothing which I may say I shall be deemed to show any want of respect towards those above me, who are already committed to opinions differing from mine.

The Bill, prepared in accordance with the policy disclosed in the Statement of Objects and Reasons (from which I began by making a quotation), would level race distinctions in three ways—

*First*, it would confer a jurisdiction (not at this time possessed) over European British

\* I take no account of the fact that natives might, if the Bill were to pass into law, be eligible as Cantonment Magistrates to try British subjects; for it is obvious that only British officers should be made Cantonment Magistrates: nevertheless, it must be remembered that a Cantonment Magistrate is subordinate to the Magistrate of the district, who could always (whether he be a Native or a European) withdraw a case from his file, and place it on his own.

subjects upon selected natives who are—(a) members of the Covenanted Civil Service; (b) members of the Native Civil Service, constituted under the Statute 33 Vic., cap. 3; (c)\* Assistant Commissioners in Non-Regulation Provinces.

*Secondly*, it would confer that jurisdiction, as a matter of course, on all native Sessions Judges and District Magistrates.

*Thirdly*, it would deprive Government of the power which it now has of appointing as a Justice of the Peace any European British subject who either is not an official or is unofficial, but is not (a) a Covenanted Civil Servant,

(b) an Assistant Commissioner in a Non-Regulation Province, or (c) a Cantonment Magistrate.



On the first and second of these points, I think the alterations suggested are at least premature; and on the third point I regard the proposed changes as entirely wrong and unjustifiable.

It will, I trust, be needless for me to repudiate any sympathy with the harsh, not to say cruel, expressions of race feeling which have been uttered in the course of the public discussions. I consider them to be as impolitic as they are ungenerous. No one could serve for 20 years among the people engaged in attempting to administer justice or to improve their material condition, without feeling the strongest desire for the advancement of their race; but I maintain that these sentiments are perfectly compatible with due caution, and with respect to the interests and opinions of our own countrymen. It is idle to say that only those are true friends of the natives who will assert their fitness for complete political equality with Englishmen. It is neither right nor wise to endow them with qualities and capabilities which they do not possess, or to be blind to their defects—defects which arise in the main from causes which they cannot control.

It is worthy of note that the framers of the Bill have admitted in the clearest terms their opinion of the unfitness of native officers generally to try European British subjects; for they do not propose to confer jurisdiction on any uncovenanted native officer, however able, judicious, experienced and competent he may be. That there may be no race distinctions, the Government refuses to allow jurisdiction to European officers of a class which has hitherto had it; and private English gentlemen may not be made Justices of the Peace, because the Government cannot utilize native gentlemen in that manner! When I say that no native uncovenanted officer is to have jurisdiction, I refer to the Regulation Provinces; for according to the Bill, a man, unfit as a Deputy Magistrate to try Europeans in a Regulation District, is fit to try them as an Assistant Commissioner in a Non-Regulation District, where he is more likely to be thrown on his own resources, and less liable to be controlled by public opinion!

The Government, then, by excluding the great body of uncovenanted officers, has admitted the general unfitness of the natives for the powers to be conferred by the Bill; and it is, it seems to me, incumbent on the advocates of the measure to show that there are strong reasons for making the distinction in favour of particular classes: for this distinction will be the cause of severe jealousies and heart-burnings among the classes shut out, and the existence of such feelings as these will be an evil of no small magnitude, sufficient to outweigh, it may be, even considerable advantages.

It is now necessary to see why it is inexpedient to confer jurisdiction of the kind contemplated on the native officers generally. It is inexpedient, partly because they have not the necessary qualifications, and partly because they will not command the confidence of the class to be brought into their power. To do justice, something more than a wish to do justice is necessary; and it is cruelty to send an accused person, especially if he be innocent, to be tried by a court in which he has no faith. For a man to sit equitably in judgment over another, it is requisite that he shall be capable of understanding his motives and the springs of his action; he must be able to test the truth of evidence by his own knowledge of the customs and modes of thought of the class to which the accused belongs. Such knowledge is to be gained, not to any great extent from books, but by the habit of daily life. Now the natives of this country differ from us widely in religion, manners, tastes and sentiments, and especially in domestic life; as yet they have mixed with us so little that they are not able to comprehend and allow for those differences. I wish strongly to urge as a disqualification the ignorance of English domestic life, for it appears to me impossible that a person, not well informed in this respect, could do justice in a difficult case to an Englishman. It would be astonishing indeed if, notwithstanding these disadvantages, a native Magistrate should desire to undertake the trial of European cases! And, as a fact, I know very well that the Native Deputy Magistrates have at present no such desire.

The retort is obvious that, if this be true of natives trying Europeans, it is equally true of Europeans trying natives; and this retort is not without reason. I myself (and I am sure every other European Magistrate has had similar experience) has very frequently felt the enormous disadvantage of the want of a thorough knowledge of the manners and customs of the people, and I cannot confidently say that ignorance has never led me into injustice. Every European Magistrate must feel this; and I know that in practice an attempt is made to select native Magistrates for the trial of cases involving minute knowledge of native habits. But our case as regards natives is different from that of native Magistrates as regards Europeans. Say what we will, and disguise it as we may, the English are dominant in India; and though individual natives may rise to high positions by their talents and virtues, English officers must, for a long time to come, form the backbone of our administration; and however much we may now and then be at fault, through ignorance or even prejudice, the frequency with which English Magistrates are asked to take up cases themselves, or to refer them to their English subordinates, shows that the people on the whole have confidence in them.

That Europeans have not the same confidence in native officers as a class is due, partly to the defects in the latter, which I have pointed out, and partly to defects in the former themselves. If we, who spend our lives among the people and come into contact with them in so many ways, know but little of their manners and feelings, what can be expected of the



unofficial Europeans generally, especially of those of the lower classes, such as are most likely to be affected by this Bill? Race feeling and race prejudices are much stronger among them than with us, and misunderstandings are far more likely to occur in their case than in ours. It is impossible to ignore these feelings and to legislate as if they had no existence.

There is another point which I think is not to be lost sight of, and that is that race feeling is by no means confined to the Europeans. Comparatively little, certainly not unreasonably much, of it exists among the old school of natives in Bengal; but it is impossible not to see that it is very openly, and sometimes offensively, displayed by the younger men. Whenever a case occurs in which a native is on one side and a European is on the other, this feeling appears to be aroused. I could without difficulty name many instances, but I will take one of the latest—the Patna case—in which a European officer was fiercely and unanimously assailed by writers of a certain class for doing his duty in the cause of law and order, which were defied by a contumacious native. The strongest language was used while the case was pending, and no means were left untried of inducing the Government to abandon the officer to the agitators. Had a native Magistrate been in charge of the district, and supported his subordinates, as it was his duty in this instance to do, no words would have been too strong to express the anger of his countrymen. I know, from my own experience, how painful an agitation of this kind can be to a European officer whose study it has been to be a friend of his people; but a European officer can resist such pressure. Is it likely to be so with a native? The pressure will be ten times harder for him, for he will be aware that, if his decision be in favour of the Englishman, he will be regarded as a traitor to his country, and will be told so in no measured language. I do not mean to say that I consider these agitators to be necessarily dishonest, but I do say that an impulsive spirit of partisanship is one extremely common in Bengal, and that until the leaders of native thought show themselves less imbued with it, and more sober and just, they are not the people to have jurisdiction over the lives and liberties of their alien conquerors.

Whether these are the reasons which have led the Government to abstain from giving the jurisdiction to the great body of the native Magistrates, I do not know; they seem to me to be cogent enough to justify the policy.

And now I come to the exceptional classes provided for by the Bill. I have already pointed out that there is even less reason for giving the powers to Assistant Commissioners than to Deputy Magistrates. There remain the ordinary covenanted civilians and the statutory civilians. I cannot imagine what real distinction in their favour there is between these latter gentlemen and the Deputy Magistrates, except in name and in the opportunities which even the worst of them will have of rising to higher rank. Unlike the covenanted officers, these men have made no sacrifices, have displayed no energy, have had no opportunity of studying English life and manners, and there is not the slightest guarantee even of their intellectual ability. I have had some means of forming an estimate, for I have had as my assistants two of the covenanted officers and an equal number of the statutory civilians. I do not wish to go out of my way to write harshly of the latter; I will only say that they are not, and never will, or can be comparable to the former. I look upon the appointment of these statutory civilians as a deliberate sacrifice of efficiency to the policy of ensuring that a certain number of natives shall hold appointments in the Civil Service. While I gladly welcome to the Service those natives who have struggled for their appointments, and have gained them by merit, I do not think that the responsibility of governing large tracts of country in accordance with English ideas should ever be made over to men whose only notions of those ideas are to be gathered from a superficial acquaintance with books, and from the very slight social intercourse with Englishmen which is available to them here.

I do not wish to disparage these men needlessly; but I do not hesitate to say that they will not, with rare exceptions, command the respect of their subordinates, whether covenanted or uncovenanted, native or European. If this be so, what confidence can we expect the unofficial European community to have in them? So far as fitness to have jurisdiction over Europeans is concerned, I regard them as less fit, rather than as more fit, than the Deputy Magistrates. In no respect better, they are likely to be worse in one important particular. Educated under unfavourable influences, without knowledge or experience of the world, not subjected to that wholesome discipline which an English school-boy receives from his fellows as well as from his masters, the young man of good family finds himself suddenly raised to the rank of an Indian civilian. If arrogance be sometimes laid to the charge of those who have enjoyed the advantage of a better training, what is to be expected of the statutory civilian? It would be scarcely in human nature that he should not be inflated with a sense of his own importance and dignity; and this, I think, will be admitted to be a very unsuitable frame of mind for a native officer engaged in the peculiarly delicate task of investigating a difficult case against a European, perhaps ignorant and prejudiced, and possessed in a high degree of the pride of race! A grave scandal would be certain in such a case.

It may be said that I am now arguing against the statutory service rather than against the Bill; I am arguing against both, and I have no hesitation in saying that, if it is thought necessary that all native civilians shall be eligible to try Europeans, the system under which native civilians are appointed and trained in this country ought to be abolished, or greatly modified.

I now come to the case of the covenanted officers appointed in the ordinary way. They stand on a very different footing from the class just dealt with. They have shown energy

and enterprise; they have proved their ability and attainments; they are men who would, if they had never left this country, in all probability have attained positions of power and influence; they have spent some three or four years in England; they have mixed in English society, and have measured their strength against that of young Englishmen of their own age. It must be their own fault if they have not acquired some insight into the motives and character of Englishmen, and if their experiences have not increased the breadth of their views of life. So far as these men are personally concerned, I should not object to give them some jurisdiction over Europeans, at any rate by the time they became Judges or District Magistrates; but there are considerations which, in my judgment, ought to make the Legislature hesitate in conferring it.

In the first place, I consider that the present state of feeling among that class of educated natives which controls the press is such that it is not desirable now to extend the jurisdiction of any native over Europeans. I have already alluded to the wild and passionate spirit of partisanship—a marked characteristic of the ordinary Bengali. It leads to "*dola doli*" in almost every village in Bengal, and is now being applied to politics. The very notion of fair play is unknown; the party man is perhaps not consciously unjust, but it seems not to occur to him that his opponent is entitled to justice. A native gentleman, who is inclined to be fair and moderate, does not like to expose himself to the torrents of abuse which would be poured on him in the event of his taking the unpopular side. I will give a single example:—It will be remembered that, immediately after the European meeting at the Town Hall to discuss this Bill, a brief memorial was submitted, urging the Viceroy to proceed with it. This memorial was signed by a few representative men, and, among other statements made in it, was one to the effect that it was quite a mistake to suppose that the natives do not care about the Bill. I had some little conversation on the subject with one of these representative gentlemen, and he assured me that this was not a mistake, and that few natives really do care about the Bill. I have not the least doubt that this gentleman was imparting his real opinions to me, for the Bill could not but be distasteful to him personally; and I believe that, holding these opinions, he attached his signature to the memorial simply because he could not face the invectives which would be hurled at his head by the indiscriminating patriots of the press. I do not think it would be right to expose our native covenanted civilians to risks of this sort. In any case of interest between a native and a European, the native Magistrate or Judge would be in a position of great difficulty. If he decided for the native, unless the case were very clear, his impartiality would be suspected by the European; if he decided for the European, he would be execrated and burned in effigy by his more patriotic countrymen.

Probably some modification of this state of things may be looked for in course of time, and I think I may say that, in one newspaper at least, I have observed a growing disposition to be moderate and fair; but until the educated classes generally can learn self-restraint, I would not give any native in the mofussil criminal jurisdiction over Europeans.

The next point is, that I doubt whether even the covenanted civilians would generally command the confidence of Europeans. They would probably deserve it to a greater extent than they would have it, but this would not alter the fact. The prejudices of natives are regarded, and allowance is made for them whenever it is possible to do so; why should nothing be yielded to the prejudices of Europeans? I need go no further into this consideration, but I think it entitled to great weight.

A third difficulty is, that to make a distinction between the covenanted civilian and the statutory civilian, or the Uncovenanted Deputy Magistrate, would probably lead to much heart-burning and jealousy. So long as the present broad distinction, founded on obvious and, as I think, sound reasons, is maintained between officers who are European British subjects and those who are not, there is no ground for this unpleasant feeling. The native covenanted officer may feel it an anomaly that he has not the powers, in this one respect, which are wielded by his European comrade; but the Deputy Magistrate (perhaps a grey-headed officer who, by distinguished service, has raised himself to be a Member of the Legislative Council) has not the mortification of seeing powers denied to him, but given to the young Magistrate in the covenanted service, or to the statutory civilian, his inferior, perhaps, in every useful quality.

For these reasons, I think it better not to change the law even in favour of the covenanted officers. But I cannot see that there is any reason why those officers should consider themselves aggrieved. It is not a privilege of the Judge that he has power to try prisoners, but it is a right of the prisoner to be tried by a court in which he has confidence. In the case of jurymen, this principle is acknowledged in the right of challenge. But besides, as Mr. Carstairs points out in the note which I am submitting with this, the position of a native District Magistrate or Judge implies great power and influence over his fellow-countrymen. A District Magistrate and his large executive powers are necessary, because they enable a large tract of country to be governed by a comparatively small number of officers. No Englishman in England, or in any of the colonies, has equal power over an equal number of Englishmen.

It now remains to consider one of the main arguments which have been brought forward in support of the Bill, namely, that it will have the effect of preventing administrative inconvenience. It must be remembered at the outset that the classes of officers to whom it is proposed to give jurisdiction over European British subjects have it now in all cases in which the European British subjects do not claim their privilege, and the cases in which

it is waived are not a few. It is better sometimes to be set at liberty at once than to appeal to Cæsar. In cases of minor importance, obviously it is to the interest of the accused rather to run the risk of a small, or even moderate fine, than to incur the court expense and annoyance of being tried in some distant place; and if the courts of native Magistrates gain in the estimation of European British subjects, the more frequently will European British subjects be content to be tried by them. The more fit the courts are to exercise this jurisdiction, the less practical inconvenience will result from not formally bestowing it on them. If the native courts show themselves just and fair and competent, the privilege of a British subject will be simply a check on them, to be exercised only on extraordinary occasions. Up to this time no case has ever arisen within my experience, in which inconvenience has arisen from the working of the present law. Probably some cases of slight inconvenience have actually occurred—possibly in number one-fifth-hundredth part of the cases in which inconvenience has arisen from second class Magistrates being in charge of sub-divisions.

And now let us take another view of the Bill as it affects the convenience of the administration.

In the early part of this note I showed that the equality of race, which is the aim of the

\* *Note.*—I am taking into account only the Justices of the Peace of Bengal, Behar, and, Orissa who are resident in the mofussil. If we also have regard to the list of Justices of the Peace stationed in Calcutta or on furlough, or employed under other Governments, we shall find 67 more gentlemen now Justices of the Peace, who could not be made so if this Bill becomes law. In the case of those, however, who are under other Governments, obviously no present inconvenience would result in Bengal, and officers stationed in Calcutta could be made Magistrates for Calcutta only; but those who are on furlough are of course available to Government.

Bill, is to be affected, not only by giving jurisdiction to natives, which they have not now, but also by taking away from Government the power of conferring jurisdiction on Europeans of classes which now possess it. On an examination of the Bengal Civil List for April, I find\* 23 European Deputy Magistrates, and 14 other European gentlemen, neither Deputy Magistrates nor covenanted civilians, exercising the powers of a Justice of the Peace in the mofussil. Perfect equality will not be attained till these 37 gentlemen die out or retire, for their powers are reserved by the Bill. But still it is worthy of note that, under the present law, the Government commands the services of 37 Justices of the Peace of European race, who, under the proposed law, could never have been invested with the necessary powers. Can it be said, then, that the gain in administrative convenience, on

which stress is laid by so many advocates of the Bill, is so marked as they appear to believe it?

Upon the whole, I think that the Bill should not pass; the want of it has not been felt by the Government or by the people at large; far from adding to the resources of Government, it in truth seriously diminishes them; it is an assertion of an equality and a similarity which have no existence as yet; it does good to no one, while it has done infinite harm by forcing the two races into an injurious contest.

But it is said that, even granting that the introduction of the Bill was an error, it would be wrong now to abandon it, as this would be a concession to clamour. I can see no force in this argument. It seems to come to this—that, had the measure been less open to objection, less decidedly obnoxious to the community affected, than it is, the Legislature might have abstained from passing it; but since it has roused that community to a high state of excitement and indignation, it must now be maintained with obstinate perseverance. A strong Government is not to be just and wise, because it is afraid of being thought weak! I do not sympathize with the violent and resentful phrases which have been used in the course of the discussion; but I do think that they afford no reason for ignoring the powerful feelings which have given rise to their use.

It has been said by the head of the Government that this measure is to be final. No one presumes to question the absolute sincerity of this assertion; but I cannot avoid the belief that the Europeans, as well as the natives, are right in thinking that the Legislature can never stop here. If the Bill pass, the next step must be to extend to Deputy Magistrates the jurisdiction now proposed to be given to statutory civilians, and there are other distinctions in the Procedure Code which will certainly be attacked. The more advanced native politicians openly accept this as a “small instalment of their rights”—“a step in the right direction.” It is because of the universal disbelief in the finality of the measure that the European community is so deeply moved.

Friends as well as opponents of the Bill point to the small immediate practical effect which it will have if it become law.

The former are astonished at the vehemence with which the harmless proposal to soothe the feelings of a few officers is met; the latter say: “If this be all your purpose, why should you disturb the whole country to attain an advantage so trifling?” But they see and know that the principle which the Bill is designed to illustrate is of far wider application, and they believe that the Government, in accepting it as their supreme guide, are entering on a policy which is dangerous because it is premature.

I have not thought it necessary to call for expressions of opinion. I have, however, had some conversation with not a few gentlemen, both European and native, my subordinates and others. The Europeans, official and unofficial, are unanimously opposed to the Bill; I have not heard a single voice in its favour. Some of the natives would wish to see it passed, but several gentlemen of experience and authority have informed me that they have no such desire. Naturally they are not disposed to attach much weight to the argument

that native officers are unfit to try Europeans; but they think that the measure has been introduced somewhat too soon, and that the good which it is likely to accomplish is small in comparison with the great mischief occasioned by the fierce and angry discussions to which it has given rise.

Though I have not called for opinions, Mr. Carstairs, the late Joint-Magistrate, in anticipation of such a call, recorded a note, which he left with me on his departure on furlough, and at his request I now submit it. There are points in it deserving consideration.

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*Note on the proposed amendment of the Criminal Procedure Act by R. CARSTAIRS, Esq., Officiating Joint-Magistrate, Alipur, dated the 31st March 1883.*

Being about to proceed on furlough, and understanding that the opinions of officials are to be called for on this subject, I leave the following notes.

2. Before entering into the merits of the Bill, I will shortly discuss the question—"To what is it likely to lead?"

3. When this Government goes away, as it will within a year or two, its successors will not be bound by its pledges. A question re-opened once may be re-opened again. The scope of the Bill is, for administrative convenience, to give certain courts, not now possessing it, power to try European British subjects. The only qualification for this power is to be personal fitness, the additional qualification now existing, that the person trying should himself be a European British subject, being removed. To confer the power is to declare personal fitness; to withhold it will therefore be a sentence of unfitness, or a slur.

4. It is a slur upon Mr. Behari Lal Gupta that he has not this power (out of Calcutta), while I have it. When he gets it, the slur will be passed on to Nawab Abdul Latif. If he gets it, some one almost as good will feel the slur. Wherever the line reaches, there will be a pressure to pass it on the part of those next below it, and no good reason for stopping short of any particular person. Men begin to covet honours within their reach; much more wish to escape a slur if it is possible. Administrative convenience will demand extension of the power. Personal feelings of the disqualified will also demand it. I see no stopping place short of all courts.

5. To proceed to the merits, the first question is "Should Europeans be put in the power of any but Europeans?"

Our position in this country; the claims of each of us, even the meanest, as a member of a free nation; and the importance of keeping up our prestige, surely in themselves ought to settle the question. But apart from that, there are the following considerations:—Inside the few square miles that constitute our presidency towns, the young European, on arrival, finds advisers, society, public opinion, courts, counsel, witnesses, and friends at his door. The natives he sees have abundant evidence of our power in soldiers, cannon, ships, wealth, intellect, daily before their eyes. Public opinion is master.

6. But take the mofussil. The young Europeans who come out as mechanics, drivers and guards, assistants in tea-gardens and indigo factories, traders and agents, year by year, are scattered over the country, not knowing the country, and not understanding; intolerant of native customs and thoughts, for there is much to get accustomed to; home-sick, inexperienced, unused to the climate, consequential as fresh arrivals generally are. Is it fair to leave such a man in lonely places, without money, friends, or advisers, to be brought up in custody of a native policeman before a Native Magistrate, in presence of a native crowd, to be deposed against by native witnesses? A man can stand up against anything so positive as hatred or treachery, and a sensation can be got up about these, but there are the half-smiles, possibly real pity, imperceptible sneers, shoulder-shrugging. He half understands, and not half understood, seeing insults even where none are meant, as can well be seen, very easily be exasperated beyond bearing. His opponents would draw him on to insult the court. He would be only too ready to fall into the trap. It would be a very refined, subtle and intense form of the noble game of Bull-baiting. The presence of a European presiding in the court has no doubt prevented much of this—both the baiting and the irritation under it. How long would it take to get over the consequences of one desperate act, attributed rightly or wrongly, to the absence of a European on the Bench? Europeans will no more become accustomed to being tried by natives than eels to getting skinned, for it will always be a new experience to one who has not gone through the process. Even a certificate of fitness given by Government will not extort awe towards the court from the European, and no one will deny the very serious risk of ugly scenes. No one can calculate the effect of even one such scene.

7. The next question is—"Are our courts fit?"

In England, as in all countries, there was at first a struggle for power. It ended in that great combination of all the powers, the British public, which made our laws. They are, in fact, the public will expressed, and are enforced by the British public itself, not only through its officers, but directly by its own influence.

In India there was also the struggle for power, but here the local will was suppressed by the imposition of a greater power, *viz.*, the British Government. The use to which power is put in all barbarous countries is to spoil. In this country open loot was suppressed, and the appetite for plunder had to be satisfied by intrigue. Intrigue guides forces, and so intrigue was brought to bear on that greatest of all forces in this country, the British



Government. The Government has made over most of its power to be wielded by the law courts. So on the law courts a strong current of intrigue has been turned. Its weapons are perjury and forgery; and with these every one among the natives arms himself as naturally as men of old in our country did with sword and buckler. Men too good to lie themselves will often freely employ others to lie for them. Perjury is so common that it can seldom be punished. That is, there is no material with which to prove it perjury. It appears then, to say the least of it, that our courts, unaided by public opinion, which is the strongest bulwark of justice in England, and being made in a barbarous country the arena of struggles which naturally would be fought out on the field, are in a very different position from the courts in England.

8. It is not necessary to preach the harsh doctrine that natives of this country are so very wicked, and will never be any better. They are still in the barbarous stage when plunder is considered more honourable than worth, and it is to be hoped they will get past it. Intrigue, and not violence, marks that stage. Of the artificial nature of our advanced laws and procedure in this country, no stronger proof can be found than the jealousy with which Government reserves all real power for its own paid servants, desiring at least to preserve some guarantee for the purity of those who administer justice. It is as much as to say that no native can be trusted to administer justice even to natives, unless it is made worth his while, and unless he is removed from all the temptations which beset a man not severed from all local interests. Europeans might well say that they distrust the classes from whom native officers are drawn, and do not believe in the purging effects of office. Dangers from perjury, forgery and intrigue are serious enough already. Natives did not make our laws; our courts are not a device of natives. Our rules of evidence do not commend themselves to natives. Natives generally, of however great wealth and high position, are not allowed to administer our laws to natives. Our courts are not scattered over the country, within easy reach of every one, but are rather like garrisons of justice in a hostile country, and they have been set up, maintained and strengthened by Europeans. This it is that has gained them the confidence of European British subjects.

9. The court presided over by a native, foreign to the laws and those who made them, will not be the same thing to the Europeans; and the sensitiveness of the presiding officer will not get rid of their distrust. They will, right or wrong, feel it necessary to resort to corruption, (not necessarily of the officer himself), to perjury and forgery. Some will leave the country, some will be ruined, and some will be like an energetic native of whom I heard it said: "He is crooked, because they will not allow him to be straight." It is in the interest of no one more than of the natives themselves and the Government that Europeans should be kept out of the intrigues around them; for when a European turns blackguard, he is a big blackguard. It would be a bad thing to drive out men of high character, and to substitute for them adventurers with none. When, on behalf of myself, my family and friends, I protest against the proposed change as being likely to promote this undesirable end, I do not think that I shall lose the confidence of my native friends. They at least understand.

10. I come now to a very delicate question, that of the fitness of natives for the powers. It has been pretty well shown that Europeans have not the same confidence in natives as they have in their own countrymen; and before this is put down to petulance, it would be well to see whether there are no solid reasons for the distrust. In my opinion solid reasons exist. In the following remarks I intend to speak of Bengalis only whom I know. I will also speak of them as a whole and not as individuals. If the bulk can be judged by the sample, much more surely can the sample be judged by the bulk.

12. The first objection is the difference of religion. Our law undoubtedly owes to the Christian religion the following fundamental principles:—

- (1) Brotherhood of man.
- (2) Absolute standard of right and wrong.
- (3) Humility and openness to reason.
- (4) Protection for the weak.

The law was made by our ancestors. Rightly or wrongly, Europeans in this country believe that there is more chance of the spirit of our law existing in the descendants, brothers and sons of those who made and maintain it, than in the descendants, brothers and sons of those who have never been able to imagine such laws, and do not even to the present time show that their minds have been taken hold of by these laws. Legality without righteousness is the body without the soul, and that is what Europeans fear they will get.

13. The next objection is the constitutional timidity of the race which is to furnish these new rulers. The Bengalis, as a race, cannot stand up without being protected even against one another. We Europeans are their chief guardians, and they supplement us by means of up-country durwans. They are strong upon the stronger side; but we have no faith in their steadfastness in a time of utter need. We cannot trust them to help us when, in a time of utter need, we have no one else to depend on. Now that time may come to any European man or woman at any time. Not so much treachery as just weakness is to be feared. I do not say all Europeans are strong and all Bengalis weak; but here are we their masters, and we are so because we are stronger. Do Bengalis try to make a reputation for courage by daring deeds? It is a jest against them that they shun "dangerous

departments." *Sola* is not *teak*. It is no slur on *sola* to say it has not all the qualities of *teak*.

14. The third objection is that they are not trusted by one another. Some of them have blamed severely a few reckless epithets applied to them in the heat of oratory. With those epithets I have no sympathy, but the worst of them is not nearly so bad as natives of respectable position are frequently found to use against other respectable natives. All that they say may not be true, but where there is smoke there is fire. It is not to be wondered at if Europeans take natives at their own estimate. If their statements are all false, what is to be thought of the respectable natives that make them?

15. The fourth objection is that the European Magistrate can perform extra-judicial functions, which a native cannot. He keeps up a healthy tone in European opinion, which, and not the terror of the law, is the chief check at present on European crime. He can also bring direct influence to bear on his young, lonely and inexperienced countrymen, by giving them timely cautions, and making them feel they are watched by a friendly eye. It would be a poor exchange to substitute fear for free obedience in dealing with Europeans, and I am not at all sure that it would be found to work. I have had practical experience of the two methods.

16. It is obviously advisable to go as little as possible into this delicate question of race qualification. I think I have said enough.

17. I have carefully avoided, in all I have said, any allusion to the subject of official qualifications for posts under Government. That question is not directly involved. But in case it be attempted, as it has been, to stop my mouth and cut away the ground from under me, by saying that if natives are fit to be District Magistrates they are fit to try Europeans—if I am forced to admit them fit for both or unfit for both,—then I deny that they are fit for either. Giving a native power to try Europeans is not to make him fit, and, if he is not fit, would be to increase, and not diminish, the number of anomalies.

18. The position that no native is fit to be a District Magistrate can be maintained without casting any slur on individuals. The very essence of the system under which the District Magistrate exists is that it is worked by foreigners. No Englishman in England would be allowed over his countrymen such power as the District Magistrate possesses over natives in this country. It is not an invidious thing to say that no native should thus be put on the neck of millions of his countrymen. It would be invidious to his countrymen to say that he should. Considering the race from which they spring, to put natives in this position would be what the poet call as "delivering the tasks of might to weakness."

19. What, then, it may be asked, becomes of the Queen's Proclamation? How are natives to be advanced? I would very humbly submit that the true way of complying with the spirit of this Proclamation is not to pick out a native here and there, thrust him into a position which is only possible so long as he is cut off from all local ties and interests, and turn in the wrong direction—an impossible direction for all but a very few—the ambition and strivings of his neighbours. The true way of answering the Proclamation is by developing schemes of Local Self-Government, by which all the people may be drawn onwards together, and organized under their own leaders for their own work. Surely, if in free England public ambition is satisfied with a seat in a Town Council, a seat on a School Board or District Road Board, or, at the very most (leaving out legislative honours), on a country Board, it is putting mad dreams into the heads of natives to suffer them to look on as their rights such posts as would be equivalent to that of Governor of half of Scotland, or over a third of Ireland. But in speaking of Local Self-Government schemes, I must be permitted to say that there is equal danger, in these, of a few being detached from impatience of slow progress, and advanced prematurely.

20. In my anxiety to avoid all personal criticism, I have passed over one point which has been raised, *viz.*, that natives who have been to England, at least, must understand the English thoroughly. As to that, I would only submit the following considerations:—

- (a).—The native goes to England after his boyhood is over.
- (b).—Stays for two or three years only.
- (c).—Leaves it while still a youth.
- (d).—Spends his time there in hard study.
- (e).—Probably meets with reserve in society, as an Englishman does here.
- (f).—Europeans come out here in early manhood and settle for life.
- (g).—There work and their duty is to learn the people and their ways.
- (h).—Yet native writers and orators say they do not understand the natives.

I am not inclined to admit in our native fellow-subjects greater insight into character, anxiety to learn, or candour, than are in ourselves. If natives are to be suffered with applause to deny our knowledge of natives, then we are quite justified in saying that they know nothing about Europeans, or at most have that "little knowledge" which is a "dangerous thing."

21. A word about the practical difficulties and I have done. Europeans have every interest in waiving their rights whenever there is no strong reason for claiming them. As a matter of fact, they often do waive their right. If there is any doubt about the legality of this it should be removed.



In many other cases it would be little more inconvenience to send the parties to the nearest European officer, than, as must now be done in every case, European or native, to some centre which may be distant from their homes. Where the British Government has ventured to leave so enormous a tract, as is implied in such inconvenience being very great, without a British officer, then in case of need, such an officer might be specially deputed to try the case. The cost and inconvenience would not be nearly so great as the Abyssinian Expedition, which is understood to have been undertaken in much the same interests. The individual European does not care for general principles, but looks at how they touch himself, and we have a prejudice that no one can look after a Briton so well as a Briton—certainly not a Bengali, who, we cannot but feel, is resting on our shoulders. There are plenty of Bengalis for them to look after.

No. 674 J. D., dated 21st May 1883.

From—F. B. PEACOCK, Esq., Secretary to Government of Bengal,  
To—The Secretary to Government of India, Legislative Department.

In continuation of my letter No. 651 J. D., dated the 18th instant, I am directed to submit, for the information of the Government of India, copy of a letter\*  
\* No. 11A, dated the 10th May 1883, and enclosure. from the Commissioner of the Chittagong Division, reporting on the Bill to amend the Code of Criminal Procedure, 1882.

No. 11Ct., dated 10th May 1883.

From—E. E. LOWIS, Esq., Commissioner of the Chittagong Division,  
To—The Secretary to the Government of Bengal, Judicial Department.

With reference to your letter No. 1518J., dated 27th March last, I have the honour to submit the following report on the Bill to amend the Code of Criminal Procedure. I have obtained the written opinions of some officials; those of others addressed have not reached me. I have also been at some pains to ascertain the sentiments of the non-official natives in Chittagong; and I may add that, with but slight exception, I cannot discover the existence of any sympathy with the principles of the Bill, or any favourable feelings regarding it. The feeling of the Mahomedans is certainly adverse to the Bill, and the sentiments of those with whom I have conversed on the subject coincide very much with those expressed by Moulvie Delawar Hossein, B.A., Deputy Magistrate, in charge of the Brahmanbaria sub-division, a copy of whose letter I enclose.

2. The principle of the amendment is that it is expedient to do away with the old privilege enjoyed by Europeans of being tried by men of their own nation, and in place of that to substitute trial by natives. This is not indeed avowed as either an object or reason for the introduction of this measure; but this is in fact what it tends to, for it would be in the highest degree anomalous to entrust the duty of trying Europeans to a certain class of natives, to the exclusion of others; for I hold that the residence for a year or two in England cannot, and does not, undo the teaching of early years, or alter in any way the character which has been formed during the first 18 or 20 years of a man's existence. As a Mahomedan of the old school once remarked to me, knowledge of English does not make any one a *hakim*; and I feel, and the feeling is shared, I know, by others, that there is many a Deputy Magistrate of the old school, unacquainted with English, by whom I would rather be tried, if need were, than by one brought up in sympathy with the class, who support by their writings, and find an exponent of their views in the columns of the vernacular press of Bengal, with whom it is a point of honour to traduce and vilify any European, simply because he is a European.

3. Trial by their own countrymen has always by Europeans been considered in this country not only a privilege, but as a positive safeguard against false charges; and as an accused has within certain limits a right to elect by whom he is to be tried, this privilege, which has been enjoyed in some shape by every Englishman from the time of King John, is not one to be lightly set aside, and is a matter in which the persons most concerned have a right to be heard.

4. I am far from saying that trial by their own countrymen is a privilege which must be secured to Europeans at all risks; but I do hold that the right is one not to be set aside except for good and substantial reasons; it is not to be interfered with on mere theoretical grounds; and practically I fail to see any reason for the proposed change. The people at large do not in any way consider it a grievance that *hakims* should be tried by *hakims*; in their view this is only right and proper. Even amongst the more advanced of the educated natives such a proposal was never broached until this unhappy discussion raised it into a party-cry; and certainly among Europeans, though the right was not often very rigidly insisted on, there was certainly no cry for a change.

5. Even on grounds of administrative inconvenience change could not be urged as necessary, looking to the small number of covenanted civilians who can, in the course of the next ten or twelve years, become Magistrates or Judges.

It is very rarely that a case occurs which necessitates the trial of a European by the District Judge. Almost all cases are triable by Magistrates or the High Court. In such

cases no difficulty could arise, for in all districts where Europeans are to be found, there is, besides the Magistrate of the district, a Joint-Magistrate, or first class covenanted assistant, and both could not be natives; while, as to cases triable by the Sessions Judge, they are extremely rare, and the contingency of such a case arising in a district where there is only a native Judge is so remote that it is hardly worth considering.

6. The above are some of the reasons why the Bill need not have been introduced; but there are also positive objections to it, first and foremost of which is the strong feeling against it which has been manifested by the Europeans themselves. Those who are most interested in the matter, who from actual experience, and not on mere theoretical grounds, are convinced of the necessity for the retention of the privilege, must surely be entitled to some voice in the matter; and the universal and remarkable unanimity of European opinion on this subject cannot be lightly set aside as mere moonshine. Another objection is that a native is often not so competent to try a case as a European, simply because he has not made himself acquainted with the ways of thought or manner of life of the accused, and therefore cannot be a fair judge of his motives or springs of action.

7. In this connection I quote what the Magistrate of Chittagong says in his report—

“The changes proposed in the Bill would in practice chiefly affect cases in which sailors and soldiers are concerned. These and the railway servants and the other members of the lower classes of British race who are occasionally found in this country, furnish nearly the whole of the cases which arise or are likely to arise. European residents generally are very rarely under trial. In Chittagong there are a good many cases amongst the sailors. If the time should come when there will be no European Magistrate in the district to try these cases, then an administrative difficulty would arise; but I do not think the native covenanted officers would in any way be fitted to try such cases properly. This is not in the least for want of competence, but because it is difficult even for an educated Englishman, very often, to make himself understood or to understand these rough and humorous persons. I have had an English-speaking Bengali pleader conducting such a case, and I am very certain that he did not understand, from beginning to end, what it was about, what the witnesses meant, nor what connection the defence had with the question asked. It is no slur on a native officer that an English University education has still not opened to him all the depths of English thought. The cases against Europeans which arise in practice always require a little experience of a practical kind—high education and mental qualifications are of no use in comparison. A Deputy Magistrate, European or Native, who had served for a year or two as a sailor or as a soldier himself, would always be infinitely more capable of doing justice on British subjects in practice than the highest and best European Covenanted Civilian who had no such experience.

“An administrative difficulty arose once. Mr. H. W. Barber, a Eurasian officer of long experience as a Magistrate and nominally qualified as a Justice of the Peace, had to decide a case. He lengthened the proceedings by simple inability to understand them, until the crew of the ship were in a state of little else than mutiny. The Master, who could get nothing done, committed suicide, and the owners had very considerable difficulty in getting the ship away.

“Sir Ashley Eden passed an order in this case that the District Magistrate must always try these cases in future in absence of a competent Joint-Magistrate. It would be no sign of incompetence for a Bengali officer to get into the same difficulties as Mr. Barber got into. This I mention as an illustration. My argument is that the trial of European British subjects is quite special work, and difficulties must arise in performing it if the Magistrate has not personal knowledge of special kind.”

8. To my mind another objection to passing the Bill is the cry that has been raised in the native press in favour of it. The privilege of trying Europeans, so eagerly sought and emphatically demanded, does not carry with it any emolument or gain in any shape, and no good reason why this privilege should be prized has been given. The clamour raised, therefore, seems to me significant; it may be the result of mere vanity, but to foster that feeling seems at the present day hardly necessary.

9. I have given thus briefly the most prominent objection to a Bill in favour of which there seems to be nothing practical or tangible; but I cannot conclude without expressing my regret that an occasion for the discussion of this subject should ever have arisen at all, for it has roused a very bitter race spirit, and re-opened a sore which, ever since the Mutiny, has been gradually healing over. This spirit is plainly enough visible in the newspapers, native and European, and is not confined to public writing, for I have lately in private heard more ill-feeling expressed by Europeans against natives than I remember to have heard since 1857-58. That an opportunity should have been afforded to raise this discussion was unfortunate; but still more so, that the wordy strife should rage for the next four or five months, embittering feelings in some cases already bitter enough; every succeeding week only widening the breach and rendering future amicable relations between the two races less possible.

10. That the European section have been sincere in their objection from the first is evident, while the contrary view has been adopted by the Vernacular Press, I would hope rather through a spirit of opposition, than from any real desire to gain for natives the privilege and pleasure of trying Europeans. Be that as it may, the question has now become a party one, and whether the Bill be passed or not, dissatisfaction must be created.

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No. 104, dated

April 1883.

From—MOULVI DULAWAR HOSAIN AHAMED, Deputy Magistrate of Brahmanberia,  
To—The Magistrate of Tipperah.

With reference to your memorandum No. 806, dated the 19th instant, I have the honour to report.

1. I have been asked to give my opinion on two points—as regards the principle of the Bill and as regards any administrative inconvenience which might occur if it were not passed.

2. I suppose Europeans will continue to form the majority of the Covenanted and to form a part of the Uncovenanted Service, and therefore, in reference to the second point, I do not think any administrative inconvenience will occur, such as to make it necessary that the Jurisdiction Bill should be passed at the present time.

3. In reference to the principle of the Bill, the Statement of Objects and Reasons says that the Bill has been brought forward to remove an anomaly. In the first place, it seeks to remove the anomaly by depriving those Europeans who belong to the Uncovenanted Service of a power which they have had, thus creating an invidious distinction, and putting a stigma which they do not deserve. A direct lowering of the ruling race is certain to be followed by a lower estimation of their strength by the ruled races, and therefore the Bill would in the future be injurious both to the ruled and the ruling races in India.

4. The second question is whether the removal of the anomaly complained of will not give rise to a greater anomaly. The distinction between an Indian and a European is a broad and well-marked one; it is a distinction based on colour, dress, language, religion, political position, domestic customs, and social manners. But in removing the distinction between European and native civilians an invidious distinction will be created between two Indians. I do not think so much of a three years' residence in England as to believe it enables a man to become morally or even intellectually superior to him whose education and training are otherwise the same. I think the attempt to remove one anomaly will create another which, being less defensible, would be more pointed.

5. I do not wish to give any opinion in regard to the confidence possessed by the native professional classes; but I know that the Muhammadans of Calcutta (if no other classes) prefer to engage the services of European attorneys and solicitors to conduct their law business.

6. The next question is whether the time has arrived. Though the tendency of civilization is to remove anomalies, everything must have its proper time. I do not think the time has arrived to remove the anomaly complained of. It is no sense of right or morality, but the strength of the British Government, which keeps the various nations of India from flying at each other's throats. Now, what is it that gives this strength? It is certainly not the few soldiers, whose united numbers are no more than a drop in the ocean. It is the national prestige of the English race which is the strength of the Government of India, and which prevents internecine bloodshed among the various races.

7. This prestige must be maintained not only to preserve order and security, but also to enable the various peoples of India to approach each other in character and habits, and thus to become fused into a united whole. I have no doubt that the prestige of the English Government will be weakened if Europeans should be tried by native Magistrates and Judges.

8. It has become the fashion in these days to parade the cry of India for the Indians; but at present there are no people called Indians, and it would be the highest achievement of the English genius for Government, if the vague and shadowy idea now called up by the word Indian should hereafter become tangible and definite; if the Bengalis, the Hindustanese and the Panjabese, the Mahrattas, the Telegus, and the Tamels, should become consolidated into one or two distinct nationalities. To enable it to accomplish this grand task, the Government must continue to own the prestige due to the remembrance of Clive and Hastings, the fearlessness with which Englishmen faced the mutiny of 1857, and the judgment which keeps semi-barbarous chiefs in check. If the Bill should be passed, this prestige will be assuredly weakened long before the proper time, and the grand idea of radical statesmen—the idea of educating a race of Indians—must be indefinitely postponed.

9. My countrymen will think me a traitor to my country's cause, but true patriotism looks to the future remote rather than to the immediate present. The true patriot should not be carried away by a false claim of equality—a claim which has no foundation in fact. Power and liberty are two very different things. Instead of claiming to try a European on a criminal charge, my countrymen should claim the right of *habeas corpus* to be extended to them. Instead of claiming the possession of a questionable power, they ought to claim the redress of a great and real hardship.

10. I do not think that the right asked for should be conceded at present in express terms. Time, which smooths down so many inequalities, will do in this, as in other cases, what is wanted. Europeans have hitherto been in the habit of waiving their right of being tried by their own countrymen, and if the Bill had not been brought forward, the practice would have gone on gradually increasing. For some time to come the excitement that has been raised, and the passions that have been roused, will lead Englishmen to claim the right of trial by their own countrymen. But I am certain that, when their feelings have soothed down into a calmer mood, the practice of waiving their claim will be revived, and growing more and more prevalent, a silent change will gradually be effected, without kindling any angry feelings.

The Bill is herewith returned.

No. 851J. D., dated 30th May, 1883.

From—F. B. PEACOCK, Esq., Secretary to Government, Bengal,  
To—The Secretary to Government of India, Legislative Department.

In continuation of my letter No. 674J.-D., dated the 21st instant, I am directed to submit, for the information of the Government of India, copies of a letter\* from the Commissioner of the Orissa Division, reporting on the Bill to amend the Code of Criminal Procedure, 1882.

\* No. 264, dated the 22nd May 1883, and enclosures.

No. 264, dated 22nd May 1883.

From—A. SMITH, Esq., Commissioner of the Orissa Division,  
To—The Secretary to the Government of Bengal, Judicial Department.

With reference to your No. 1518J, of the 27th March last, Mr. Grant, Magistrate of Balasore, Mr. Jones, Magistrate of Cuttaek, and Mr. Godfrey, who was temporarily Magistrate of Pooree, have given opinions adverse to the Bill. Mr. Gupta, who succeeded Mr. Godfrey as Magistrate of Pooree, writes in its favour. Mr. Grant has submitted opinions from Mr. Apjohn, Executive Engineer, Mr. Coldren, an American Missionary, and Koomar Baikuntha Nath Dé, a Native gentleman of Balasore.

2. Mr. Apjohn is strongly opposed to the Bill. Koomar Baikuntha Nath Dé is strongly in favour of it. Mr. Coldren mentions that he found a large proportion of the leading members of the Christian community not in favour of having Native gentlemen to try Europeans. He gives his own opinion to the effect that if Native Magistrates have passed all the requirements of Government to entitle them to administer the functions of their office, there is no reason why they should not be granted the privilege of trying Europeans, especially as there is an appeal to a higher court in the case of any seeming injustice.

3. In this country, where false complaints are a common method of wreaking malice, and Europeans, from their position, are not unfrequently the objects of such malice, European British subjects have always attached much value to the privilege of trial by their countrymen, and have, I believe, rightly regarded the privilege as one that secured them safety from no fancied dangers.

4. I arrived in this country in December 1856, and was then thrown somewhat largely into the society of a non-official portion of the European community. The proposal to subject Europeans to the ordinary criminal court on a much larger scale than is now contemplated had well nigh filled the minds of the community with dismay. The Mutiny followed. Jurisdiction not conferred by the Government was exercised over European British subjects at Bareilly and elsewhere. While these events were in progress, I was posted, as Assistant Magistrate, to a district that was then, as now, conspicuous as an indigo-planting district, and I have still a vivid recollection of the feeling of thankfulness with which, amid the horrors and dangers of that terrible time, it was felt that the obnoxious proposal was at an end.

5. When the Mutiny was over, and the ordinary business of the country could be again attended to, the first Criminal Procedure Bill was passed. Whether it was that the incidents of the terrible period that had just been passed satisfied Government that the proposals were fraught with real danger to its European subjects, or whether it felt that it would be an ungrateful return to the men who, in the crisis, had rallied round it, albeit they did so in self-preservation, it is impossible to say; but the obnoxious clauses formed no part of the law.

6. Nearly a quarter of a century has passed since the Mutiny, and under a strong and peaceful administration the country has advanced and prospered. The Government, I presume, hoped that the old feelings had died away, and that the small measure now proposed would be accepted without opposition. It is impossible not to sympathize with the motives that have led to the introduction of the Bill, but at the same time it is impossible not to regret that it has been introduced. I have felt the same regret with regard to other measures of the present administration. The discussion regarding the Arms Act, the Vernacular Press Act, and the State Prisoners' clauses in the original draft of the existing Code of Criminal Procedure are all cases in point; they are all matters it was undesirable to agitate. From the extracts copied in the Calcutta papers, it is evident that the action with regard to the vernacular press is already producing very undesirable results, and a future Government may, at a season of difficulty and trial, have to undo what has been done. The Government of India by England is an alien Government. However anxiously we may direct our efforts to the welfare of our subjects, this fact should never be forgotten. However sincerely and however successfully we may work for their advancement, there are so many interests opposed to us that we may be very certain we should not be long here if we let our swords get rusty or our powder damp.

7. I have said that I regret much that this Bill was introduced. It has exasperated, to an extent unknown since the Mutiny, the race feeling between the European and the Native that was largely dying away. The measure is required by no administrative necessity. The only reason for it is one of sentiment. It hurts the feelings of the Native members of the Civil Service that they cannot try European British subjects. I should sympathize with anything that may be felt by these gentlemen as in any measure a disparagement; but I will explain presently why I do not think that on this point they need be sensitive. Even, however, if they had reason to be sensitive, I should still consider that the reasons against the measure are sufficiently strong to render it inexpedient to proceed with it.



8. The objections which the European community take to the Bill may be briefly summarised—

*1st.*—That Native Magistrates, by reason of ignorance of European social habits, customs and usages, are not well fitted to judge of the probability of European motives and actions; and that, if they are to be tried by them, there is danger that they will be unjustly dealt with even if the Magistrate is anxious to judge and act rightly.

*2nd.*—That a Native Magistrate, by reason of race prejudice, may be even unconsciously biassed in dealing with a European's case; and that, by reason of his mixing with Native society—hostile, it may be, to their European neighbours—and hearing hostile accounts, they are also likely to be unduly influenced; and

*3rd.*—That if the Government passes the present Bill, it will not be possible for it to avoid further and more extensive legislation.

9. To the first of these arguments it appears to me that there is no answer. In the third it appears to me that there is much force. Even in the second I am not prepared to say that there is not some weight. It is but a few years ago that a mixed Commission of high European officers and Native gentlemen of very high rank sat to try the Chief of a Native State on the charge of attempting to poison his European resident. The European officers were all in favour of a conviction, and the Natives were all in favour of acquittal. It is but a few days ago that a Bench of the High Court of European Judges, and one Native Judge, sat to try a Native gentleman, formerly a member of the Civil Service, who had maliciously compared one of the European Judges of the Court to Scroggs and Jeffreys. The Native Judge dissented from the sentence passed by his European colleagues. It may be that the difference of race had nothing to do with the difference in these judgments; but the European community, when considering whether it will consent to be judged in criminal matters by Native Judges, may not unreasonably think that such cases show that, in matters affecting them, European and Native Judges do at times take different views. I have been brought into intimate personal relations with only two of the Native Civil Service—Baboo Romesh Chunder Dutt and Baboo Krishno Gobind Gupta—and I can confidently affirm of either of these gentlemen that, should it ever fall to them to have to try a European, they would bring to the task the same anxious desire to do their duty strictly and rightly, which marks all their other work. I think, however, the European community may fairly reply to an argument of this sort, that Surendronath Banerji was once a member of the Civil Service, and might in the ordinary course have come to exercise jurisdiction.

10. As to the plea of administrative inconvenience arising from the want of the Bill, I can only say that there is not now any such inconvenience, and that I cannot see that there will be any within any reasonably near period. When it arises, if it ever does arise, it can be dealt with. So far from the Bill removing any inconvenience, it will, it appears to me, create inconvenience. The Bill deliberately withdraws from the Government the power given by

\* W. R. Ricketts, Bhudruck.  
J. S. Davidson, Cuttack.  
W. C. Taylor, Khorda.  
J. C. Williamson, Pooree.  
† K. G. Gupta, Pooree.

section 22, Act X of 1882, and section 3, Act II of 1869, of appointing European British subjects to be Justices of the Peace. In this way four\* European Deputy Magistrates, who can now try European British subjects, would cease to be able to try them, and in lieu of these four, one† Native would be em-

powered. It would also disable Government from appointing Europeans other than those in section 1 of the draft Bill, to be Justices of the Peace. I think that at places like Chandbally and False Point, it may at times be advisable to give such powers to non-official Europeans. In this way, also, the Bill, if passed, would produce inconvenience. It would of course be possible to alter the Bill in this respect, without altering the distinguishing feature of the Bill, namely, the giving power to Native Magistrates to try European British subjects.

11. There is one local point to which I should advert. In his speech on the Bill, the Commander-in-Chief, speaking of the bearing of the Bill with reference to military people, said it was not intended to appoint natives to be Cantonment Magistrates. In the cantonment of Cuttack the Joint-Magistrate, and in his absence the Magistrate of the district, exercises the judicial powers of the Cantonment Magistrate. If, therefore, either of these officers should be a native, he would, as Cantonment Magistrate, under the Bill, exercise the jurisdiction which His Excellency appeared unwilling to concede.

12. I enclose copies of the letters of Messrs. Grant and Apjohn, Mr. Gupta's letter, which also gives Mr. Godfrey's opinion, and Koomar Baikuntha Nath De's letter.

13. Mr. Gupta says it seems to him that the principle involved is not that of subjecting Europeans to the jurisdiction of the natives, but that of removing such disqualifications of the judiciary as are based on the accident of birth and race. It is, I presume, with a view to obviate complaint of the continuance of disqualifications of this nature that European Subordinate Magistrates are no longer to be Justices of the Peace, because it would be unsymmetrical were they to have the powers, and native Magistrates were not. I have already said that on the ground of administrative convenience, it appears to me that it is not advisable to take the powers away from European Deputy Magistrates. Mr. Gupta further says that if the Government were professedly despotic, no one could have questioned its consistency if it

thought fit to perpetuate distinctions of race, creed and color; but having practically declared more than once that fitness should be the only test, it is perhaps too late to question the principle of the Bill. I have, in paragraph 9 above, said that the objection taken on the score of fitness is, in my opinion, not to be rebutted; but apart from this, the promise that fitness should be the only test was never unreservedly made. It was only said that the test was to be applied as far as may be, and this is a very important qualification. We have not as yet had a native Commander-in-Chief, nor are our regiments of European troops officered by natives. There are difficulties in the way that cannot yet be overcome.

14. That Mr. Gupta is right in thinking that the European opposition to the Bill is partly dictated by race feeling, there is of course no room to doubt. It is equally certain that race feeling has a good deal to do with the natives' urgency for the Bill, now that it has been put before them. It is desired not because of the effect it will have on the one or two officers it will affect, but because it will be in some sort a humiliation of the European community. This is an aspect of the case that is not altogether pleasant either to contemplate or discuss.

15. The Bill having been introduced, and the evil caused by its introduction having been done, it becomes a question whether it is well to proceed with the Bill or to withdraw it. The advice which, after careful consideration, I give to the Government is to withdraw the Bill. I do not believe that the passing of the Bill would in any way tend to allay the irritated and exasperated feeling to which it has given rise. On the contrary, I regard it as certain that the passing of the Bill would be followed by native demands for further concessions, and further irritation. Mr. Evans called attention to the possible effect on the public mind, had the unfortunate case of Mr. Meares, which it fell to me to try, been tried by a native officer. In that case my judgment was confirmed by the High Court. I will suggest for consideration what the feeling would have been had the case of Mary Donnelly, tried by the Magistrate of Howrah for the re-use of a used postage stamp, in which the sentence of imprisonment was reversed by the High Court, been tried by a native Magistrate.

No. A, dated 14th May, 1883.

From—T. J. C. GRANT, Esq., Magistrate of Balasore.

To—The Commissioner of the Orissa Division, Cuttack.

In reply to your No. 193, dated 7th April 1883, I have the honour to write as follows:—

2. Mr. Beadon has consulted the Executive Engineer (Mr. J. Apjohn) in order to ascertain the feeling of the English residents of the district, and the Kumar Bykanth De for the feelings of the native residents, and the Reverend Mr. Coldren (an American missionary) for those of the Native Christian community. I send you copies of their replies. It is very striking and noteworthy that though Mr. Coldren, their pastor, is in favour of the Bill, the Native Christians are opposed to it.

3. As to the question whether any administrative inconvenience at present arises from the exclusion of native Covenanted Civilians from the power of trying European British subjects, I have no hesitation in replying in the negative. The native view of the case boldly asserts that such inconvenience has arisen; but totally failing to show a single instance of it, is obliged to content itself with remarking that there have been two cases brought against Europeans in Balasore, and that the then Magistrate of the district might possibly have been a native. That this is all they can say is, I think, quite decisive on this particular point. Nor am I of opinion that there is any prospect of such inconvenience arising in the future from the given cause. I think so not only because of the great rarity of cases against Europeans, but because I do not see that their occurrence would cause the slightest inconvenience to anybody. The native argument here is that wherever the Magistrate of the district is a native, the present law leaves the English practically free of all law, because their prosecution would be troublesome and costly to a prohibitive degree. I need not say that this is certainly not the fact. It would neither be difficult nor costly to try an European committing an offence in Balasore, and most assuredly no European who lays himself open to the law need have the slightest hope that he will escape prosecution at the hands of a native because of the difficulty or expense. Moreover it is taken for granted, not only in the native opinion I enclose, but in all the arguments for the Bill that I have ever seen, that if the District Magistrate is not empowered to try Europeans, no one in the district can try them. But this is transparently fallacious and erroneous. Whether the law passes or not, it would be, in my opinion, at once impolitic and dangerous to the State, as well as manifestly unfair to any European who might chance to be in trouble, to leave any district without so much as one European Justice of the Peace, who need not of course be the Magistrate of the district. That any district in which there is a sufficient number of Europeans to render charges against them a matter of fairly frequent occurrence should be left without any Justice of the Peace, would be so gross an instance of maladministration, that I cannot believe it possible. Such a disregard of the dangers to which Europeans are known to be subject, in a country where they are not liked, and in which conspiracy and perjury are rampant, and where a false charge is the ordinary weapon of offence, would be a grave public scandal, which, if it ever occurred, could be remedied by a stroke of the pen.

4. As for sessions cases, I would point out that there certainly is no difficulty whatever in having them tried. I cannot understand how anybody can have been found to urge,



as fatal to the existing law, the astonishing objection that on some few occasions it may be necessary to require the parties in a sessions case to take a railway journey of a few hours; for any inconvenience that can be so incurred must be absolutely insignificant in itself, and must become completely obscured and imperceptible when placed against the other alternative of subjecting the accused to trial in a court that he sincerely mistrusts, and in which the whole of the ruling class in India, who are his fellow-countrymen, will never believe that he has been justly condemned.

5. I am the more astonished at the immense stress laid upon this singularly inefficient argument, because it is applied in so very one-sided a way.

\* Pooree.

I have just left a district\* in which no sessions trial at all has ever been held for very many years—a district in which everybody concerned in a sessions case is required and compelled to proceed to the next district, without any help from a railway, over a route that is always long, and very often difficult. This is an arrangement that has affected natives only, but has passed wholly unchallenged by natives or by anybody else, and it is an arrangement made, on the grounds of the public interest, by the Government which now argues, when an Englishman only is concerned, that he must in his own interests pocket his prejudices and his national pride, and submit himself to the jurisdiction of a court in which he has much less than no confidence, because he will thereby be saved from a railway journey (perhaps in the hot season) to the next district.

6. In fact the argument that the amended law confers benefits on the European is mere futility. The Europeans alone can be, or can have the right to be, the judges of that; and if they think, as they most certainly do think, that it is not a benefit to them, why, then, to them it is none. "There is nothing good or bad, but thinking makes it so." If an Englishman lying under a criminal charge prefers to have a fair trial, plus a journey, rather than a trial that he believes (rightly or wrongly) will be before a court prejudiced against him, minus a journey, then it is futile to argue that it is a benefit to compel him to the latter alternative; and moreover the thing is as wrong as the argument is futile, and is also as unwise and impolitic as it is wrong. You will see that the letter of the native advocates of the Bill uses the argument in another form copied from the Debate on the Bill. The case is put that the master of a ship might want to bring some of his English crew before a court, and find no court in the place. The captain would have most just cause of complaint against the Government, which either neglected or refused to appoint a Justice of the Peace in any port frequented by British seamen. But that simple and easy remedy (which avoids the very serious administrative inconveniences that would most assuredly result from the trial of a rough English crew before a native court) is not sought to be applied. The course proposed, instead, is to deprive the captain and his crew, against their wills, of their existing legal privileges, and to tell the captain that he may (if he dares) try his case in a court in which neither he as accuser, nor his crew as accused, have any confidence; and must himself submit to be tried there whenever his *serang* or *tindal* may bring a true or false charge against him, and then while the captain is protesting in loud anger and unmistakeable dismay that this last state is infinitely worse than the first, the advocates of the Bill are not ashamed to declare that the benefit done to the captain is an important argument in favour of the Bill.

7. Then there is the "stigma" argument. It is claimed that it is a "stigma" upon the native Magistrate that he is not allowed to try an Englishman. The natives now inform us that, to them, stigmas consequent merely on the accident of birth are abhorrent and intolerable; but what an amazing statement is this from the great body of the natives of this country? Surely their sense of honour must be greatly tickled while they urge this hitherto unsuspected national characteristic of theirs as rendering the amended Code imperative, and surely their laughter amongst themselves must be heightened by some feeling of contempt at the success of their plea. The fact is that the great body of the natives have the very highest reverence for, and social belief in, the advantages of stigmas attaching to the accident of birth. They would fight and die in their defence while themselves labouring under them, and we could not more surely alienate them from our rule than by endeavouring (for we should never succeed) to remove them by legislation. They not only place all Europeans under the most contemptuous stigmas merely on account of their race, but they subject themselves to similar stigmas and to social or civil disqualifications, of the severest kind, all dependent on the mere accident of birth. The fact is that it is the exact reverse of the truth that the natives cannot tolerate such disqualifications, while it is the exact truth that they *never* mean to forego them when they themselves are concerned. It is the natives, and not we, who have raised our race as an absolute and impenetrable barrier between us and them; it is the natives who, in spite of precept and example, continue to weigh down their fellow-countrymen and co-religionists with heavier and still heavier chains of caste contempt, restrictions, and disqualifications, the lower we go down in the social scale. And the natives fully intend to maintain this terrible and evil system of birth disabilities both against us and against their own countrymen. What they really want is that they shall share equally in every privilege of the European, while admitting the European to no single one of the privileges peculiar to the natives. They wish to see the meanest native put on the same footing as the European, while that native is left in the bondage he was born to as regards his fellow-countrymen. They want to see power accreting in native hands, while it is diminishing in those of Englishmen. They want to take all they can get, and mean to give nothing in return. In their land the Eastern and Western worlds have met, and co-existence is possible only if there be much of forbear-

ance, much patient putting up with "stigmas," much compromise and give and take. The foolish, and in its nature impossible, wish of the natives is that the Western world should give up being the Western world, and conform wholly to the unchanged East; and they will adopt just so much of the passwords of Western civilization as will suit their purpose, and no more. Disqualification by reason of birth is intolerable just so far as it may leave a fanciful and insignificant "stigma" on the native; but nevertheless his birth must for ever disqualify the European from even social association with the native, and must continue, to the end of time, to hamper, degrade, and make life hard and difficult to the great masses of the natives themselves. It is conspicuously certain that this is all that the natives want or will endure to have. They know better than to put the proposition in all its naked grossness; but under a false assumption of a liberality hateful to their religious feelings and social habits, they are adroitly using the cry of the "equality of races" to effect their purpose. Nor will they allow Government to effect anything more. Their own caste restrictions and disqualifications must be left untouched at our peril.

8. Nor can I say that this lopsided view of the doctrine of equality of races is confined to the natives. The one plea for this change of law which is serious, respectable, and strong, is that it wipes out a race disqualification. It is urged here and in England, by the advocates of the Bill, that it is nothing but a part of a fixed and settled policy to abolish race distinctions; but I see no signs save of a fixed and settled policy to make them. The Government has long been resolved to act as regard the natives, on the principle that one man is as good as another; but in more recent days it has gone further, and has put into action the Irish addition to that sentiment—"and a good deal better too." I am most firmly convinced of the truth that it is wrong of the State to make unnecessary race distinctions. I have no doubt whatever that they are politically dangerous as well as unjust. I hold that *the only* constitutional and statesmanlike course for the Government of this country to adopt is to throw all offices of Government open to all Her Majesty's subjects, on equal terms, without distinction of race, color or creed, simply letting the best and fittest man win. It is for this reason that I view with serious alarm the manifest intention of Government to show favour and preference to the natives, as natives, not merely by the admitting them through doors specially opened for their races only, but also by actually disqualifying men of English birth. The Englishman can enter the Civil Service only by open competition; but this sole entrance is narrowed by the throwing open of another door for natives only, from which every Englishman is barred by reason of his race. There are many appointments much coveted by Englishmen (especially those whose permanent home is in India), which are in the gift of the various Governments in India; but an order is issued from England which leaves those Governments unhampered in the bestowal of those appointments on natives, but prohibits their being given (with a very few exceptions, just "for the present") to any Englishman because of his birth, without the express sanction of the Secretary of State. At the very same time that this Bill is put forth on the avowed plea that it wipes out a race disqualification (at that very same moment of all others!) the Government issues an order establishing a race disqualification for Englishmen (even for Eurasians) in the matter of admissions to Roorkee College. And the cry from England becomes daily more imperative for the greater employment of the native (which is the further disqualification of the European by reason of his birth), while the acquiescent response from India becomes more and more willing. All this may possibly be very right. I know well how very difficult the subject is. I know that Her Majesty's subjects in India are *all* (whether of pure or mixed race) over-weighted (by the fact of their residence here) in the race with competitors trained in England, and I think it simply just that, for them *all* (and not merely for some of them) the weights should be adjusted so as to make the race fair. I think that where it is proper to make appointments in India by selection, it is right that selection should be made in accordance with the fitness of the candidates in the first place, and also with some reference to the numerical proportion of the various races in the second; but certainly never by the actual exclusion of any. I am not in the least afraid that in a race in India, under the simple condition of a fair field and no favour, the native candidate will not hold his own against the world. I see no reason whatever for protecting him by making a contemptuous race distinction in his favour, as if it was hopeless to expect him to win on his merits; and if that were hopeless, I should not go out of my way to employ a cheap and bad servant, and at the same time alienate the only class that maintains us in the country. But at the same time it is not for me to judge, and I most readily acquiesce in the decision of the responsible Government whose duty it is to decide, and who decide to handicap and disqualify the Englishman. They have strong arguments on their side, and I neither deny that they may be right, nor will I do otherwise than loyally accept their decision. But it will not do for a Government thus working to urge that they have no choice but to act on an eternally true principle that there must be no such thing as race disqualification. I have admitted that race distinctions may be necessary. No man who is more than a library student of the art of government would ever be misled by any sounding phrase about the equality of races. The difference between races is a fact, and will not vanish, like a ghost, at the utterance of a formula. Only the French *philosophe* statesman of the Revolution (or the equally inexperienced and unpractised patriot of India) would ever hope that where Western civilization is grafted upon that of the East, everything can be smooth and homogeneous at the line of union. The practical statesman knows that there must be rough scars and nodosities, and the Government acts upon its knowledge that certain race distinctions, even certain race disqualifications,

there must be from the nature of the case. I want no further concession than that. Once admit that circumstances may justify race disqualifications, and the extinction of such a disqualification is no longer a sufficient justification in itself for the proposed Bill. It becomes absolutely necessary to show, also, that the extinction is justifiable and necessary, and it becomes allowable to argue that it is neither.

9. But I have looked in vain for any justification whatever beyond the bare assertion of that *ad captandum* formula on which Government does not, and indeed cannot consistently act. The smallness of the bone of contention is admitted. That no necessity for any action in the matter has as yet arisen cannot be denied. Any possible necessity in the future can be best and most completely met by the simple plan of having that proper supply of European Justices (who need not be District Magistrates) which justice and the due protection of our fellow-countrymen in the mofussil imperatively demands, and which our position in a country whose people do not like us, and who would willingly get rid of us, necessitates as an essential precaution. It confers absolutely no benefit whatever upon the natives, and in fact the whole justification comes absolutely to nothing more than the removal of a purely sentimental grievance from the native members of the Civil Service. On the other hand, its immediate effect is to plant a grievance (purely sentimental if you will) in the minds of all classes of the English in India. The bare proposal has given rise to a fierce and excessively dangerous contest of races. For 25 years there has been a steady *rapprochement* between the English and the natives, a degree of cordiality, of closer intercourse, of mutual respect and of toleration for one another's feelings and prejudices, that no one who was in India during the mutinies ever dared to hope for. All the way made has been lost; it will be a generation before the ground we had made up will be recovered. The natives love us no more than before, and have real hopes that we are in the humour to be agitated and argued out of the country; and the Government has completely isolated itself by now alienating the whole of the English race in India. It really seems to me insensate conduct to persist in such a course as this for no better reason than that it will enable the native members of the Civil Service to boast that they, too, have what they unfortunately call the "privilege" of trying Europeans.

10. The true way, and the only real way, of impartially avoiding invidious and unjust race distinctions, is for the Government to show, whenever it is not positively wrong to do otherwise, an equal respect for the strong sentiments and prejudices of all alike—to show that tender respect for the national ideas of the English that has always been shown towards those of the natives. Where we have the nations of the East and of the West living together, it is not possible, any more than it is desirable, to have a symmetrical legislation—a sort of legal bed of *Procrustes* in which divers nations can be brought to fit only after they have been painfully hacked about into the same lengths. It is impractical and pedantic to attempt to bring about anything of the kind, as well as unrighteous and fatally impolitic. The truly impartial Government, that really sees the evil of making race distinctions, will not compel one race to give up its most cherished national sentiments in order to remove a purely sentimental grievance from a few members of the other race. It would have been a proper answer to make to Mr. Gupta that he and his fellows must respect the strong English sentiment upon the matter, just as the English, in their turn, have always been required to yield their ideas of right and propriety in favour of strong native sentiment, when (in either case) nothing more than a sentimental wrong at most is done to others—that the natives, with their invincibly strong prejudices and exclusiveness on the subject of the privileges of birth, cannot possibly claim any *right* to the abolition of a single English prejudice on the same subject (if it must be called a prejudice) as to which the English are as tenacious as the natives themselves—that it was at once the moral and the political duty of the Government to consider the natural sentiments and will of the English as they do those of the native subjects of the Government, for that it would be as wrong morally and as dangerous politically to force the English to give up a privilege (neither wrong in itself nor injurious to others) merely at the will of the natives, as it would be to abolish polygamy in India, because the English think it religiously sinful and socially mischievous—that it is the duty of English and native alike to waive many points (even important points, sometimes even matters of right and wrong) in favour of the sincere national and religious and social prejudices of each other—and that it was the duty of Government, as a wholly impartial Government not favouring one race more than another, to see that each race left all the others in the full enjoyment of their national rights and privileges, to tolerate them all alike, and above all things to refrain from itself taking any part whatever with one race, possessing special privileges, to deprive any other race of theirs. When the natives really have assimilated the truth of the equality of all peoples, no one will object to their present demand. But Government is not acting rightly or impartially in according to it when it is asked for without any conviction or sincerity, merely in order to secure an invidious triumph over the alien race who rule them.

11. Indeed it seems to me that the principle on which this Bill is based pledges Government to a line of action that it cannot take, does not desire to take, and ought not to take. In the case of the English, the Government proposes to deprive them, against their will, of a legal privilege which is very especially the pride of Englishmen. This forcible deprivation of their privileges invariably excites Englishmen to the most dangerous degree, and is a method of government abandoned at home by the most backward of Tories, and denounced as simply criminal by all liberal politicians. But in India the Government is ready to accept all the consequences of the act, and to run counter to all the teachings of liberal Government (in the case

of those who alone are convinced of the truth of those teachings), because they think they must treat a kind of copy-book apothegm as if it was a revelation of the Deity, that must be worked out to its disastrous but logical conclusion. The truth is that it is not possible to boil down all righteous conduct of affairs into apothegms, and that the too numerous attempts to do so (from the days of the "greatest happiness principle" down to those of the "force no remedy" principle) have invariably landed practical politics in confusion. These apothegms, like proverbs, as false in some cases as they are true in others, and are generally balanced off by some other and contrary maxim. The English are told that, in spite of their refusal to consent, and braving the consequences of their great anger, they are to be deprived of their privilege of being tried before an Englishman, because the natives would like to try them, and there must be no more race distinctions in our laws and courts. Will the Government go straight on to the end of this line? All native ladies and a great many native noblemen are by law exempted from attendance in our courts—a privilege peculiarly one of birth and race, from which every Englishman whatever, even the Prince of Wales or the Viceroy himself, is debarred! It causes at least as much trouble and expense as the trial of an Englishman before an Englishman, and jeopardizes justice by preventing important witnesses from being subjected to examination in open court. Will the Government abolish this national privilege of the natives on account of administrative convenience and the eternal truth that all race distinctions must be banished from our laws and courts? Most certainly, and most rightly, not. If it be argued that the matter is but a trifling matter in itself, doing wrong to no one, and causing no material inconvenience to any one, I acquiesce, but ask for the same consideration towards the English, and for the same reasons in their case. If the argument be couched (as in fact it is) in the terms in which I have said Mr. Gupta ought to have been answered, then I say that an impartial Government that recognizes the duty of making no race distinctions must deal with the English in the same way. But it is not only in insignificant matters, involving sentiment only, and working no ill to any one, that the Government will, and must refrain from all meddling with the national and social habits of the natives. The Government which is willing forcibly to wrest a cherished harmless privilege from the English, at any risk whatever, even though the bare proposal has swept away the work of 25 years of peace and reconciliation, even at the cost of raising a deadly, perhaps fatal, race animosity, of alienating all its English subjects, and of raising hopes in all its native subjects that at last they may get rid of our Government, will be in a bad position indeed if it allows (merely because of its tenderness for the native susceptibilities) the continuance of some native laws that are a great deal worse than merely morally wrong. At the present moment the law allows a Kulin Brahmin, in even his old age, to marry as many hundred infant females as he and their parents choose. Will the Government interfere to protect these helpless infants? They will all become infant widows and be condemned, against nature, to a life of celibacy. Will the Government protect these children from this cruel and unnatural wrong? In time some of them will become mothers, and under pressure of that abominable law which we permit, and of the cruel society whose law it is, they will extend the effects from themselves, and murder their infants. Will the Government, to prevent this form of infanticide, hesitate to punish, under a stern law, the women whom they have done nothing to protect in their helpless infancy from the cruel law of which their crime is but a natural consequence? The Government will simply do nothing of the kind. It will decline in any way to interfere in this or other cases of evil, and it will give plenty of reasons, why it is not right for Government to interfere with the native law of marriage (even when it works cruelty and crime like this), and not proper to incur the violent exasperation of its native subjects. I by no means say that the Government are not quite right in their abstinence, and in waiting for native advance in social and political knowledge in order that they may have native co-operation in redressing even such evils as this. But if such questions of right as this can be righteously laid on one side, for the present, where natives are concerned—if the Government, in fact, can, in spite of what is plainly right, swallow this enormous native camel, what is the meaning of their straining at the very tiny English gnat which does no wrong and hurts nobody? If they do not mind setting Europeans and natives at deadly feud, and running the hazard of rebellion and bloodshed to secure mere symmetry where the English prejudice is concerned, how shall the Government be excused for refusing to encounter the same risks where it is a highly important question of protecting children from a virtual deprivation of their civil rights, of saving native women from an unnatural and cruel existence, of putting down that form of infanticide which is rendered most prevalent by the Government's acquiescence in the native law of abolishing that class of criminal which is most discreditable to every Government, *viz.*, the criminal with whom all good people sympathise. The fact of the matter is that practical statesmen cannot work out dogmatic maxims to their logical conclusion, and that even the plainest right must be left out of action when people are not yet fit to perceive it to be right, and when its enforcement would bring about chaos instead of advance. When the advocates of the Bill have proved that the English privilege is an anomaly, and that their Bill is clearly right in principle, they have proved very little indeed in its favour. The privilege does no perceptible harm, its abolition does no perceptible good to any one; but the Bill to abolish it has already, in the mere form of a proposal, been the greatest misfortune that has occurred in India since the mutinies. Less reason has induced, and does still induce, the Government to acquiesce in immeasurably greater anomalies, and even in gigantic wrong.

12. And truly it is an extraordinary thing to think of the enormous force of argument



that is supposed to lie in that word "anomaly." "Why" (it is triumphantly urged) "the thing is an anomaly," and then the unfortunate other party to the controversy is supposed to have before him only two courses—either to prove that it is *not* an anomaly, or to yield absolutely. What sort of mind is it, I wonder, that is so instantly enfeebled by the sound of the word "anomaly?" Are we all of the intellectual calibre of the fish-wife who was routed by the word parallel pipedon? As I said before, here in India the swift current of Western civilization has come tumbling into the stagnant basin of Eastern civilization, and who in his senses supposes that there can be freedom from anomalies? Who is there, that is capable of forming intelligent hopes for India, that does not *hope* for many and many anomalies? Before I am asked to be afraid or ashamed of an anomaly, I must be convinced that it is not one of which I ought to be proud; for (strange as it may seem) there are plenty of anomalies in this country which are essentially right, and which ought to be proudly maintained, as well as a few which wise people are sorry to see. I know of nothing in all history that is a finer and prouder anomaly than the position of the Englishman in India. He is a member of a liberty-loving race, who has come here with the full determination to drag an effete people out of the depths into which slavish institutions and habits have sunk them. And because free institutions cannot be as yet extended to those whom he delights to call his fellow-subjects, he himself cheerfully and contentedly has divested himself, one after another, of the special and peculiar privileges of freedom which he and his fathers have slowly won; which he believes in as he believes in nothing else; which he prizes, and is justly proud of, as he prizes and is proud of nothing else; and for which he would fight and die rather than yield them up to force. He has resigned all his rights to take a part in the Government; he does not even look for any representative among his rulers; he submits to laws that he has had no voice in the making of, and of which he disapproves; he submits to taxation that he has not been asked to consent to, and which he thinks excessive and wrong in principle; he even allows himself to be sent to prison as a criminal for what, in his own country, is not even a misdemeanour; and whilst he has given up things in all directions till he has left himself, though a free-born Englishman, even much less a member of the State, much less an influence in the Government, than a French citizen under the second Empire, he has never asked in return that the natives shall give up so much as a single one of the many privileges which are peculiar to themselves. Such a people, capable of such noble self-restraint and self-abnegation, deserve more consideration than they meet with in return from the natives, and less contumely than they receive from their fellow countrymen at home—from that section of the English community which most loudly proclaim their love of freedom. It is such a people as this that an English newspaper (radical) publicly proposes to "crush." It is of such a people as this that a distinguished politician and minister (republican and radical) said, in a speech that has an unpleasantly servile and courtier-like twang, that he greatly approved of the Prince's visit to India, because the English there would have an opportunity of learning how to behave themselves properly. It is such a people, too, that the Government now insists on depriving of the plain and just privilege of every man accused of a crime—of being tried by his peers, in a court in which he has confidence; who are told by their Government that their sincere (I do not at all say their well-grounded) mistrust of those courts shall receive not the slightest consideration; that their wishes on the subject shall be put aside; and that they shall have their legal privileges wrested from them in spite of themselves, not because it does any harm to any human being, but because the natives, who have never given up anything, are anxious to see the English, who have voluntarily resigned so much, compelled to give up more. I must say that I think the treatment of the English in India in this matter by their Government is such an anomaly as should never have occurred, and as may lead to a most dangerous state of exasperation and desperation if persisted in. At all events, I am sure that in the present exasperated state of all men's minds, English and native alike, it would be simply inviting an outbreak to press the matter. If the Bill is passed in the present temper of people, I do not believe that fair trials will be possible, and I do fully believe that there will be unseemly and violent collisions between the races. There is no saying into how large a conflagration a very little flame may now be at any moment fanned, and to pass the Bill for some long time to come would be to incur a degree of danger that the Bill cannot possibly justify.

Dated 23rd April, 1883.

From—KUMAR BAIKUNTHIA NATH DE,

To—The Magistrate of Balasore.

With reference to your memorandum No. 522, dated the 11th instant, asking for an expression of opinion of the native gentlemen of the district on the Criminal Procedure Code Amendment Bill, I have the honour to state that I called a meeting which was attended by a large number (over 300) of native gentlemen who, one and all, voted in favour of the amendment. I submit below the purport of the resolutions arrived at. Actual inconvenience has, in the opinion of the meeting, arisen from the exclusion of Native Covenanted Civilians from the power of trying European British subjects on criminal charges. The meeting wishes to show, by one or two instances, the way in which the existing Criminal Procedure Code affects this district. Some days ago, a charge was brought against a British-born subject attached to the Coast Canal. That gentleman was found guilty and fined. Had the offence been com-

mitted during the incumbency of Mr. Dutta, the complainants would have suffered much. They might have been prevented from bringing any charge at all against the gentleman in question on account of the additional trouble and expense they would have been put to for the trial of the case by some British-born subject. It would thus appear that the European offenders of the district would enjoy to some extent immunity from the operation of the criminal law, should the District Magistrate happen to be a native. That the same remark applies to other districts of Bengal similarly circumstanced is a fact which hardly needs pointing out. In the ordinary course of things, the Native Civilians would become Magistrates of some districts, and the people of those districts would suffer simply through this anomaly in the law. Besides the inconvenience to the Native community, there are other disadvantages arising from the existing law, which it will not be out of place to dwell on here. In the month of January last the Magistrate of this district had to try some sailors who had acted against the orders of their captain. To what trouble the captain would have been put had Mr. Dutta been here? We might multiply instances; but those mentioned above will be sufficient.

2. The principle of equality in the eye of the law has been already recognized in the bestowal of the power by which Native Moonsifs and Subordinate Judges try cases in which British-born subjects are interested, and not a single case has been found, or can be found, in which failure of justice was ever alleged to have taken place. If Native Judges can be trusted to administer the civil laws, the meeting sees no reason why those Natives who have won their way into the Civil Service by exceptional energies and abilities, should not be entrusted with the administration of criminal justice as regards Europeans.

3. The Presidency Magistrates, be they Europeans or Natives, have the power to try British-born subjects on criminal charges; why should not then Magistrates, if they happen to be Natives, have the same power while in the mofussil?

The law as it now stands makes it necessary for the Government to confine Native Civilians to backward districts, such as the swamps of Backergunge, &c. This the meeting thinks is against the declaration in 1858 of Her Majesty.

In conclusion, the meeting urges once more the necessity of the amendment.

No. 1052, dated 16th April, 1883.

From—J. W. ARJOHN, Esq., Executive Engineer of the Balasore Division,  
To—The Magistrate of Balasore.

In reply to your No. 527 of the 12th instant, requesting an expression of opinion from me on the proposed amendment of the Code of Criminal Procedure, I have the honour to give it as follows:—

As an officer of the Public Works Department, I think that the amendment, if passed, would cause much inconvenience in the event of a Native Civilian being sent to a district in which European subordinates were employed, as these men now find it hard to hold their own against the petty persecutions of persons who they have made their enemies often through the faithful discharge of their duty, and, however fair a Native Magistrate might be, the common people would not believe in his impartiality, and the Englishman having lost prestige, would be regarded as fair game by all *budmashes*.

As a loyal European British subject, I most respectfully but earnestly protest against the subjection of the hitherto ruling race to the criminal jurisdiction of one which, however intellectually able, is, through hereditary want of physical and moral courage, unfit to have it.

As a husband and father, I protest against my wife and daughter being made subject to polygamists and men who from training are utterly incapable of understanding Western ideas of the status of women; and I regret the personal inconvenience I shall be put to in being obliged for the future to keep my family in England whenever serving in a district where a Native would have jurisdiction over them.

Dated 18th April, 1883.

From—REV. M. J. COLDBEN, American Mission, Balasore,  
To—The Magistrate of Balasore.

In reply to your memorandum No. 523, dated 11th April, 1883, I have the honour to state that I have made enquiry as to the opinion of the Christian community, and find a large majority of the leading members not in favour of having Native gentlemen try Europeans.

As to myself, I beg to state that if the Native Magistrate has passed all the requirements of Government to entitle him to administer the functions of that office, I see no reason why he should not be granted the privilege of trying Europeans, especially as in case of any seeming injustice there is an appeal to the higher Court.

No. 319, dated 26th April, 1883.

From—K. G. GUPTA, Esq., Officiating Magistrate of Pooree,  
To—The Commissioner of Orissa, Cuttack.

With reference to your endorsement No. 192, dated the 7th instant, asking for an expression of my opinion on the Criminal Procedure Code Amendment Bill, I beg to say that,



considering the position of us Native Civilians in respect to this Bill, and having regard to the language that has been publicly held towards us, I should have preferred to keep silent; but Mr. Godfrey, the Sub-divisional Officer of Khorda, has, while in charge of this office, left a note on the Bill, and, as I happen to disagree with him, I cannot send it up without a few remarks of my own.

2. Mr. Godfrey says:—"The principle involved—that of subjecting Europeans to the criminal jurisdiction of natives of this country—is to a certain extent a novel one, and before it is generally introduced, the community whom it affects have a right to be consulted. A great deal has been written on the subject, and there is very little to be urged that is new. The voice of the European community has declared loudly against it, and in my opinion with good reason. I further believe that the introduction of the Bill is, under present circumstances, most impolitic.

"Neither can I see the necessity that exists for the measure; the number of Native Civilian officers who would come within its scope for many years is small. There are many districts in Bengal where the contingency of having to try a European for an offence very rarely occurs, and to such districts Native Civilians may without objection be deputed. I very earnestly hope that the proposed measure will be withdrawn at once."

3. It seems to me that the principle involved is not that of subjecting Europeans to the jurisdiction of natives of this country, but that of removing such disqualifications of the judiciary as are based on the accident of birth and race. Now this latter principle is by no means a new one, having been affirmed by Parliament many years since, and carried out to a considerable extent by the Government of India. The Bill is only the outcome of an extended application of that principle.

4. The indignation shown by the non-official European community against the Bill does not in any way affect its merits. No one likes to give up a privilege without a struggle; but race prejudice, I am afraid, has to account for a great deal of the present agitation.

5. Were the Government of India professedly despotic, no one could have questioned its consistency if it thought fit to perpetuate distinctions of race, creed and colour. But having practically declared, as it has done more than once, that fitness should be the only test of qualification, it is perhaps too late to question the principle of the Bill.

As for administrative inconvenience, this is very much a matter of opinion, and it would be difficult to say what amount of inconvenience would justify legislation. By careful selection and special arrangements, much of the inconvenience may be obviated; but still it scarcely adds to the prestige of a district officer to have withheld from him powers which his subordinates may, under certain circumstances, possess. The number of Native Civilians is at present small; but it is scarcely fair to them that they should be excluded from nearly all the best districts simply by reason of their birth.

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No. 879 J. D., dated 31st May, 1883.

From—W. D. BLYTH, Esq., Under-Secretary to Government, Bengal,

To—The Secretary to Government of India, Legislative Department.

In continuation of my letter No. 851 J.D., dated the 30th instant, I am directed to forward, for the information of the Government of India, copies of a demi-official letter\* from the Commissioner of Patna, submitting the opinions of certain Native officers and gentlemen of that division on the Bill to amend the Code of Criminal Procedure, 1882.

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Dated 24th May, 1883.

Demi-official from—F. M. HALLIDAY, Esq., Commissioner of the Patna Division,

To—The Private Secretary to His Honour the Lieutenant-Governor of Bengal.

Mr. Thompson asked me to send copies of the opinions of the Native gentlemen here who have been consulted with regard to the Criminal Procedure Code Amendment Bill, and I enclose them for the Lieutenant-Governor's perusal.

I send also Grierson's letter to me, forwarding the written opinion of the leading non-official gentlemen of Patna City.

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Dated 23rd May, 1883.

Demi-official from—G. A. GRIERSON, Esq., Collector of Patna,

To—The Commissioner of the Patna Division.

In addition to the written opinions of Natives concerning the Criminal Procedure Code Amendment Bill, which I forwarded to you with my report, I had also the opportunity of consulting the leaders of the Native non-official community on the subject. As already reported, they were to a man against the Bill.

You expressed to me, the other day, a desire to get the written opinions of these gentlemen, and I enclose them herewith.

Kuar Sukh Raj Bahadoor and Ray Jay Kishen are the leaders of the Hindu community here, and Nawab Sayyad Wilayat Ali Khan, C.I.E., is well known as the leader of the Maho-

medans of this part of the world. The opinions of these gentlemen may therefore be taken as that of the mass of the Behar community.

Dated 22nd May 1883.

From—KUAR SUKH RAJ, BAHADOOR,  
To—The Collector of Patna.

We are, as we have said before, of opinion that, for certain reasons, we do not like the Ilbert Bill to be passed into law.

Dated 22nd May 1883.

From—RAY JAY KISHEN,  
To—The Magistrate of Patna.

Having been asked to give my independent opinion on the "Criminal Procedure Amendment Bill," I have the honour to state that as the said Bill is not calculated to secure any substantial advantages or emoluments to the natives in general, with the exception of gratifying the vanity of a few native civilians, by empowering them to try Europeans; and, moreover, as it would create race feeling, jealousy, animosity and hatred between the races that have hitherto lived in peace and amity with each other, it is unnecessary and should not be passed.

Dated 23rd May 1883.

From—NAWAR SAYYAD WILAYAT ALI KHAN, C.I.E.,  
To—The Collector of Patna.

Adverting to your demi-official letter of the 21st instant, requesting me to give my opinion on the Ilbert Bill, I beg to say that, as far as I have gone through the histories, I have always found the conquerors thinking themselves superior than the conquered. In my opinion the British will be heart-broken and will always remain fully against the natives if the Bill will be turned into Act; and as the mutual affection between the conquerors and the conquered, which is being increased, has not come to limits of perfection, and as the unsatisfactory remarks are being brought forward by the conquerors, I am quite sure the passing of the Bill into Act will place a great dissatisfaction between the conquerors and the conquered.

BABOO JADUB CHUNDRA GHOSE, *Deputy Magistrate and Collector, Sarun*—highly approves of the principle of the Bill, and also considers the amendment necessary to prevent future administrative inconvenience, and the anomaly of a superior officer being excluded from a jurisdiction which may be possessed by one of his subordinates.

BABOO RAM ANUGRA NARAIN SINGH, *Deputy Magistrate and Collector, Sarun*—approves of the principle of the Bill, and considers that, though every native civilian may not be qualified to try Europeans, they should, as a class, be eligible for selection by the local Government, and that there are sufficient safeguards to prevent any miscarriage of justice. He thinks that no administrative inconvenience has yet arisen, but such might arise in the future if the law were not amended.

MOULVIE AZHURAL HUQ, *Deputy Magistrate, Sarun*—is in favour of the proposed amendment of the Criminal Procedure Code.

We, the undersigned native Magistrates of Durbhunga, have the honour to submit the following report on the Criminal Procedure Amendment Bill now pending in the India Council, in compliance with your order of the 13th instant, and with reference to Government of Bengal letter No. 1518, dated 27th ultimo.

2. Opinion has been invited on three points, namely—(1) the principle of the Bill; (2) any administrative inconvenience already felt for want of jurisdiction in native civilians over British European subjects; and (3) any such inconvenience likely to arise in future. We shall briefly dwell on these points in the same order in which they have been mentioned.

3. We beg to express our fullest sympathy with, and appreciation of, the object of the Bill, and its abstract principle is not likely to be questioned by any section of the Indian community. Apprehensions may be entertained regarding the practical result of the change in the present state of the Indian society. In our opinion such apprehensions are only imaginary, as they are not based on experience and sound reasoning. As covenanted native officers alone are to be vested with additional powers, the only matter for consideration is whether they are fully qualified to exercise them. To this subject we beg to devote the following two paragraphs.

4. No question has been raised that we are aware of regarding the general acquirements and legal knowledge of the native covenanted officers. Most of them have entered the service by open competition, and Government is responsible for the qualifications of those appointed under the nomination system. Exception can only be taken on the ground of unfamiliarity of the natives with the English mode of life and thinking, which is an important condition for

the proper understanding of a case in which a European is concerned. We submit that such a familiarity is tolerably acquired by native covenanted officers by study of English literature from infancy, by contact with the Anglo-Indians, and by visits to England; while they have an advantage over European Judges, in that they can better understand the surroundings of a case occurring in India.

5. Anticipated partiality of native officials towards their own countrymen may be another ground of objection to their being vested with powers over Europeans. The past experience of the character of native officials removes all doubts on this point. Natives have hitherto tried civil suits instituted by or against Europeans. They have also tried criminal cases in which Europeans are prosecutors, or their servants in a representative character stand accused. No display of partiality has ever been reported in respect to the trial of such cases. If any party in a criminal case enlists the sympathy of the court, it is the accused; and when a native in the prisoner's dock, standing in fear of punishment, cannot draw the sympathy of a native Judge, there is not the least chance of his doing so when he comes forward as a prosecutor. The fact is that party-feeling and race-antagonism is foreign to the spirit of the Indians.

6. According to our information, the Britons do not enjoy the privilege of being tried by their own countrymen in the civilized countries of Europe and America, nor in the presidency towns of India. They do so in other parts of the world where the laws of the land are materially different from those of the United Kingdom, and the law officers beyond the control of the British Government. In India the case is not similar. Here the criminal law has been framed in imitation of the English law, and the law officers are appointed by the British Government, and they hold their appointments subject to the approbation of the said Government. We know that the idea of appearing as an accused before native Judges is rather revolting to the present state of feeling in the Anglo-Indian society; but we trust this feeling will wear out in course of time, if the Bill is actually passed.

7. No inconvenience has been felt in this district for want of jurisdiction of native civilians over Europeans, for the simple reason that there are no such officers in Durbhunga. Mr. Brojendro Nath Dé and Kumar Rameshur Singh were posted for a time to the sudder station, where there were also European covenanted officers who tried all cases of this kind. Moreover, there have hitherto been so few criminal cases against Europeans in the Durbhunga district that they could be decided by European Magistrates without the assistance of native officers.

8. The state of things described in the last paragraph cannot continue for long if events are allowed to take their course. Under the existing rules, 20 per cent. of the appointments in the Covenanted Service will be gradually filled up by natives under the nomination system, and many besides will enter the Service by open competition. These officers will in ordinary course of promotion be placed in independent charge of sub-divisions, districts and sessions divisions. Inconvenience will then be felt if any restriction be imposed on their jurisdiction. On the other hand, European population in India is steadily increasing. Proportionately with the increase of population, cases against Europeans must also increase. In time such cases will be so numerous that the staff of European officials in many districts will not be able to decide them with due regard to their other duties. This increase of European population in India is beneficial both to India and England, and should by all means be encouraged. India wants capital to develop its resources, and its people force of character so necessary for progress. Englishmen in India can import capital and set an example of steady business habits. England has more money and more men than she can advantageously utilize within her maritime boundaries, and India opens to her a new field of enterprise.

NASSIRUDDIN.

GOWHUR ALI.

No. 4 B, dated 24th April 1883.

From—SYED MOHAMED, Deputy Magistrate, Mozufferpore,  
To—The Magistrate of Mozufferpore.

With reference to your memorandum No. 714, dated 4th instant, forwarding a copy of the Government circular No. 1518 J., dated 27th ultimo, and asking my opinion on the proposed Bill to amend the Code of Criminal Procedure, 1882, as far as it relates to the exercise of jurisdiction by native Magistrates over European British subjects, I have the honour to submit as follows.

This subject has been so fully and carefully discussed from different points of view, and is still being so warmly discussed by eminent administrators and high authorities, both here and in England, and so many arguments have been advanced by its supporters and opponents, that I consider it perfectly needless to advance a single argument in support of my own humble views on the subject, which is that the Bill is a perfectly just and equitable measure, and I believe there is a consensus of opinion among all educated natives on this point throughout India. I look upon this legislation as a natural outcome of the fundamental policy of the British Government in India, and that it shall be perfectly harmless in its effects when passed into law. It is quite clear, from the facts stated by Dr. Hunter in his speech, to

which I am obliged to make a reference, that administrative inconvenience has arisen, and that much inconvenience will surely arise in future, as the number of native covenanted civilians would increase in the service, and in course of time they would come to be placed in large numbers in charge of districts and sub-divisions. The mass of population looks upon it, as upon all other legislative measures, with indifference, as they are incapable of understanding such measures.

**MOULVI ABDUL JUBBAR.**—The principle of the proposed amendment of the Criminal Procedure Code is generous. It aims at equalizing the powers of all Civil Servants employed in the administration of law and justice in India, and who have all been admitted into the Civil Service on proof of merit and ability. It will be a standing slur on the position of the native civilians if they are, on the ground of nationality, excluded from the exercise of functions which may be discharged by their subordinates. Native officers, inferior in position to the Civil Servants, have for many years tried Europeans in the presidency-towns, and no complaint has ever been seriously made that they have abused their power. It cannot be gainsaid that if native civilians, when they attain the grades of District Magistrates and Sessions Judges, are excluded from trying European British subjects for offences committed within their territorial jurisdictions much inconvenience to parties and witnesses will arise, and in many cases failure of justice will occur. The trouble and inconvenience of a journey to a long distance from home will induce many to avoid the necessity of being called as witnesses in cases in which Europeans may be on their trial. As to the impartiality and immaculateness of native officers invested with powers to do justice between man and man, there can be no difference of honest opinion. There may be one or two men whose good faith may be questioned in particular instances; but, generally speaking, native officers are as spotless as their superiors in office. This is not only my individual opinion, but in expressing it I simply echo the verdict of all intelligent natives. As regards the ability of native officers, I beg to say that the English of their judgment may not be equal to that of a European; but as a judge of facts a native endowed with the ordinary share of human intelligence will admittedly be equal, if not superior, to a well-informed European officer. A native officer may want a knowledge of the habits, customs and ideas of the Europeans; but undoubtedly he is better qualified to sift native evidence adduced in favour of or against a European offender. It is not true that native officers will be prone to receive or unable to detect false accusations against Europeans. Nevertheless, I would not advise the passing of the Bill. There is a general and strong opposition against it. The ground of this outcry is that the Bill contemplates to deprive the European British subjects of their special privilege to be tried by their own countrymen. It is a fact that in the mofussil Europeans have been long tried by Europeans, and I think some administrative inconvenience should be allowed to exist rather than that the special privilege of a nation should be interfered with. Moreover, an ill-feeling between the natives and Europeans, which the Bill, if passed into law, is likely to create, will be prejudicial to the interests of the country, which at present depends upon the nations of the West, and for material and intellectual advancement.

**BABOO DINOBUNDHOO GANGOOLY, Junior Government Pleader.**—I, and those natives whom I have been able to consult, agree in thinking that the Bill is sound in principle.

With regard to the administrative difficulty, I beg to submit that, as no covenanted native civilian had been placed in this district as Sessions Judge, no administrative difficulty has hitherto been felt.

**MOULVI KHODA BUX KHAN, Senior Government Pleader.**—The change proposed in the Civil Procedure Code does not in any way affect the native public one way or the other. It is certainly not intended, and it cannot practically attribute any moral or social advancement to the different communities living all over the country. The change is simply intended for a very few native gentlemen who are members of the Covenanted Service, and whether they are empowered to try the European British-born subjects or not is a question which would not go to touch any other than those who are to be thus tried by the native civilian. The general public, as far as I think and know of their circumstances, are quite indifferent to this change.

2. The number of the native civilians is so small that there can hardly be any administrative inconvenience at present. A native civilian can conveniently commit a European British-born subject to another court held by an Englishman in the very district where the offence is committed, or commit him to the Calcutta High Court for trial without causing much inconvenience to the persons concerned with the case, as, by the construction of the railway lines, travelling is so very easy.

3. The particular community concerned with the change claim their right of being tried by their own countrymen, and perhaps this is the only privilege granted to the English people and unless there be some great administrative inconvenience, the change at present is quite uncalled for. Natives have privileges as well, and, under the custom of the country, they are respected by law and by the courts of justice; and I would therefore submit that such privilege should not be done away with without grave and cogent reasons for doing so, which are wanting at present.

**BABOO NOBIN CHUNDER SEN, Deputy Magistrate of Behar.**—I have never been placed in charge of any sub-division where cases requiring the exercise of jurisdiction over European British subject were likely to occur; the native Deputy Magistrates, on account of their legal

disqualification to try such cases, and its consequent administrative inconvenience, being excluded from the charge of such sub-division. Nor have I otherwise come across any such case in places where I have served. I am therefore not in a position to express any opinion, based on my personal knowledge or experience, on the principle of the Bill in question, involving such a grave question of Imperial policy. As for general arguments for or against it, they have been publicly expressed in so many quarters, and with so much greater force and ability than I could command, that it would be useless for me to recapitulate them, as they cannot be unknown to you.

No. 896 J.D., dated 2nd June 1883.

From—F. B. PEACOCK, Esq., Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 879 J.D., dated the 31st ultimo, I am directed to forward, for the information of the Government of India, copies of a further letter\* from the Commissioner of Burdwan, communicating the opinion of Mr. E. V. Westmacott, the Officiating Magistrate of Howrah, on the Bill to amend the Code of Criminal Procedure, 1882.

\* No. 254, dated the 29th May 1883, and enclosure.

No. 254, dated 29th May 1883.

From—J. BEAMES, Esq., Commissioner of the Burdwan Division,

To—The Secretary to the Government of Bengal, Judicial Department.

In continuation of this office No. 204 of the 7th instant, I have the honour to submit copy of a letter No. 851 of the 15th idem, from Mr. E. V. Westmacott, Officiating Magistrate of Howrah, containing his opinion on the Bill to amend the Code of Criminal Procedure. Mr. Westmacott joined this division only on the 4th instant, and could not therefore submit his report earlier.

No. 851, dated 15th May 1883.

From—E. V. WESTMACOTT, Esq., Magistrate of Howrah,

To—The Commissioner of the Burdwan Division.

With reference to the order conveyed in your No. 50 of the 4th April 1883, I observe that my predecessor, Mr. Collier, has already submitted a report, with the terms of which I have no reason to disagree; but in reading much of the matter published with respect to the Criminal Jurisdiction Bill, I have observed in certain quarters a tendency to represent the opposition to the Bill as being on the part of those Europeans only who are not in the service of Government, and to deduce from the fact that officials have not joined in any public movement against the Bill, the conclusion, which I believe to be quite erroneous, that Government officials are in favour of the measure for giving certain native officials jurisdiction over Europeans, and for taking away such jurisdiction from a number of European Deputy Magistrates.

Although I have felt that it might not befit my position under Government to take part in recent proceedings, I must protest very strongly against any assumption that I am in favour of the Bill. In common with almost every official with whose opinion I am acquainted, I object to the proposed measure as much as any European not in the public service can object.

Even if I thought the measure unobjectionable in principle, I should hold that nothing but the very strongest necessity would justify it, arousing as it does, on the part of those whom it is proposed to deprive of the right of being tried by men of their own nation, bitterness of feeling both against the Government and against the natives on whom it is proposed to confer jurisdiction over them. There is a general feeling among Europeans that they are betrayed by the Government to which they have been thoroughly loyal, and to which they feel that they have a right to look for the maintenance of their valued privileges, of which the one which it is now proposed to take away is not one of the least. As regards the natives, Europeans who have hitherto been content to do business with them without taking notice of points of moral or social conduct in which they differ, have been suddenly and sharply roused to analyse the feeling which leads them to dislike being subjected to the jurisdiction of native courts, and have been led to bring prominently forward the faults they perceive, or think that they perceive, in native character; and this hostile criticism has irritated those natives who understand it into recrimination, and the utterance of sentiments hostile to Europeans. During more than twenty years' service in India, I have never known such bitterness of feeling between Europeans and the educated Baboos of Bengal, and such disaffection among Europeans towards the Government, as has been aroused within the last few weeks by the proposed measure; and even if there were reasons for passing such a measure, very much stronger than I believe there are, I should think they could hardly be strong enough to justify the risk of causing such widespread irritation.

It is stated that very few native Magistrates or Judges would be vested with jurisdiction over Europeans by the proposed measure, and further that it is not intended to proceed further



in the same direction. Natives, however, have declared in their public utterances that they look on the measure only as an instalment of wider concessions to be made to them, and Europeans also suspect that such is the case. Although the present Government may honestly intend to go no further, they cannot bind their successors. If it be once conceded that a few young men who have spent a short time in England are qualified to try Europeans on criminal charges, it will be difficult to deny the qualifications of grey-headed Deputy Magistrates, who have for many years exercised judicial powers under the guidance and supervision of British officers. Neither natives nor Europeans believe that the proposed measure can be passed without further measures of a similar character following in logical sequence.

I am unable to see that the administration of the country would be rendered in any degree easier by the passing of the measure; on the contrary, I foresee the possibility of very serious administrative difficulties arising from the irritation which would be caused by the condemnation of a European, especially of a European female, by a native tribunal. I do not say that I believe a native would not try a European justly, but I do say that native tribunals would not enjoy that confidence on the part of Europeans which is enjoyed by British Magistrates. It is notorious that people of the country do not trust the native courts as they do those presided over by British Magistrates, and if this is so, it is not strange that Europeans should share the feeling. The only advantage which I think can possibly arise from the proposed measure is the gratification of the self-love of certain native officials who consider themselves placed in a position inferior to British officers of equal rank, because they are not allowed to try European British subjects on criminal charges. I do not think this advantage sufficient to outweigh the evil which the proposed measure is already causing.

I have heard of several cases in which Europeans have been obliged to appear before native courts of justice as witnesses or otherwise, and in which the presiding officer has caused them unnecessary humiliation and inconvenience, evidently with the purpose of exalting himself in the eyes of his own countrymen. The appellate courts, and the general supervision of superior authority, may prevent any miscarriage of justice in the actual decision of suits, but are quite unable to prevent the petty annoyance, unconnected with the actual decision, which may be inflicted by a judicial officer, and which experience has shown that native judicial officers, especially the younger among them, are prone to inflict on Europeans. In the case of European women, such annoyance might be almost unbearable, and it appears that Europeans have more reason to object to native tribunals on these grounds than with a view to actual decisions.

I am unable to draw any distinction between natives who have been to England and those who have not, as I have not observed any special variation from the ordinary native character on the part of the former. It is not, however, my wish to discuss the fitness or unfitness of native officials for the exercise of the powers which it is proposed to confer upon them. I think it quite enough to urge the impolicy of pressing a measure which has caused such widespread irritation among European British subjects in India against both the Government and their native fellow-subjects, as I regret to observe to have been aroused within the last few weeks.

No. 1232 J—D., dated the 22nd June 1883.

From—F. B. PEACOCK, Esq., Secy. to the Govt. of Bengal, Judicial, Political, and Appt. Depts.,  
To—The Secretary to the Government of India, Legislative Department.

I am directed by the Lieutenant-Governor of Bengal to submit his opinion upon the Bill to amend the Criminal Procedure Code, to which his attention was called in your letter No. 25 C, dated the 17th March last. On receipt of that letter a circular was issued to Commissioners of Divisions, inviting an expression of their views upon the subject, after consulting selected officers interested in the measure, and qualified to express an opinion upon it. Copies of the replies received have already been forwarded from time to time for the information of His Excellency the Viceroy and Governor General in Council. This is the first time that an opportunity has been offered to the Bengal Government and its officers to report upon the Bill; and though the Lieutenant-Governor has little doubt that the impassioned controversy which has arisen since the intention to legislate was declared has strongly influenced opinions on both sides of the question, the fact remains that the general result, as gathered from the replies received, is, both in the number and weight of judgment, decidedly against the principle and policy of the proposal. It appears that, excluding the Judges of the High Court in Calcutta, whose reply has been submitted direct to the Government of India, there were 79 officers in Lower Bengal whose reports appear in the published replies, and form as fair an analysis of these reports as can be made; the result is that, while 20 gentlemen approve of the principle of the Bill, and would recommend its enactment, there are 59 who are either entirely against it, or who, accepting the soundness of the theory upon which the Bill is based, object for one reason or another to its being passed into law. Of the 20 writers in favour of the measure, 19 are natives and one (Mr. Coldron) is a gentleman connected with the American Mission in the district of Balasore. All but one of the 19 natives are in the public service, and include the two Covenanted Civilians, now officiating as Magistrates and Collectors in charge of districts. The others, with two exceptions, one of whom is a Government Pleader



are Deputy Magistrates and Deputy Collectors in Government employ. Mr. Coldren, to whom reference has been made, is an American; and though in his brief remarks he recorded his personal support of the Bill, he adds that from enquiries made he finds that a large majority of the leading members of the Christian community under him are not in favour of having native gentlemen to try Europeans. Out of the 59 gentlemen opposed to the proposed legislation, it will be sufficient to notice that the list comprises the Superintendent and Remembrancer of Legal Affairs, all the Commissioners of Divisions, all the district officers and Judges who were consulted, and includes Mr. Badshah, the Covenanted Native Civilian in charge of the sub-division of Goalundo, nine native officers of Government, eight of whom are in the Uncovenanted Service (most of them being Deputy Magistrates), and one a Government Pleader, besides three native gentlemen in independent positions unconnected with Government employment. Besides these, it is evident that several other gentlemen, whose replies have not been forwarded, had expressed opinions unfavourable to the Bill, and that the non-official European community is unanimously opposed to it. If the Lieutenant-Governor had had any doubts regarding the necessity or the policy of the contemplated legislation before, he must say that they would have been entirely removed by the great weight and numerical superiority of the earnest arguments now adduced in condemnation of the Bill; and he has only, therefore, to say that the opposition which he has consistently maintained to the introduction of the measure from its first submission to the Executive Council of the Government of India in 1881 has only been confirmed and strengthened by the later developments of the discussion.

2. Before referring to the grounds upon which this opposition, in which Mr. Rivers Thompson regrets to find himself at variance with His Excellency the Governor General in Council, is based, I am directed to notice some points in the Bill which demand consideration. If the Bill, as it has been circulated for opinion, is passed—(1) all Native Sessions Judges and Magistrates of Districts will, by virtue of their office, be empowered to exercise the same jurisdiction over European British subjects as now belongs to European officials in the same positions; and (2) any Native Magistrate of the first class who is a Covenanted or Statutory Civilian, or who is an Assistant Commissioner in a Non-Regulation Province, or a Cantonment Magistrate, may be invested, at the discretion of Government, with similar powers. Hitherto the Government has widely exercised the power of appointing as Justices of the Peace many Europeans, who, not being in the Government service, do not come within any of the classes above mentioned, and a great administrative convenience has been thereby secured. The withdrawal of this power, even if vested interests are saved, will, in the Lieutenant-Governor's opinion, operate to the detriment of the administration of justice, because it may very well happen that in many places, such as the minor sea-ports, out-of-the-way sub-divisions, and, occasionally, at railway stations, the services of an Honorary (European) Magistrate would secure all that was requisite, when neither Covenanted nor Statutory Civilians were available for the duty. This omission of course might be easily remedied; but if it is remedied by the reservation of such powers in the hands of Government as now obtain, it is obvious that one principle upon which the Bill is based will be compromised, and the limitation of the grant of such judicial powers to European British subjects alone could not be defended. As the Lieutenant-Governor understands, however, the Government of India is not prepared to go to the extent of conferring such powers upon natives generally.

3. Again, in the matter of cantonments, the observations of His Excellency the Commander-in-Chief, speaking with the authority of Government in the Debate of the 9th March last, seem to show that there was no intention of conferring the office of a Cantonment Magistrate upon natives. It is not readily intelligible why, if race distinctions in judicial offices are untenable, such distinctions should be entertained in favour of the military, and not of the civil population of the country; but assuming that the decision is final (and the Lieutenant-Governor is clearly of opinion that the decision is a right one), clause (d), section 1 of the Bill will have to be amended. But in this connection it is necessary to direct attention to paragraph 11 of the report received from the Commissioner of Orissa, where he points out that in Cuttack the Joint-Magistrate, or, in his absence, the Magistrate of the district, exercises the judicial powers of the Cantonment Magistrate, and "if either of these officers should be a native, he would, as Cantonment Magistrate, under the Bill exercise the jurisdiction which His Excellency appeared unwilling to concede." However, supposing the Bill to be modified as suggested, the difficulty, though involving an anomaly, might be met by the executive arrangement of never appointing a Native Covenanted Civilian to the magistracy or joint-magistracy of Cuttack.

4. The Bill, as it proposes to enlarge the powers of Assistant Commissioners in Non-Regulation Provinces, does not affect any of the districts under the Bengal Administration, and the Lieutenant-Governor may leave it to others to deal with this clause. He would only remark that it very often happens that an Assistant Commissioner is a native, in no respects different from the Deputy Magistrates of the Regulation Province, and with but a tithe of the experience which the older Deputy Magistrates possess in the administration of the criminal law. If the Deputy Magistrate is not to exercise jurisdiction over European British subjects, there is a much more forcible reason why the Native Assistant Commissioner should not have such a power. The case as regards the Statutory Civilians seems stronger still; and the Lieutenant-Governor is constrained to refer more at length to the question as it concerns the officers appointed under 33 Vic., Cap. 3, because his own judgment is here entirely in accord with that of the great majority of those who have commented upon and condemned

the proposal. The system under which natives of India are thus admitted to the Covenanted Civil Service of the country has been in force for three or four years. Altogether, up to the present moment, six gentlemen have obtained appointments to the Covenanted Civil Service under the Statute, and all of them are still Assistants to Magistrates and Collectors, and four only out of the six have passed the preliminary departmental examinations which qualify them for promotion. It may be accepted, then, as certain that it will take at least seven or eight more years before any of these officers will be in a position to enjoy the dignity of an Officiating Magistrate and Collector of a district. The chances of advancement to a Sessions Judgeship are even more remote. On the ground, then, of any immediate necessity for legislation on their behalf, even if the principle of the Bill be affirmed, no cause whatever can be shown. But this is only a very small part of the question. The system itself is in an early and experimental stage of its operation; and if it is to be continued, which the Lieutenant-Governor considers is likely to evoke discussion very soon (because any system of nomination is objectionable, and, as against Europeans and Eurasians in India, one of the worst of anomalies based on purely birth and race distinctions), it has not yet justified, and probably never will justify, the conclusion that the men so selected and admitted to a great service will be competent for other than subordinate positions in it. This is the common testimony, with a few exceptions, of all the reports upon the Bill. It is quite truly represented that these nominated officers, chosen very often more for their social connections than for any other qualifications, have given no guarantees of ability and character which should place them in the same category as the officers who have faced the difficulties and disabilities of a voyage across the seas, and have, by open competition in England, won their place in the Civil Service. What the Commissioner of the Presidency Division says upon this part of the subject is quite true: "The officers of the Native Civil Service come from the same classes as those from which the Uncovenanted Service is recruited. They have the same race feelings as those of their brethren of the latter service; and, save that they are not so experienced or so hard-working, there is no difference, as regards race qualification or disqualification, between a Deputy Magistrate and a member of the Native Civil Service under the Statute 33 Vic., Cap. 3." There is no magic in the words "Covenanted Service," which should be able to transform young men, taken from the same ranks as the general run of the Subordinate Executive Service, into superior beings fitted for posts of high responsibility. If anything is gained by a temporary sojourn of some three years in England, which is claimed for the Covenanted Native Civilian who enters the service by competition, the advantage is wholly wanting in the case of the statutory officers. There can be no kind of assurance that in their case they will be free from native thoughts and native prejudices; and ignorance of the ways and habits of Europeans is a distinct disqualification for dealing with criminal prosecutions against Europeans. The Lieutenant-Governor would ask attention to the forcible remarks made by the Magistrate and Collector of the 24-Pergunnahs upon this point. Mr. C. C. Stevens, the officer in question, has had twenty years' experience in many districts in Bengal. His whole career has been marked with an intelligent desire for the promotion of native interests. He has had under him in his district work Native Civilians of both classes, and his report throughout expresses that sense of regret which every one must share with him at having to deal with a question of such invidious delicacy for such a cause as this Bill represents. Yet, the fact is apparent, not from his report only, but from the reports of many other competent officers (and in this native opinion seems to be almost as decided as European), that there is an essential difference between these two classes of Native Civilians; and that, if the large body of uncovenanted officers are to be excluded from having jurisdiction in cases against Europeans, on the ground of unfitness, the disability extends with greater force to those of the Covenanted Service who enter it by nomination in India.

5. The Lieutenant-Governor is quite willing to recognise that the case of competition Native Civilians stands on a different footing. They have made sacrifices to secure the honourable positions which they hold, and they are sacrifices of a kind which Englishmen, of all people in the world, are best able to appreciate. They have abandoned caste, they have surrendered religious feelings, they have broken family ties, and set themselves against the devout sentiments and doctrines of their ancient creeds. The sentiments may not be so strong now as it was 15 or 20 years ago; but apart from the religious aspect of the case, the expense incurred in such an undertaking, and the risks of a long sea voyage (exaggerated in its perils to every native mind) to a foreign country, where they must live as strangers, and encounter, in the competition for the prize they are seeking, a large body of English youth who have enjoyed the advantage of the highest training and education—all these circumstances justify a claim to consideration on the part of the Government. There is weight, too, in the argument, which finds a place in many of the papers, that with the attainment of the status of a district officer, whether he be European or Native, there should be no distinction on the ground of nationality in the powers and privileges to be exercised. As an abstract proposition the Lieutenant-Governor assents to this; and, indeed, with much which Mr. Justice Romesh Chunder Mitter advances in his minute of the 25th May 1883, the Lieutenant-Governor would be willing to agree, if the premise could be accepted that to administrators and statesmen the policy of the measure was irrelevant and a matter of indifference. The learned Judge carefully excludes himself, as a judicial officer, from all such considerations in the opening paragraph of his memorandum; but it can scarcely be conceded that we are in India simply to make our laws symmetrical and to redress the senti-

mental grievances of an infinitesimal minority. They are high-sounding phrases which have appeared very frequently in the discussions upon this controverted measure, which talk of the abolition of "race distinctions" judicially, and the suppression of what one officer has called the enormous force of argument that is supposed to lie in the word "anomaly." But it appears to the Lieutenant-Governor that time at least has shown, if not the arguments of the opponents of the Bill, that the attempt to remove a single petty anomaly, which injures no one, reveals only the innumerable anomalies with which our whole position as the dominant power in India is surrounded; and that the Bill itself exposes that, so far from race disqualifications in judicial administration being abolished, this very evil becomes very greatly intensified and accentuated by the exclusion from the power, which it is proposed to assign to a few, of a large body of equally competent and meritorious public servants. The fact is that, with whatever sincerity finality may be pleaded, finality in such legislation is impossible, if once the principle is yielded; and the Lieutenant-Governor is inclined to suspect that very much of the vehemence of the agitation on both sides of the dispute arises from the knowledge that such is the case. The single question, then, is whether the time has come for the concession of the principle in any form and subject to any modifications of the Bill; and for the reasons to be immediately given, the Lieutenant-Governor is certainly of opinion that it has not.

6. It has been put forward, not so much from any concession to popular sentiment in the matter as from the necessities of the case, that, with the abandonment of much which now appears in the Bill as regards Cantonment Magistrates, Assistant Commissioners and Statutory Civilians, the power to try European British subjects should be extended only to the Covenanted Native Civilians who have entered the service by competition; and that the power should be restricted to such officers as District Magistrates and District Judges by virtue of their office. In presence of the extreme animosities which the question has excited, this seems rather a small object to be attained, and the descent from the original proposal suggests something of the trivial results of great efforts. In the first place, it may be noticed that such an issue would prospectively affect just nine individuals in India, and most of these at a distant period. Immediately, it would confer a privilege (if so it may be called) upon three native gentlemen—two in Lower Bengal and one in Bombay—and if legislation is justifiable only where a clear case is made out for recourse to it, the condition seems hardly to be fulfilled in this instance. But the objection seems to be valid still further, because of the two native gentlemen whom the Lieutenant-Governor has had recently the pleasure of appointing to districts, one at least will, in all probability, be relieved of his charge, in the course of next cold season, by the return from furlough of senior officers; and the Bill, by the time it became law, would affect only the one native Civilian in the Bombay Presidency, and possibly one in Bengal. It cannot be pretended, then, that there is any urgency for the legislation; nor in the constitution of the office of the Magistrate and Collector of a district in Bengal is there any necessity for it. It may be asserted beyond contradiction that from the beginning of the year to the end a Magistrate of a district rarely, if ever, thinks of dealing with criminal cases. He has the full power to do so; but his avocations are so numerous and his responsibilities so various in the general supervision of district administration, and in the particular charge which he retains in his own hands in connection with revenue and fiscal matters, that he would never have the leisure to attend to work on the magisterial side, and, as a consequence, the whole of this falls, by a necessary division of labour, and in the regular course of procedure, to the Joint-Magistrate of the district and his native subordinates in that line. Mr. Romesh Chunder Dutt is now officiating as Magistrate and Collector of the Backergunge district. The Lieutenant-Governor ventures to say that, with the extremely heavy revenue work of that district, he has no time, and probably has no inclination, to touch any work in the criminal courts; and if any case arose there in which a European was involved, the parties would not be put, as Mr. Romesh Chunder Dutt asserts, to "the hardship and inconvenience of travelling to a different district," but would find, in the European Joint-Magistrate on the spot, an officer not only competent to deal with the case, but one who, in the ordinary course of business, would have to deal with it without the necessity of any interference from his superior. This is not always the case: there are some districts in Bengal where Joint-Magistrates are not permanently stationed, but in such places not unfrequently there are European officers of the Uncovenanted Service, who, as the law now stands, can exercise jurisdiction over European British subjects. The arguments based on "administrative inconvenience" is utterly untenable in the present constitution of the Civil Service; and if it is untenable in Bengal, where six out of the nine Native Covenanted Civilians are employed, it can scarcely affect any other administration in the country. The consensus of opinion received from different provinces is very much invalidated by the fact that there is not a single member of the Native Covenanted Service, who has entered it by competition, in Madras, the Punjab, the Central Provinces, Burma, Assam, Sindh, or Coorg. There are two such officers in the Bombay Presidency; one, a very junior officer, under the Government of the North-Western Provinces; and six in Lower Bengal. There is scarcely an exception in the support given to the irrelevancy of the "administrative inconvenience" theory among all the reports from local officers. At the present moment there are 45 districts under the Bengal Government. At the same time there are two Native Civilians for whom, as Magistrates in charge of districts, immediate provision has to be made; and the contingency may arise of a third being appointed in the course of next year to a Civil and Sessions Judgeship. Executive arrangements will, it is obvious, quite easily provide, without detriment to the public interests

or to the personal claims of these native officers, either that they should be in charge of districts where there are no Europeans, or, as regards the Magistrates, that they should be in charge of districts where the presence of a European Joint-Magistrate, or of a European Deputy Magistrate with full powers, would prevent any kind of inconvenience. Even if the time ever arrives when one-sixth of the magistracy of this Province is in the hands of Natives—though that is quite a different thing from one-sixth of the covenanted appointments being filled by natives, and is in itself very improbable—there could be no difficulty in carrying on the administration of criminal justice without any change in the law; but as a question of very remote concern, it is scarcely necessary to dwell upon the requirements of very distant circumstances.

7. The Lieutenant-Governor would have been glad if he could have stopped here. He is ready to admit that if everything which he has already urged against the Bill was conceded, but the competency of a Native Magistrate to exercise jurisdiction in European cases was admitted, the proposal for the present modification of the Criminal Procedure Code would render the position of the advocates of the Bill not unassailable, because many political considerations would still affect the issue, but much stronger than it is now. But the question has to be met whether the legislation contemplated is justified by the fitness of the native judiciary for the powers which it is proposed to confer upon them, and in the Lieutenant-Governor's judgment the answer must be in the negative. He comes here to that part in the discussion which, as contained in the Statement of Objects and Reasons appended to the Bill, represents the aim of it to be to secure the fair and impartial administration of justice, and to the observations of the Hon'ble Member who introduced the Bill that these particular cases against Europeans were in India admittedly few and exceptionally troublesome. Now the Lieutenant-Governor has little sympathy with that section of the opponents of the measure which represents the possibility of unrighteous judgments leading to severe and unjustifiable sentences at the hands of Native Magistrates, who are supposed to be a corrupt body, biassed against the European. If bias there might be in critical cases, there is little justification for any apprehensions from excessive punishments. If we have taught the natives anything, we have taught them to respect the purity of judicial administration, and, in the Lieutenant-Governor's opinion, in these days of railways and telegraphs no wilful injustice could occur in the remotest corners of the country without being at once brought to light and remedied. Apart, however, from the main objection, which the Lieutenant-Governor will presently advert to, there are other drawbacks which must be noticed. The surroundings of a mofussil Magistrate's court are not exactly the surroundings of a court at Westminster, or of the High Court in Calcutta. An Englishman, much more an Englishwoman, summoned to such a court (frequently, as evidence shows, on a false charge) has to undergo many indignities which a European officer can at once control and check, but which, in a court presided over by a native, find free course amidst a sympathetic audience. There is no exaggeration in this, as most persons who have had to deal with such cases can testify; and the absolute distrust which the European in the interior has of such courts arises not so much from any positive want of confidence in the Magistrate, if left to himself, as from the atmosphere of perjury, forgery and intrigue which is about him and around him. Beyond this, however, the Lieutenant-Governor is bound to say that there is a much greater risk of the failure of justice from a want of nerve in the native to deal in the presence of public excitement with the kind of "troublesome cases" to which these papers refer. The experience of every officer in the country will supply illustrations in which this independent force of character has been found wanting in the natives, and the reports before Government show innumerable cases in which a constitutional timidity has led natives to shirk duty because it is difficult. In judicial trials it is a much easier thing to acquit, when the acquittal terminates all enquiry and disposes of a serious embarrassment, than to convict and punish in complicated cases against the resolute determination of a violent Englishman, backed by a strong local opinion in his favour. The Lieutenant-Governor would ask if any head of an administration in India would place a native officer in independent charge of a frontier district. A Bengali in such a position at any rate might know all our criminal codes by heart, and be animated by the strictest desire to apply the law of evidence, and yet would certainly fail if a crisis impended from any sudden irruption of frontier tribes. In the recent discussions about Appellate Benches, one of the earliest, and, as it appears to the Lieutenant-Governor, the simplest methods suggested for limiting petty appeals was to constitute at capital stations a bench composed of the European and First Subordinate Judge to finally dispose of all such cases, and yet the objection came from the most competent judges of native character—the natives themselves—that on such a tribunal the Native Judge could exercise no independence. A good deal has recently been heard of Local self-Government schemes, in which the presence or absence of the Magistrate of the district as President of the Committee is considered a very material point; but the argument on which the natives' objection is based is that the presence of even a single official on a Committee would stop discussion, would paralyse the action of the native members, and would imperil the object for which the scheme has been introduced. There is probably much more than this dislike of control which repudiates the co-operation of English officers in the prosecution of a great reform; but, taking their own admissions, there can, in the Lieutenant-Governor's opinion, be scarcely a stronger argument for the unfitness of natives to carry on such a measure alone than the incapacity which they allege in the presence of the European. These may not all be exactly apposite illustrations to the position of a Magistrate discharging



judicial functions; but they indicate what many passages in the reports before Government describe, and what any practical experience of the country confirms, that the quality of courage, whether moral or physical, is not among the virtues of the people with whom we have to deal in Bengal. The disqualification referred to is further evidenced by the notorious fact, common to every district, that even native litigants in emergent and difficult cases will ask for the trial of their suits by an English tribunal. It can scarcely be a matter of surprise that what is an object of distrust to the natives themselves should be an object of distrust to Europeans.

8. The Government of India will scarcely need a more convincing proof of the unqualified repugnance which the European community throughout India entertain towards this Bill than the general reprobation of it which public opinion in various forms has expressed. The strong feelings which the measure has evoked have, it is to be regretted, found not unfrequent expression in unnecessary bitterness and hostility towards Government. The Lieutenant-Governor would fain hope that this excess of feeling in this matter will not influence the judgment which is to decide the fate of the Bill. If he urges himself its withdrawal, it is in the conviction that it is not necessary for the judicial work of the country, and that it takes away a privilege, which Englishmen in India very highly value. In asking for the retention of that privilege, they ask only for what has been theirs since British courts of criminal judicature were established in the country, and they ask it in no derogation of the claims of the natives who, on their own side, enjoy privileges which, if the question of an impartial administration of justice is concerned, affect it much more seriously than the concession in favour of some half dozen Native Magistrates. The political issues are of course of much wider consequence. "The very bad thing about the Bill is its principle"—the principle, that is, that by a stroke of the pen we are to establish equality, ignoring race distinctions, among a people who themselves repudiate the idea in their intercourse with each other with the utmost scorn and aversion. Our thoughts are not their thoughts, nor are their ways our ways; and it has been quite justly pointed out that as long as there is such a wide divergence between Englishmen and Natives, as regards moral standards, social customs and political status, any attempt to remove judicial disqualifications must be as dangerous as it is premature. They will not be removed, at least, by legislative enactment. "*Naturam expellas furcā, tamen usque recurret.*" It will recur in hostility and scandals and contentions, whenever a serious case arises in which Englishmen are involved before native courts; and the result must be continuous agitation. Be it privilege or prejudice which the Englishman asserts here, there can be no question that amongst them the bare proposal to withdraw it has excited a fiercer and more perilous conflict of races than was witnessed after the mutiny of 1857; and so the work of 26 years, in which every true Englishman and Native has welcomed the growth of a stronger mutual regard and toleration for each other, and in which a spirit of charity and forbearance was winning its way to a better understanding of each other's wants, has to be begun over again. It is the Lieutenant-Governor's hope that the work may be accelerated by the abandonment of a measure which should never have been introduced, for its very abandonment will contribute, more than anything else, to the right union between all classes of Her Majesty's subjects in India, in advancing, through the social reforms which are before us, our common interests in this great Empire.

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No. 4402, dated 28th June 1883.

From—C. GONNE, Esq., Chief Secretary to the Government of Bombay, -  
To—The Secretary to the Government of India, Legislative Dept.

In continuation of my letter No. 4005, dated the 14th instant, I am directed to transmit, for the information of the Government of India, copy of a supplementary opinion forwarded by the Honourable the Advocate General, Bombay, on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

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*Opinion by the HON'BLE J. MARRIOTT, Advocate General, Bombay, on the Ilbert Bill,—No. 43, dated 10th June 1883.*

In continuation of my No. 31 of 1883 I beg to say that I think it inexpedient that the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, should in its original or in any modified form become law.

The objects and reasons for the Bill state the Government of India has decided to remove from the Code any judicial disqualification which is based merely on race distinction.

I think this very race distinction (which cannot be removed by any legislative enactment) is the very reason why the Bill should not be passed.

The position of Englishmen in India differs *in toto* from their position in any Christian country in which they may settle—in a Christian country they would intermingle with and form a part of the society in which they dwell. But in India the Englishman dwells apart from the Natives by whom he is surrounded, and this is attributable not to the character of Englishmen but to the immiscible character of the Native. His religion, customs, thoughts,

ideas, character, and above all his caste prejudices prevent his mixing with Europeans. The following passage from the celebrated Judgment of Lord Stowell in the case of the Indian Chief is as applicable now as when it was delivered in 1801:—"In the East from the oldest times an immiscible character has been kept up—foreigners are not admitted into the general body, and among the society of the nation they continue strangers and sojourners as all their fathers were. *Doris amara suam non intermiscuit undam.*"

In no sense do Natives in this country form the friends, associates or equals of Englishmen, and it is I believe in fact to that feeling that the universal condemnation of, and antipathy to the Bill by the whole English non-official community is and justly to be ascribed. Every Englishman carries about with him the feeling that it is his birthright to be tried by his peers, a right given to him by Magna Charta. "*Nullus liber homo capiat vel imprisonetur.....aut aliquo modo destruatur nec super eum ibimus nec super eum mittemus nisi per legale iudicium parium suorum vel per legem terræ.*" The Englishman feels that if tried by a Native he will not be tried for "*legale iudicium parium suorum.*"

By Act IX of 1874, Section 30, the Viceregal Legislature deprived vagrants who were European British subjects of their privileges as such as a badge of disgrace. At the instance of one man the Viceregal Legislature is now asked to deprive the thousands of Englishmen now in India of these same privileges.

There is also the belief that an Englishman if tried by a Native Judge up-country away from his friends without European legal assistance and without a vigilant European Press might not have justice done him. After 20 years' professional experience in this country and in a presidency-town, I regret to say I consider that belief well-founded.

My No. 31 was written in answer to a request that I would state my opinion on the proposed modification of the Bill, consequently I did not then give my opinion on the merits.

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No. 2822—161, dated 30th June 1883.

From—A. H. L. FRASER, Esq., Officiating Secretary to Chief Commissioner, Central Provinces,

To—The Secretary to the Government of India, Legislative Department.

In reference to your letter No. 163, dated 26th January 1882, calling for opinions on the Criminal Procedure Amendment Bill, I am directed to forward copy of a note recorded by Sir John Morris, and to say that Mr. Jones will submit his opinion within two days from this date.

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*Note by J. H. MORRIS, Esq., Chief Commissioner, Central Provinces,—dated 23rd April 1883.*

In April 1882, my opinion was asked on a proposal to relieve Native members of the covenanted civil service of such restrictions on their powers as are imposed by Chapter XXXIII of the new Code of Criminal Procedure. I stated in reply (*vide* my Secretary's letter No. 1694—86, dated 15th May last) that the proposal had my approval. The grounds on which this view was based were two—

1. That these Native members of the covenanted service had been admitted after an examination conducted in London and designed to prove their European education and enlightenment; and (2) that the Government of Bengal, which is most interested in this question, had advocated the proposal.

2. I am still of opinion that there is nothing to urge theoretically against the proposal then under discussion; and I can hardly believe that, had that proposal alone been introduced into the Code, there would have been any serious objection or opposition. But the circumstances of the case have now entirely altered, and I cannot see my way to approve of the Bill now circulated for criticism.

3. In the first place, the scope of the measure is materially enlarged. To the Native members of the covenanted service are added (1) the members of the statutory Native service, who are appointed without a European training, and (2) Assistant Commissioners in non-regulation Provinces. To these two classes I should be averse to entrust the powers proposed until I had more clear proof of their ability to exercise them.

4. In the second place, His Honour the present Lieutenant-Governor of Bengal has, if I am not mistaken, expressed his inability to see any administrative necessity for the introduction of this measure, and his grave doubt as to the propriety of entrusting such powers as it contemplates to Native officers. This statement from the head of the Government most affected very materially modifies the position of the question.

5. The very strong, and sometimes deplorably violent, agitation against the Bill on the part of Europeans would seem now to make it impossible to introduce any change in the law at present. It would be better, therefore, in my opinion, to withdraw the Bill for the present, than to legislate on the basis even of the original proposal.

6. I record these views because I am about to leave the province, and I think it right to leave my views on record for the information of my successor, the more especially as I had recorded them a year ago, and have had to take up what may appear at first sight a different attitude now.



No. 1577, Confidential, dated 13th June 1883.

From—C. G. MASTER, Esq., Chief Secretary to the Government of Madras,  
To—The Secretary to the Government of India, Legislative Department.

I am now directed to submit, for the information of the Government of India, copy of the

\* To amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, with Statement of Objects and Reasons.

opinions of the Honourable the Advocate General, certain selected district officers and Native gentlemen, on the provisions of the Bill,\* which accompanied your letter of the 17th March last, No. 23-C.

The High Court has not yet furnished its opinion.

2. The present Bill, His Excellency in Council remarks, goes beyond the change that was proposed by the late Lieutenant-Governor of Bengal, about which the Government of Madras was consulted, and which that Government approved (the two Civil Members of Council dissenting), as expressed in my letter and its enclosures under date 8th June last year. To withdraw the Bill altogether, in deference to the opposition it has evoked in certain quarters, would, in the judgment of His Excellency in Council, be a grave political error; but he is of opinion that jurisdiction over European British subjects should be entrusted only to Covenanted Native Civilians, *i. e.*, those who enter the service after a competitive examination conducted in England.

3. I am to enclose a Minute recorded by the Right Honourable the Governor and one by His Excellency the Commander-in-Chief.

Dated 9th April 1883.

From—RAJA SIR T. MADAVA ROW, K.C.S.I.,

To—The Chief Secretary to the Government of Madras.

Adverting to G. O. dated 2nd instant, No. 937, Judicial, I have the honour to annex a memorandum briefly expressing my opinion on the Bill, therein alluded to, to amend the Code of Criminal Procedure in respect of jurisdiction over European British subjects, and to request you will be good enough to submit the same to His Excellency the Governor in Council.

#### MEMORANDUM.

As I have been asked to submit to Government my opinion on the provisions of the "Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects," I beg to offer a few brief observations.

2. The principle of the Bill appears to be perfectly sound. It is the duty of every liberal-minded and far-seeing Statesman to do in his generation what may be in his power towards the removal or reduction of invidious inequalities based merely on race distinctions.

3. Moreover, I have no hesitation in avowing my belief that the Natives of India, whom the Bill proposes to invest with jurisdiction over European British subjects, will be found fairly qualified to exercise the same. The administration of justice will not suffer at their hands.

4. It is therefore much to be regretted that the Bill has met with so much opposition from the European community in general.

5. Howmuchsoever that opposition is to be regretted, it cannot be disregarded or made light of in the deliberations of *practical* Statesmanship.

6. I do not think it would be the wisest course to pass the Bill, while that opposition continues to its present extent and in its present intensity. I would not incur the risk of such widespread irritation and recurring embarrassments in the Empire, as would outweigh the good which the proposed law has in view.

7. I would rather wait until the prevailing misconceptions and exaggerated views pass away, and until, at least, the more intellectual and influential portion of the European community come to feel that the Bill only gives effect to a right principle, or that it is at least harmless.

8. In the exercise of prudence in administering a vast and complex Empire, and maintaining harmony between heterogeneous interests, a Government has sometimes to pause, even in the pursuit of just or benevolent objects. It is only real firmness to be able to pause when it is desirable to do so.

9. It is to be earnestly hoped that the Native community will brook any necessary delay with loyal patience, and that the European community will gradually relax their opposition and reconsider the whole question in a more dispassionate spirit.

Dated 10th April 1883.

From—The Hon'ble P. O'SULLIVAN, Advocate General, Madras.

To—The Chief Secretary to the Government of Madras.

I have the honour to acknowledge the receipt of the Order of Government, Judicial Department, dated the 2nd April 1883, and a copy of the Bill referred to therein to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European subjects with Statement of Objects and Reasons.

2. My opinion upon the Bill is that it would, if passed, remove an anomaly which ought not to be permitted to exist longer than the circumstances of the country demand; that the tendency of legislation must be to limit, and ultimately to remove, distinctions founded upon race in relation to the administration of justice; but that the time has not yet come to give the jurisdiction provided for in the Bill to the extent contemplated. I think it would have been as well not to have raised the question at all at present, seeing that the new Code of Criminal Procedure only came into force in the beginning of this year, though, whenever the Code comes to be recast, the question is one which will require to be dealt with in some way and in the direction taken by the Bill. Since, however, the question has been raised, and a Bill introduced, I think the prudent course to take would be to restrict the powers conferred by the Bill to Class (a) in Section 1, *viz.*, Members of the Covenanted Civil Service. This class would consist of men whose training, experience, and character would, in all probability, enable them to exercise the jurisdiction in a manner likely to be generally acceptable to the public. In time the class may be enlarged with the same results. But it seems to me to be inexpedient to invest classes of officers with criminal jurisdiction in whose knowledge and impartiality persons charged before them would not have confidence. It is to be borne in mind that Magistrates in the Mofussil, at least in this part of India, are at liberty to try criminal cases whenever they are (within their districts) engaged in the performance of their revenue or other duties, and that cases are sometimes tried in remote and comparatively inaccessible places. There is no public, and the person charged would frequently find it difficult to get a competent person to defend or advise him. If some of the officers and attendants of the Court, not always scrupulous persons, wished to throw impediments in the way of the accused person, or to favour one of the parties, they would have many opportunities of doing so without much risk of detection. These difficulties would be aggravated in the case of a European having an imperfect knowledge, or no knowledge, of the language of the district. In cases before Magistrates in the Presidency Towns and Sessions Judges, the proceedings are conducted in open Court, and are subject to the influence of such public opinion as there is available.

3. In this country criminal charges are frequently brought and supported by false evidence. The evidence is sometimes wholly false, but more frequently exaggerated, and few cases are free from falsehood. It happens, too, that a case, true in itself, is supported by the testimony of witnesses who have no actual knowledge of the facts to which they depose, and some of whom would not give evidence if they did not believe that the case was substantially a true one. A true case may be discredited by reason of the falsehoods which are almost certain to be detected in it. In civil cases there is nearly always some documentary evidence, but, as a general rule, such evidence cannot be expected in criminal cases. The result is that false charges may be treated as proved, and true charges dismissed. I know of no more difficult task than to administer criminal justice in this country, and it is therefore not surprising if (as I believe to be the fact) this is the function of Government which has hitherto been least perfectly discharged.

4. I do not think the objection to giving Native Magistrates jurisdiction over European British subjects is founded so much upon a belief in their want of impartiality as with their want of sympathy with the European and want of knowledge of his ways and habits. It would be apprehended that false charges would increase, inasmuch as false charges and false evidence would not, speaking generally, produce so much disapprobation in the mind of a Native as of a European Magistrate, and that the Native Magistrate would not take action as effectively as the European Magistrate would with a view to prevent a repetition of such charges. Then, the ministerial (especially the inferior) officers of a Court have various powers of injury and annoyance in the case of suitors in the Courts in which they are employed. Native suitors frequently think the prudent course, with regard to such persons, is to "purchase peace." I believe many of them are only too anxious to make the purchase from any one who is supposed to have any portion of the commodity for sale. Europeans, however, especially those who have not had much experience of the country, would not be likely to do this, and would be thereby at some disadvantage.

5. The expediency of the present Bill depends upon the question of time. I suppose few would assert that it would have been advisable to have given this jurisdiction forty years ago, whilst on the other hand, few will maintain that the time for giving it can never come. I think the time will come for giving to Natives of India almost every power which is given to Englishmen; that education and the power and right to manage their own affairs will tend to put down false speaking and false swearing, and corruption in its various forms, and that people will perceive the injury and insecurity caused by such vices. There are very many natives who are as free from these vices as any other persons of any race, and I believe the number will rapidly increase. Without at all adopting views founded upon distinctions of race, I think the practical objections to the Bill rest upon a substantial foundation.

No. 2152, dated 10th April 1883.

From—H. E. STOKES, Esq., Acting District Magistrate, Tanjore,  
To—The Chief Secretary to Government, Madras.

I have the honour, with reference to G. O., 2nd April 1883, No. 937, Judicial Department, to state that, in my opinion, Mr. Ilbert's Bill will probably prove innocuous, but is altogether unnecessary.

Dated 14th April 1883.

From—P. P. HUTCHINS, Esq., On Special Duty, Ootacamund,  
To—The Chief Secretary to the Government of Madras.

I have the honour to acknowledge the receipt of a copy of the Honourable Mr. Ilbert's Bill to amend the Code of Criminal Procedure, forwarded for my opinion with G.O., 2nd April 1883, No. 937.

2. In all probability, worked with the discretion which Government might be expected to exercise, the practical result of the proposed changes would have been very slight. Very few native officials would have been made Justices of the Peace, and still fewer sent to districts where it is likely that Europeans would have been brought before them. But if so, the very necessity for this case becomes an argument against the Bill, while, if it is denied that such caution is necessary or would be exercised, then I should certainly be opposed to the Bill altogether. In my opinion the time has not come, if it ever will come, at which English settlers in the mofussil can, with safety to themselves or to the country, be deprived of their right to be tried by their own countrymen.

3. The reasons against the Bill have been stated so frequently and so forcibly by Mr. Justice Stephen and others, that I will not inflict their repetition on the Government. My opinion in brief is that the practical outcome of the Bill will be either *nil* or mischievous, and that therefore it should not be proceeded with.

No. 58, dated 16th April 1883.

From—F. BRANDT, Esq., District Magistrate, Nilgiris,  
To The Chief Secretary to the Government of Madras.

I have the honour to submit the following remarks on the Bill to amend the Code of Criminal Procedure, copy of which Bill was sent to me with G.O., dated 2nd April 1883, No. 937, Judicial.

1. I do not think that it has been shown that, as a matter of administrative necessity, the proposed alteration in the law is urgently called for at the present time.

2. It may become so in time, if and when a considerable proportion of the Members of the Covenanted Civil Service and Civil Service constituted under 33 Victoria, Chapter 3, being Natives of India, occupy the position of Sessions Judges and District Magistrates: this is not so at present, and sufficient for the day are the necessities thereof.

3. As to the anomaly, there are many anomalies inherent in the position which the ruling power occupies in this country, and I do not think that that which is now selected for removal as such is of such importance as to justify the measure now proposed. Nor do I think that the removal of this will satisfy those who consider other race distinctions to be anomalies, but will rather incite them to ask for further and even more sweeping changes.

4. Those who are now asked for their opinion on the subject have a great advantage over others who were called upon to pronounce on the measure before it had been encountered by the fierce opposition which it has elicited.

5. Whatever opinion I might have formed in the first instance—and I can honestly say that I never saw the necessity for the change, and was surprised that so important a measure should have been brought forward so very soon after the new Criminal Procedure Code had come into force—I am decidedly of opinion that, viewed in the light thrown upon the subject by discussions at public meetings and in newspapers of the first class, both English and Indian, the proposal should be withdrawn for some years to come at all events.

6. No one can regret more than I do the acerbity which has been displayed in some quarters in discussing the question; and there have been not unfrequently unjust aspersions thrown out and unfairness displayed in argument, but I am satisfied that the apprehensions entertained by independent Europeans settled and interested in this country are in general sincere, and being so are not lightly to be disregarded for the sake of introducing greater uniformity into a Criminal Code framed with reference to a very exceptional state of society and Government.

No. 102, dated 18th April 1883.

From—LIEUT.-COLONEL T. WELDON, Chief Presidency Magistrate, Madras,  
To—The Chief Secretary to the Government of Madras.

I have the honour, in reply to the Orders of Government, dated 2nd April 1883, No. 937 (Judicial), calling for an expression of opinion in regard to the proposed amendment of the Code of Criminal Procedure, to state that, in my humble opinion, no practical inconvenience is at all likely to result from a continuance of the privilege now enjoyed by European British subjects of trial only by persons of their own race and nationality.

2. The fact that in the presidency-towns this privilege has ceased to exist has apparently been regarded as an all-sufficient reason for abolishing the special jurisdiction generally. So far as Madras is concerned, the appointment of Natives to be Justices of the Peace, authorised to try European British subjects, is of comparatively recent date. My experience in the presidency-town and in the mofussil has not been favourable to an extension of the experiment,

3. As a matter of legislative symmetry there seems to be no logical reason why any First Class Magistrate, or even Second or Third Class Magistrate, should be excluded from the exercise, in all cases, of all the judicial powers appertaining to his grade. It may be assumed that District Magistrates and Sessions Judges will not be selected solely or mainly on account of their anticipated fitness to deal with the occasional cases in which European British subjects may be accused of offences.

4. I think there must surely be some stronger foundation than mere sentiment for the unanimous cry of alarm on the part of those whom the proposed measure principally affects, and, unless this consensus of opinion is to be ignored, some concession should be made to allay the bitter feeling that has been aroused. It is, I submit, most noteworthy that the non-official portion of the community should be roused as it is, for it is that portion which is in the best position to give an independent opinion as to the probable effect of the desired amendment of the law.

No. 1223, dated 25th April 1883.

From—J. G. HORSEFALL, Esq., District Magistrate, Ganjam,

To—The Chief Secretary to the Government of Madras.

I have the honour to submit my opinion upon the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. I am bound to confess that the Bill has met with very general opposition from the European residents in India, but this appears to me to have arisen mainly from a misapprehension of the scope of its provisions and the change that will be thereby effected in the existing law.

3. Now that natives are admitted into the Civil Service, and will, in course of time, form a fair proportion of the officers by whom the administration of the country is to be carried on, I am of opinion that the powers sought to be conferred by the Bill must necessarily be granted, at least, in a modified form.

4. I would accordingly strike out Section 1, retaining Section 2, and limiting the extension to District Magistrates and Session Judges only.

5. This will ensure an officer having had considerable experience before he is invested with the special powers, and will remove most of the objections that have been urged against the Bill.

Dated 2nd May 1883.

From—F. W. EMERY, Esq., Chairman, Madras Trades Association,

To—The Chief Secretary to the Government of Madras.

I have the honour to acknowledge receipt of G.O. No. 937 of 2nd ultimo.

2. I am desired by this Association to state that so much has been urged in opposition to the new Criminal Procedure Bill that it seems scarcely possible to advance any argument in opposition to the same that has not already been considered; but, at the same time, we are glad of an opportunity of stating that we cordially endorse most of the objections raised against the Bill. Our position as Tradesmen necessarily brings us in contact with all classes of the community. We, therefore, possess peculiar facilities for gauging public opinion, and we unhesitatingly assert that, certainly, in this Presidency the alleged "consensus of opinion" in favour of the Bill does not exist. The Europeans, almost to a man, strenuously oppose the measure, whilst the natives—the intelligent natives—treat the question with the most absolute and almost unprecedented indifference, in fact, many of the latter—Barristers and other professional men—have particularly requested permission to attach their signatures to the Madras petition against the Bill. It appears to this Association—and the objections are urged with all deference—that the measure has been prompted by sentiment, introduced without due and proper consideration, with an entire disregard to the interests or feelings of the people most affected, and that it exhibits a want of information on the subject with which it deals, altogether too serious to contemplate.

3. Mr. Ilbert's apology for the Bill "to remove an anomaly" appears to us insufficient justification for the measure; but, even granting the supposed anomaly, we contend that the rights claimed by Europeans are less than the privileges accorded to natives in this country. It is impossible to enter even the High Court in the presidency-towns, to sit with Native Jurors, and not feel astonishment at the ease with which their minds are swayed, either by the summing up of the Judge, the arguments of counsel or the remarks of brother jurymen, whilst it is palpable to the most casual observer that a large proportion of evidence tendered by native witnesses is of a most thoroughly unreliable and unsatisfactory character. This is essentially the case where Europeans are concerned; the two races have scarcely an opinion in common, and we respectfully submit that natives are not competent to sift evidence, more particularly as regards Europeans, and that it will be prejudicial to the best interests of the country to invest Native Magistrates with the same judicial authority as Europeans. Happily our experience of Motussil Courts, presided over by Native Magistrates, is not great, but, limited as such experience is, we are justified in supporting the popular verdict that, in many of

these Courts,\* bribery and the manufacture of false evidence appear to be essential elements to the administration of "justice."

No. 1631, dated 7th May 1883.

From—U. A. GALTON, Esq., Acting District Magistrate of Malabar,  
To—The Chief Secretary to the Government of Madras

With reference to G.O., dated 2nd April 1883, No. 937, Judicial, referring for the opinion of certain selected officers a Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to forward copy of a memorandum on the subject recorded by Mr. Logan before leaving the district, and the replies of the representative bodies\* consulted by him (in original).

\* Chamber of Commerce, Tellicherry.  
Ditto ditto, Cochin.  
Wynaad Planters' Association.  
European community of Calicut.

*Memorandum on the Ilbert Bill for amending the Code of Criminal Procedure by W. LOGAN, Esq.,  
Collector of Calicut,—dated 27th April 1883.*

If the opinion of the European community is, as I anticipate, unanimously opposed to the Bill, then I think that the Bill should not be pressed. To pass it would, in the first place, be to alienate the good-will of, and to convey a rebuff to, the European community, thereby giving rise to deep-rooted dissatisfaction, the evil consequences of which would be out of all proportion to the administrative advantages to be secured.

2. On the merits of the Bill itself I can add but little to the views which are so ably expressed by the two representative bodies\* whose opinions have been received up to date. Those opinions ought to carry great weight as being the

\* Malabar Chamber of Commerce.  
Cochin ditto.

opinions of men who see a good deal more than officials do behind the scenes (so to speak).

3. So far as I have been able to judge, there is no extensive prejudice among Europeans against the admission of Natives into the ranks of the Covenanted Civil Service. On the contrary all enlightened men are unanimous in thinking that the policy of Government on this point is the only practicable policy. Any other would be suicidal, for it would be inconsistent with the great progress made lately in native education and with the growth of a native public opinion. In so far therefore as the Europeans in Malabar are concerned, I am, I believe, justified in stating that an opinion which is prevalent and which has received the high sanction of His Excellency the Viceroy himself—*viz.*, that this agitation against the Bill is really an agitation against the native community having any but a subordinate interest in the administration of their own country—is, *as a matter of fact*, erroneous and requires, *as such*, to be distinctly repudiated.

4. A non-official European—and there are hundreds of them in Malabar engaged in commerce, in planting, and in mining—submits almost with complacency to loss of property brought about by hard swearing in the Civil Courts, knowing that he can either recover it on appeal, or at the worst have to write it off to profit and loss in business; but to be deprived (even for a short time) of liberty by hard swearing trenches upon one of the most sacred birth-rights of Englishmen. The remarks of the Chairman of the Cochin Chamber of Commerce on this point deserve, I think, very grave consideration.

5. The fact is that the native community is only now, after a century of British rule, beginning to realise to any extent that they are, through the happy chance of British intervention in their affairs, the inheritors of that freedom which was won with the blood of Englishmen long before England was known in Eastern seas. This freedom has so far filtered but slowly downwards, and has hardly yet had any effect on the ignorant masses. Until the idea of it is engrained in the character of coolies and of those who are still practically slaves, no Englishman's liberty will be safe, unless he can rely on having, as his Judges in criminal matters, men of his own nationality. For it is undoubtedly a fact that all classes of natives, but practically the lower orders, *dare not* even yet, after a century of British rule and British freedom, do what they would, or say what they think or know. Their actions and their words are adapted to the views of those who have power over them, and they swear black is white with supreme complacency when their own or their superior's interests require it of them. To put the matter in few words, they are still, as a body, unfitted to be the guardians either of their own or of other people's liberty.

6. The progress made already gives sure promise of a still more rapid advance hereafter, but to propose to legislate as if, at the present day, Native ideas and English ideas, in regard to this fundamental privilege were one and the same, betrays ignorance of the relative position of the two communities, and can only lead to race jealousy and strife. It will be time enough to propose to put Englishmen and Natives on a footing of equality in this respect when the Native prefers being tried by his own countrymen to being tried by foreigners. And any one who has had practical experience of district work will say at once, notwithstanding all the steady progress made of recent years, that that time has, *as matter of fact*, not yet arrived.

7. I think the Bill should be withdrawn.



Dated 20th April, 1883.

From—F. FLETCHER, Esq., Honorary Secretary, Chamber of Commerce Malabar,  
To—The Collector of Malabar.

I have the honour to acknowledge the receipt of your letter No. 1240-E., dated 9th instant, requesting the views of the Chamber of Commerce here on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. In reply, I have to state that the Chamber view the so-called "amendment" with alarm, and consider it a dangerous innovation.

3. The general arguments against the Bill have been so fully entered into in the newspapers that the Members of this Chamber do not propose to occupy your time with a needless repetition of them, but at the same time would like to express the following views:—

- (1) In their opinion natives of this country cannot become fit Judges of Europeans, since their early training, their customs, and their habits of thought, &c., are utterly different from those of Europeans. Coupled to this are their strong race prejudices and their known weakness in the matter of bribes, &c.
- (2) There is not sufficient community of feeling and of ideas to admit of the European and the Native being placed on the same level, and while it may be advisable not to obtrude this fact of European superiority over the Natives, yet it is an undoubted fact and one which, in such matters as that now under consideration, must be recognised.
- (3) That though the Native Members of the Covenanted Civil Service would probably be less disqualified than many others to exercise such powers, still they would retain their *nature*, and the fact of their being Civilians could not alter this.
- (4) A Native Member of the Covenanted Civil Service, from his education and qualifications, may expect, and, *certainly does hope*, to be treated socially on an equality with Europeans, while practically this will *never* be the case.

Feeling that he is shut out from the society of Europeans, he would be very apt to act in a prejudiced manner if any member of that community were brought before him.

- (5) Few in number as the Europeans are, scattered over the country and, in very many cases, isolated in wild districts, where large gangs of labour are kept in order merely by the recognised superior moral influence of the Europeans, the Chamber consider it most essential that they should be guarded by special rights and privileges, and their position, as members of the dominant race, be made such that they shall be treated with proper respect and consideration.

It is, undoubtedly, the fact of the Englishman's hitherto occupying such a position amongst the native population of this country that has preserved him from robbery and insult, and caused his little home to be universally respected.

- (6) Should the Bill ever be passed (which the Members of this Chamber fervently trust may never be the case), they think that it will rapidly destroy the planting and similar industries in India.

That prestige which enables the Englishman to hold his own in this country would at once be lost, and his position become untenable. This would deter them from settling in India and bringing their capital here and developing the country's latent resources.

- (7) In conclusion, the Chamber feel that were the Bill passed, it would be admitting the thin edge of the wedge, which would ere long, in spite of European opposition, without much difficulty be driven home.

Dated 19th April 1883.

From—W. N. BLACK, Esq., Honorary Secretary, Chamber of Commerce, Cochin,  
To—The District Magistrate of Malabar.

I have the honour to acknowledge receipt of your letter No. 1240-E. of 9th instant, asking for an expression of opinion of this Chamber as regards the Bill to amend the Code of Criminal Procedure, 1882, as far as relates to the exercise of jurisdiction over European British subjects.

2. In reply, I am instructed to inform you that a meeting was held on the 8th ultimo under the auspices of the Chamber to consider this subject, and as the resolutions then passed embody the unanimous views of this Chamber, I enclose a copy of proceedings for your information.

*Proceedings of a Meeting held at the Club on the 8th March 1883, under the auspices of the Chamber of Commerce to consider the Hon'ble Mr. Ilbert's Bill.*

There were present—Messrs. Brunton, Sealy, Oughterson, Grieve, Wright, Cavenish, Sparrow, Highton, and Black.



Mr. Brunton, who was elected to take the chair, opened the proceedings with the following remarks :—

Gentlemen,—I do not think that I need say much respecting the object of our meeting. So much has been said and so well by others and published in the newspapers, which, I take it for granted, all of you have read, that there is little or nothing to be added.

In conversation with those who uphold Mr. Ilbert's Bill, I have been told that to be consistent I ought to object to the power now held by Native Judges of trying civil cases, in which the property of Europeans, to any amount, is subject to the decision of those Judges, and at the first blush there appears to be some reason in this, but on looking deeper it will be seen that there is no comparison between civil and criminal jurisdiction. An unfortunate European up-country has a civil case, through the perjury of witnesses, decided against him, he can appeal at once and get a hearing before his own countrymen *and can be reinstated* in his original position, or even, if unsuccessful in obtaining justice, loses at most so much property or so many rupees; but if he be brought up on a criminal charge, falsely brought against him, and supported by perjury, and he be imprisoned even for a day, no power on earth can wipe out the stain which will rest on his name to his dying day, although his sentence be afterwards annulled and his character cleared. The stigma of being an ex-convict or jail-bird can never be effaced.

If all anomalies are to be swept away and the prejudices of different races or castes are to be ignored, what a task is before Mr. Ilbert! What greater anomaly could there be, for instance, than a Mussulman Judge sentencing an Englishman for bigamy, when he, the Judge, has four lawful wives at home? The Englishman's rule is successful, *because* he shuts his eyes to anomalies and allows for the prejudices of his neighbours, whether they be sentimental or otherwise, so that they do not inflict injuries on others. Call our objection to this Bill a prejudice, sentimental or otherwise, the fact remains that we object in the strongest manner to any legislation which may even lead to unprotected countrymen of ours in Mofussil stations being left in criminal charges to the tender mercies of any but our own countrymen.

I think that the present agitation and indignation raised throughout the country in the breasts of Englishmen against this most uncalled-for attempt to cancel our most prized privileges will convince the Government that it has made a mistake.

Let the natives of this country show us, by, say, half a century of honorable, upright, impartial conduct in the high positions to which they have been already raised, that we have no good reason for fearing to entrust our liberty in their hands, and then it will be time to ask us to abandon our prejudices.

Other gentlemen spoke in a similar strain, all condemning most heartily this purposed violation of our national rights.

The following propositions were then put and unanimously carried :—

*First.*—That the following resolution, passed at a meeting held at the Madras Chamber of Commerce on 23rd February, be adopted :—

That, in the opinion of this meeting, the alteration in the law proposed by Government in the Bill entitled, "A Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects" demands the concerted opposition of the European community throughout British India, as being an unnecessary sacrifice to ideal legislation of our highly-prized right, and as likely to seriously check the introduction of European capital into India.

*Second.*—That this meeting agrees to give its best support to the efforts of the Committee formed in Madras for the purpose of opposing the passing of the Hon. Mr. Ilbert's most objectionable and unnecessary Bill.

*Third.*—That to defray any necessary expenses for the above purpose, it undertakes to subscribe to the fund opened in Madras.

Dated 6th May 1883.

From—G. L. YONGE, Esq., Honorary Secretary, Wynaad Planters' Association,  
To—The District Magistrate, Malabar.

I have the honour to own receipt of your letter of the 9th ultimo, calling for an expression of opinion on the part of the Association on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. I am directed by the Association to say that they view with the greatest alarm the proposed alteration in the law, an alteration, they think, at once most dangerous and uncalled for, and, on behalf of the great body of European settlers in this district, they most emphatically enter their protest against it.

3. The Association deplors the harm that has already been done by the bare proposal of such a change in the law, and they most earnestly hope that the Government will listen to the almost unanimous expression of alarm and disapproval that has shown itself throughout the non-official European element in India, and will withdraw the obnoxious measure.

4. That the country is not ripe for such a radical measure is, the Association ventures to assert, proved by the language used throughout India by the Vernacular Press. Already the opinions of those who are hostile to the Bill have been stigmatised as "the senseless clamour

of an ignorant rabble," and already the Native Press ventures to talk of an India "united from the Himalayas to Cape Comorin with a national flag and a national ruler."

5. The Association has no hesitation in saying that, since the mutiny, nothing has occurred heretofore so calculated to disturb the social relations between the Europeans and Natives as this proposed change in the Criminal Procedure Code, a disturbance which, were the proposal withdrawn tomorrow, will take some years to settle down again.

6. The Association is unable to understand the reasons for the proposed change which, it appears to them, will only tend to gratify the self-conceit of a few hitherto unknown Native Magistrates, and the Association deprecate a concession which will please such a limited few, and which, at the same time, most justly alarms and aggrieves the great body of European residents in India who are developing the resources of the country to an extent which, directly and indirectly, promotes the welfare and prosperity now and in the future of every subject in Her Majesty's Indian Empire.

Dated 24th April 1883.

From—The European Community of Calicut,  
To—The Collector of Malabar.

In compliance with the request contained in your communication, No. 1240, dated the 9th instant, addressed to Mr. T. J. Ferguson, we have the honour to lay before you, in a very brief and general form, our views with reference to that portion of the Bill to amend the Code of Criminal Procedure (now commonly known as Mr. Ilbert's Bill), by which it is proposed to extend jurisdiction over European British subjects to Native Magistrates.

2. We are most strongly opposed to any such alteration of the law; we consider such a change not only uncalled for, but calculated to lead to the very worst results politically and socially.

3. The extension of jurisdiction to Native Magistrates over European subjects is, so far as we know, uncalled for except by a few Native Magistrates, to gratify whose vanity it is proposed to sacrifice a privilege most highly prized by Europeans in the East. We respect the religious and social privileges and customs of our native fellow-subjects, and it has heretofore been the policy of the ruling power to see that such privileges and social observances were preserved to the men of different races and creeds who inhabit this continent.

4. We most emphatically object to the prospect which the passing of this ill-advised Bill affords as and our children of having to appear to answer criminal charges before a Magistrate who, however well educated he might be, would still be ignorant of our customs, and quite unable to form a true and unprejudiced opinion of many cases in which Europeans might have to appear.

5. The reservations and safeguards pointed out in your communication in no way alter our views, or reconcile us to the proposed change. We hold that native gentlemen are unsuited to occupy, in a district such as Malabar, the appointments now filled by Covenanted European Civilians, and to invest Native Magistrates of any class with criminal jurisdiction over European subjects will, in our opinion, lead to most disastrous results.

6. Many of us have been residents in this district for a long period; we have lived on good and friendly terms with our native neighbours; we have joined them in their endeavours to promote the advancement and welfare of the district; we have appeared before them and bowed to their decisions in the various Civil Courts in which they sit; but we protest on our own behalf and more especially on behalf of our numerous fellow-countrymen and countrywomen who are settled in remote parts of the Mofussil, away from the controlling influence of the Press or of public opinion; we protest on their behalf against the proposed alteration in the law; and we do not believe that the intelligent, educated, and well-meaning portion of the native community will respect us less for defending ourselves against this attempt to deprive us of our time-honored privilege.

No. 9, dated 7th May 1883.

From—H. WIGRAM, Esq., District and Sessions Judge, Coimbatore,  
To—The Chief Secretary to Government, Madras.

I have the honour to reply to G. O. dated 2nd April 1883, No. 937, Judicial.

I am clearly of opinion that the proposed legislation was unnecessary, and that the natives, as a body, would have been quite content to let matters be as they were if the question had not been raised.

As, however, the Bill has been introduced, the only practical question is whether it ought to be proceeded with or abandoned.

2. I cannot but regard the objections raised by the European non-official community as mostly, if not wholly, sentimental. I do not apprehend that any injustice would occur from entrusting selected natives with criminal jurisdiction over Europeans.

The late Mr. Ratnavelu Chetty of the Madras Civil Service was, without exception, one of the best Magistrates with whom I have come in contact, and was perfectly qualified to deal with any criminal charge that might be preferred by European against European, or by Native against European.

3. At the same time sentimental objections cannot be wholly disregarded. It may be a bad policy to give way to groundless agitation, but it is a worse policy to alienate the sympathies of the non-official European population for the sake of an idea which will certainly benefit no one, and may possibly, in rare instances, prejudice individuals. I think, therefore, that the proposed legislation should be abandoned.

4. If, however, administrative, inconvenience is really likely to result from a Sessions Judge or District Magistrate not having jurisdiction over Europeans, I think that legislation should be confined to making Sessions Judges and District Magistrates *ex-officio* Justices of the Peace.

This might be done by simply adding to Section 25 of the Criminal Procedure Code a clause that, notwithstanding anything contained in Section 22, all Sessions Judges and District Magistrates are *ex-officio* Justices of the Peace within and for the whole of the territories administered by the Local Government under which they are serving.

From—H. ST. A. GOODRICH, Esq., District Magistrate, Vizagapatam,  
To—The Chief Secretary to Government, Madras.

I have the honour to reply to the reference contained in G. O. No. 937, dated 2nd instant.

2. The question appears to be whether it be expedient that the rulers of this Empire should resolve that men of the race who founded and maintain the Empire shall no longer be exempt from trial before Magistrates chosen from among the subject races.

3. The theoretical aspect of the question has been fully discussed elsewhere: I confine myself to the practical.

4. The Native Civilian, selected by competition, had enjoyed a glimpse at European life, and was a man of industry and of acute and disciplined intellect, though his social standing in his own nation was not guaranteed. It is perhaps expected that the present system of selection will give us a man of higher position amongst his countrymen.

5. Take the district I have lately administered. Mr. Ch. Venkata Jaga Rau may, at any moment, be sent there as Senior Assistant Magistrate. A criminal charge against Mr. F. Minchin would fall to be disposed in Mr. Jaga Rau's Court. (I prefer a particular to a general illustration, and do not in the slightest degree reflect on the character of either of the gentlemen named.) The Government will readily understand that circumstances might easily arise disposing persons to bring false charges against the one, and to bring very powerful pressure to bear upon the other. It is not expedient that these risks be run without cause.

6. The European British subject has, I believe, confidence in the class of Magistrates who now exercise jurisdiction over him: it is certain that he has not confidence in the class (Covenanted Civilians, natives of India) before whom he may be tried if the proposed alteration in the law be effected.

7. It seems to me certain that no administrative difficulty and no inconvenience to individuals worthy of consideration can arise from the maintenance of the privilege which the European British subject enjoys.

8. I believe that the natives of India speak the truth when they deplore the existence of the gulf which total diversity of manners and morals causes; that they would, with the best intentions, be found incompetent to estimate the probable truth of charges made against European British subjects, and to appreciate the motives which may have determined their course of action under known or conjectured circumstances.

9. The small but noisy class of Hindus which hailed the proposed measure as a boon to the native is in no sense representative.

10. It is a noble endeavour to unite the natives of India to the race which governs them by granting the fullest liberty to every subject of the Empire, but the conferring upon a few of the official class power to try Englishmen will not greatly gratify the Hindus at large.

11. The natives of India regard the official class taken from their midst with reserved respect, and, speaking generally, that class has not gained the most intimate confidence of Englishmen, whilst losing much of its countrymen's sympathy.

12. I have read most of the speeches and writings in advocacy of the change proposed, and remain convinced that it is profoundly mischievous.

Dated 12th May 1883.

From—The HONOURABLE HUMAYUN JAH, BAHADUR, C.I.E.,  
To—The Chief Secretary to Government, Madras.

With reference to G. O. dated 2nd April 1883, No. 937, Judicial, I have the honour to submit that, subject to certain reservations already indicated by His Excellency the Viceroy in his observations made in the Legislative Council, I do not see any objection to extend the jurisdiction of certain Native Magistrates of tried ability and experience posted in the districts, and of a grade similar to that of the Presidency Magistrates and upwards, the number of whom in each Presidency will not be large. I therefore generally agree with the Bill to amend the Code of Criminal Procedure. The changes contemplated thereby are the necessary consequence of the

enlightened policy of administration pursued in India by the successive Viceroys, supported by Secretaries of State, and such eminent statesmen who cause some improvement for the good to evolve out of every step they take in swaying the destiny of the people and consolidating this mighty and glorious Empire. The principle of the measure thus commends itself to maintain emphatically, and its subject-matter, in my humble opinion, has reached such a stage that passing of the Bill, under consideration, into law cannot be delayed any longer.

Dated 12th May 1883.

From—The HONOURABLE RAJA G. N. GAJAPATEE ROW,  
To—The Chief Secretary to Government, Madras.

In obedience to the orders of Government dated 2nd April last, No. 937, I have the honour to forward herewith my opinion on the Bill to amend the Code of Criminal Procedure, 1882.

*Memorandum.*

I have considered over the Jurisdiction Bill in all its bearings.

As the subject has been so fully discussed, both in and out of the Governor General's Legislative Council, I think it is redundant on my part to enter into any discussion about it. In point of justice, fairness and impartiality, I am of opinion that the native members of the Covenanted Civil Service are quite competent to judge European British subjects as in the definition given by the Honourable Mr. Ilbert.

The training which they have received in England, the influence of the press and bar they have experienced there, and superior decisions they have come in contact with, and also private English opinion of the cases out of Court they have studied, give them not only a high proficiency, but sufficient self-respect to themselves to arrive at a correct judgment in trying European British subjects, whether cases arise from among themselves or between them and the natives. At present, practically, Native Presidency Magistrates, whose training must be acknowledged as inferior in calibre to that of Covenanted Native Civil Servants, are deciding cases, in which European British subjects are involved, with credit and efficiency. Although the press and public opinion are much stronger in the Presidency towns than in the Mofussil, the very deficiency of the same in country towns will ensure, in my opinion, a greater care and caution in a Mofussil Native Covenanted Civil Servant in deciding such cases with better judgment and impartiality, for his reputation will have to be protected from the ken of a superior authority, High Court and Government, also from the press of the Presidency, to which mofussil representations are sure to be made on the subject.

When it is thought natives are competent to judge impartially and efficiently in civil cases between Europeans and Natives and Europeans themselves, it is an anomaly to suppose that Native Covenanted Civil Servants are not competent to try and decide criminal cases between European British subjects and Natives or European British subjects themselves as in the definition above-named.

I am not in favour of giving the jurisdiction to Native Civil Servants created under statutory laws, at least for the present.

Dated 13th May 1883.

From—The HONOURABLE T. RAMA ROW,  
To—The Chief Secretary to Government, Madras.

I have the honour to submit the following in connection with the Code of Criminal Procedure Amendment Bill, in compliance with the proceedings of Government, dated 2nd April 1883, No. 937, Judicial.

2. If it had been proposed in the aforesaid Bill to empower all Magistrates, of whatever grade, with jurisdiction to try European British subjects, I would have no hesitation to emphatically assert that it is most inadvisable and even dangerous. It is too well-known that the lower magistracy exercise their powers—powers which affect the personal liberty of the subject—in a most arbitrary and very lax manner. But inasmuch as the Bill introduces no such sweeping reform, I think I am bound to give my opinion in favour of a legislative measure which removes an anomaly, and which has been rightly called the logical outcome of the admission of natives into the ranks of the Civil Service.

3. The one very great objection which has been raised against this Bill, and the only one which I mean to refute as groundless, is that natives—be they Covenanted Civilians or Civilians under statutory laws—are incapable of understanding the European, his modes of thought, his feelings under circumstances far different to, and greatly varied than those to which natives are familiar, that in consequence of such incapacity he becomes unfit to give the European proper justice, as the Native Judge cannot ascertain his motives. If those that put forth this argument had given instances of this incapacity in Native Judges in recent times, I should have accepted meekly the strictures which are thus gratuitously offered to natives, but I am afraid it is not easy to do so. When Native Presidency Magistrates, who are men

who have risen from the lower grades of the judicial service, and who do not possess (always allowing exceptions) the special qualifications with which Native Civil Servants are credited, are thought competent to try European British subjects, and even to sentence them to the punishment of whipping, why not Native Civil Servants—Covenanted and Statutory—exercise the simpler and inferior powers with which the Bill provides them.

4. I do not for a moment believe that the opponents of this Bill entertain any but the most honourable opinion of the respectability, the impartiality, and the fairness of the Native Civil Service or of those native gentlemen who have passed in England. So that the whole question resolves into one single factor: are the Native Civilians competent to try European British subjects? All that I wish to say is: "give them the chance and watch carefully how they use it." Even the slightest misapplication of these powers cannot fail to be detected by Government and by the zealous eyes of the European community. Our Native High Court Judges and our Presidency Magistrates have given no room for you to entertain any but the highest opinion of their competence and of their fairness and impartiality.

5. There is only one more point which I wish to notice. A Munsif of the lowest grade is competent to decide civil cases between European and Native as between themselves. Are not civil matters infinitely more complicated and more difficult to unravel than criminal cases? It has not been hitherto anywhere said that Munsifs do not exercise their powers properly, and that in disputes between Europeans, or in which a European is a party, the presiding Judge acts in a reprehensible manner. Has there been anything to justify a similar agitation of the European community at the time when natives were empowered with civil jurisdiction over European British subjects.

6. If this Bill becomes law, there is one anomaly the less in the law of India, and it gives Government a claim to ask the natives to give up some of their privileges too which stand in the way of a completely uniform and even system of laws.

Dated 14th May 1883.

From—E. F. WEBSTER, Esq., C.S.,

To—The Chief Secretary to Government, Madras.

I have the honour to acknowledge the receipt of G. O., 2nd April 1883, No. 937, Judicial, in which I am requested to submit my opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. There are in this Presidency no Assistant Commissioners, and I do not suppose there is any present intention to provide natives of India with employment as Judges of Small Cause Courts; the question, therefore, which has been referred to me may be stated thus:—

Is there good reason to believe that the present exigencies of the public service require that the same jurisdiction which is now exercised by certain Justices of the Peace over European British subjects should be exercised by the native members of the Covenanted Civil Service falling under classes (a) and (b)?

3. With respect to Madras requirements, I am not aware that any administrative difficulty has as yet been felt or is likely to arise from the want of Native Magistrates or Judges endowed with powers to try European British subjects. Nor is there at the present moment a single member of the Covenanted Civil Service who is a native of India, falling under class (a), while of those native gentlemen who, under the Statute 33 Vic., Cap. 3, have recently been admitted into the service as probationers, only two have yet succeeded in qualifying themselves for permanent employment. Several years must, therefore, elapse before these officers can possibly exercise the jurisdiction contemplated by the Bill. The truth appears to be that the question, at all events so far as it affects Madras administration, is entirely a speculative one, without the smallest claim to be discussed as lying within the region of practical politics.

4. In some other parts of India, however, this is very far from being the case, since there are in Bengal, as I understand, and perhaps elsewhere, native members of the Covenanted Civil Service, who, if only they had happened to be European British subjects, would, by reason of the high official positions to which they have been advanced by Government, be empowered to exercise jurisdiction over European British subjects, but who are precluded from this solely because of their place of birth or descent; and the question is, whether the disqualification under which these gentlemen are placed ought not to be removed by the Legislature with as little delay as possible.

5. In discussing this point it will be convenient to begin by describing the position of a European British subject in this country as regards his subjection to the Civil and Criminal Courts exercising jurisdiction outside the Presidency towns, the extent of punishment to which he is liable in such Courts, and the special privilege and protection to which the law entitles him.

6. It will then be easy to understand the precise nature and extent of the proposed changes, and to come to some understanding as to whether they are reasonable in themselves, and such as are urgently required in the interests of the public service.

7. First, then, as to the position of a European British subject with respect to the Civil Courts in the Mofussil.



8. Before the year 1837 Europeans were entitled to bring their civil causes before the Supreme Courts in the Presidency towns, but by an Act passed in that year (commonly known as the Black Act) all such causes were transferred from the Supreme Courts to the Courts of the East India Company, and ever since that time these Courts have continued to exercise such jurisdiction. In paragraph 10 of the last edition of the Civil Procedure Code, the principles of the Act of 1837 are reaffirmed in the following words :—"No person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of the Courts." Now, just as no person is exempted from the jurisdiction of these Courts, so is no person disqualified from exercising civil jurisdiction, by reason of his place of birth or descent, and the consequence is that, as the law stands, a Native Judge might in a civil suit issue a warrant for the arrest of a European British subject in case of his non-attendance as a witness, might send him to jail for debt, might punish him for contempt of Court, or give judgment against him in a suit for fraud or libel.

9. Next as to the position of a European British subject with respect to Criminal Courts in the interior. A Magistrate, who is a European British subject, a Justice of the Peace, and a Magistrate of the first class, may sentence a European British subject to three months' imprisonment or to 1,000 rupees fine, or to both, while a Sessions Judge, being a European British subject, can sentence such an offender to a year's imprisonment, or to fine, or to both ; but if the trial be before an Assistant Sessions Judge, he must have held that office for at least three years, and must have been specially empowered by Government to try European British subjects.

10. Every European British subject brought to trial has, moreover, certain privileges especially reserved to him and others of his nationality, but which do not apply to the natives of the country. Thus, for example, he may claim to be tried by jury or assessors, as the case may be ; he may appeal to the High Court or Court of Session against every sentence of fine or imprisonment, however small, and from which there is no right of appeal in ordinary cases ; and, if detained in custody, he can apply to the High Court for an order directing the person detaining him to bring him before the High Court.

11. Such then, briefly put, is the judicial position of the European British subject in India. He is, and has been for very nearly half a century, as completely subject to the control of Native Civil Judges as any native of the land, while, as regards his liability to the Criminal Courts, he has the special privilege of carrying an appeal to the High Court in every case, no matter how trifling, and the right of applying to the same Court for his immediate release, if confined.

12. Now, all that the present Bill proposes to do is this : to alter the rule which relates to the race qualification of the Judge who is empowered to try European British subjects, but to leave untouched the privileges mentioned above, and the limitation on the sentences which may be inflicted by the Judge.

13. To my humble judgment it appears that the proposed change is but the necessary outcome of the declared policy of the Crown and Parliament, that natives of India shall be more and more largely admitted into the Covenanted Civil Service, and judging from the history of the past, I am unable to regard the provisions of the Bill as likely to prove serious to the European community, all of whom (many of them, no doubt, quite unconsciously) have for many years continued to live and to thrive too under a system of civil law such as that described above.

14. Whether the proposed change be urgently required in parts of India lying outside the borders of this Presidency, and whether, in such regions, there are native officers qualified by position and proved ability to exercise this special and limited criminal jurisdiction over Europeans, I have no means of knowing, and upon these questions, therefore, I do not propose to hazard an opinion ; but if the Government be satisfied that the interests of the Empire require that such powers should be conferred on certain selected Native members of the Civil Service in Bengal and elsewhere, then I venture to express a hope that they will not suffer themselves to be deterred from carrying into law a Bill which they believe to be just and necessary, simply because it has called forth (greatly as this is to be deplored) wide-spread and strenuous opposition on the part of the European community.

15. The history of the year 1837 shows that the European public of that day were at least as bitterly opposed to the transfer of civil jurisdiction from the Supreme to the Mofussil Courts, as a large and influential body of them now are to the present Bill, and that in those days ruin to the country and the utter destruction of European enterprise in India was confidently predicted as the inevitable result of the Bill becoming law.

16. There was again much the same kind of opposition in the year 1849 to a proposal to empower European Magistrates in the Mofussil to exercise jurisdiction over European British subjects, and a Bill introduced with that object was in consequence withdrawn, but only to be again introduced and to pass into law in the year 1872. In 1874 an Englishman was sentenced in Jessore to a term of imprisonment for committing a serious assault on a native of India. Upon this there arose a perfect storm of indignation on the part of the Europeans ; an appeal was carried to the High Court ; the Chief Justice (Sir R. Couch) was admonished to do his duty *by his countrymen* ; all the evils which had been predicted of the Black Act were again predicted ; capital, it was said, would be driven out of the country ; the English would be ruined, and so on ; but as men's passions cooled more reasonable opinions prevailed, and now the Act has been worked for upwards of twelve years to the entire satisfaction of everybody.



17. Seeing then how unreasonable were the apprehensions on very similar occasions in the past, may we not reasonably believe that much of the present outcry is no better founded?

No. 224, dated 14th May 1883.

From—J. F. PRICE, Esq., Magistrate of the Chingleput District,

To—The Chief Secretary to Government, Madras.

I have the honour to reply to the Proceedings of Government, Judicial Department, No. 937, dated 2nd ultimo.

2. Theoretically, there is nothing that can be alleged against the Bill. I must say though that I do not think that the members of the Civil Service admitted in India—a class to which I suppose that Extra Assistant Commissioners also belong—are equal, or are ever likely to be equal, to those who have entered it by competition in England. I am the only officer in this Presidency who has had the privilege of having natives of both denominations under him. I carefully watched them, and I have no doubt that my view is correct. The former of the classes mentioned see the European in India alone, and have, practically, little, if any, knowledge of him, or definite ideas of his ways, thoughts, feelings, or manners. I am afraid that if power to deal with Europeans be given to these officials, they would, even supposing that they were not swayed by considerations of any sort, err either on the score of leniency or of severity.

3. I admit that if the experiment is ever to be made now is the most fitting time, and I admit also that the number of European British subjects likely to be affected by the proposed change of the law cannot at present be very large, but I consider the introduction of the Act, even if altered so as to include Covenanted Civil Servants who have come out from England alone, very undesirable and impolitic.

4. Had the Europeans and natives of India, to use the stock word, “fused” or shown any real inclination to fuse, the case might be different, but I believe that I am not in any way outside the truth in saying that there is not the slightest genuine tendency in that direction; that, on the contrary, the two races have been for years steadily floating apart, and that there is not the good feeling between them which existed even when I first entered the service. We are different from them in everything—in creed, manners, customs, and thought, and whatever may be the theories on the subject, our position in the country, of the nature of which there cannot be much doubt, is such that it can never make our relations other than they are, though they may be for a time glossed over with a coating of varnish. The natives can never adopt our lines in their integrity, and we can never take to theirs. It is not for me to pretend to account for the state of feeling to which I have alluded: that it exists is, I believe, an acknowledged fact, and, as far as I have seen, it is stronger as regards the non-official than the official class; the reason which I have heard assigned for this being that the latter is a man in power, and that it is dangerous and undesirable to cross him. That the passing of the Act will cause great exasperation amongst Europeans throughout the country is, I think, pretty clearly proved by what has appeared in the public prints. I have not taken sufficient interest in the matter to read everything, and in what I have read there has been what I should call a good deal of rubbish, but it appears to me that there are two causes which have brought about the uproar which has occurred, *viz.*, (1) a state of feeling between the European and Native very far different from what was supposed by those in authority to exist, which has been smouldering for a considerable period, and which has now, on the application of the match, burst out into a flame which will not be readily extinguished; (2) a strong distrust of the integrity of native officials. By the latter expression I do not mean to convey that there is distrust as to actual honesty in the ordinary sense of the term. What I allude to is the feeling that with the European Magistrate no consideration is likely to be successfully brought to bear, whilst with the native there are causes which must, to an almost absolute certainty, affect him. Caste prejudices, fear of the occult influence which is often brought to bear upon an official who will not act in accordance with the opinions, wishes, or views of natives in power, and dread of native opinion, are amongst these. The natives themselves show their appreciation of a difference between their own countrymen and the Englishmen by the way in which they so constantly beg to have their cases decided by the latter.

5. I must say that my faith in the fairness and integrity of natives of the higher classes, and from which recruits for the Civil Service must be drawn, has been very grievously shaken by my experiences of the last two years. What these experiences have been it is needless for me to mention, as they are before Government. Knowing what I do, and official though I am, I would, in honest truth, far rather be tried by a European than by a Native. I can realize pretty clearly what the feelings of a non-official on the subject must be.

6. It may be said that I am prejudiced by what I have gone through. I do not think that I am. I have my own views as regards the admission of natives into the Civil Service, but whatever these may be I have not ventilated them, and I have certainly done my duty by the young native officers who have been under me. It is exceedingly improbable that I shall ever get into a scrape likely to bring me before a Magistrate; my time of service in India is rapidly approaching its close, and I hope to be able to go as soon it terminates. I have no relations in the country, and none of them are ever likely to come to it, and I shall never,

even at the utmost, myself see anything more than the beginning of the effects of the Act if it is passed. I have, therefore, no ground for personal feeling in the matter. Government have asked my opinion, and though I would have preferred not being consulted on the subject, I deem it my duty, however it may be received, to say honestly what I think.

7. I consider it highly impolitic to introduce a measure the effect of which upon the relations between the Englishman and the Native of India will, whatever may be hoped, inevitably be to induce a state of feeling which can only end in trouble, and that of a serious character.

No. 1516, dated 16th May 1883.

From—H. P. GORDON, Esq., District Magistrate of Bellary,  
To—The Chief Secretary to Government of Madras.

I have the honour to reply to G. O. of 2nd April 1883, No. 937, Judicial.

2. I am of opinion that it is undesirable to extend to Native Magistrates or Judges in the Mofussil jurisdiction over European British subjects, as defined in the Criminal Procedure Code (Section 4, u), but I think that that definition is unnecessarily wide, and includes many persons, for whose exemption from the ordinary tribunals there is no sufficient reason.

3. My main ground of objection to the proposed measure is that Native Magistrates are not competent to estimate the motives of the conduct of a class, which, as I would limit it, is actuated by habits, by a code of morals, and by social sanctions widely differing from those prevalent among natives.

4. This objection, in my opinion, applies with equal force to the cases of all classes of Europeans, to that of the rough, illiterate, and possibly brutal loafer, as to that of the woman of refinement and culture, a product of civilization of which even educated natives must at present have an inadequate apprehension. But the cruelty of subjection to an incompetent Court would, of course, be much greater in the latter case.

5. It may be urged that the same ground of natural incompetence may be advanced as a reason for not giving Europeans jurisdiction over natives. I admit the validity of that objection to a large extent, and should do so without reserve were it not that the natural incompetence in this respect of Europeans is counterpoised by the great advantages they as Judges enjoy, in the absence of ties to the native population, which would be likely to warp their judgment, and in their incorruptibility, the result mainly of their subjection to a different public opinion. That these qualifications are considered of great value by those who come before our Courts is, I think, proved by the avidity with which the tribunal of a European Magistrate is sought. I have never known a case in which an application for transfer of a case to a European Magistrate was opposed, save on grounds quite disconnected from the character of the tribunal, while applications for transfer of cases to the files of European Magistrates on the ground that justice cannot be elsewhere expected are very common, and would be still more so if they were not almost always rejected.

6. It may be presumed that the class of natives who would now be selected as Justices of the Peace would not be liable to the imputation of corruption. I do not object to their employment on that ground, and the mention of the matter is merely incidental to my argument in justification of a European tribunal for charges against natives.

7. Nor do I mean to imply that Native Magistrates would necessarily be biassed against Europeans. I think in many cases they would be influenced unduly in their favour, for strength of moral fibre is less frequent among them than among picked Europeans.

8. No doubt native gentlemen who may pass into the Covenanted Civil Service by competition in England would have some opportunities of acquiring a knowledge of the habits of thought and manners of Europeans, but there is no single officer of this character in the service at present, and it may be presumed, regard being had to the facilities for entering the service without examination offered by the rules made under the Statute 33 Vic., Cap. 3, that the number of native candidates at the examination in London will be in future less than before.

9. Theoretically, the most desirable arrangement would be that natives should be tried by natives, and Europeans by Europeans, but I think I have shown that the trial of natives in this manner would not be entirely satisfactory to them. On the other hand, I have never heard it imputed that, in the Mofussil, Europeans met with partial treatment at the hands of European Magistrates. On the contrary, the notion that European Magistrates are sometimes unduly severe on their compatriots is not of infrequent occurrence, and in their anxiety to avoid the imputation of partiality, it is possible that they are at times biassed in this direction.

10. While, then, it may be inexpedient to confine the trial of natives to the best natural tribunal, no reason appears to exist for the transfer of cases against Europeans from a natural tribunal, which is satisfactory to them and which has not hitherto been objected to by others to another less naturally competent, in which they have no confidence.

11. It appears to me that the confidence of a class which, though small in numbers, possesses an intelligence and importance out of all proportion to its numbers, in the Courts to which it is made subject, cannot wisely be treated with indifference by the Government, and that very strong grounds of expediency (and these do not appear to me to exist) should be alleged in support of the substitution of less satisfactory tribunals.

12. It is, I think, matter of notoriety that, until this Bill was proposed, no objection was ever heard in this Presidency to the exemption in criminal matters of Europeans from the Native Courts. If this be so, the change can hardly have been desired by any considerable class of the population. I would ask if, in the numerous petitions which have been presented to successive Governors of this Presidency, in all parts of the country, this matter was ever brought forward as a grievance?

13. It is said that the exemption is a case of anomalous privilege. This ground has been so well worn that it may well be left untouched by me. It is no doubt a privilege to be tried "by one's peers," but it is strange that in a country where class privileges recognised by law abound, it should be sought to withdraw a privilege, which harms no one, from a class, on which the Government must for a long time to come rely for the administration of the country, and for the development of its resources.

14. The administrative convenience of the proposed measure as it affects this Presidency is less than at first sight would appear.

15. At present there is no native officer in the Civil Service who entered by competition, and it is unlikely that the number of such will ever be considerable. It cannot be so for a long time to come. As to the Native Civil Service the class from which it was intended by the Government of India that this service should be filled can hardly be said to exist in this Presidency.

It is presumed that Government would not invest with powers of a Justice of Peace officers who were not conversant with the manners of Europeans, and had not lived upon terms approaching to social equality with them. If this be granted, it would seem that it will be long before the Native Civil Service will be able to supply any number of gentlemen qualified to try Europeans.

There are at present but three members of the Native Civil Service.

16. Much of the apprehended inconvenience could be avoided by care in the posting of officers. I may instance the present state of this district in illustration of my meaning. The town of Bellary contains a very considerable population of European British subjects, including a large garrison. It is the terminus of one Railway line and the starting point of another now under construction. It is therefore a place where the services of a European Assistant are necessary so long as the law stands as it does. At present I have no European Assistant, the District Munsif, who is a European British subject, having been, as a special case, invested with the powers of a Justice of Peace and First class Magistrate. But there are many districts supplied with a European Assistant in which charges against European British subjects are likely to be less frequent than here.

17. In a question of this sort opportuneness is a matter of importance. Such a change in the law as is proposed should, in my opinion, work satisfactorily only where there is considerable social fusion between the races. Such fusion does not now exist here, and the carrying of this Bill is not likely, I think, to further its expansion. For a considerable time to come it would I am sure retard it.

18. The Bill confines Government in its selection to certain classes. I would note that its provisions would preclude an arrangement which has been here found convenient, and under which the District Munsif (a European British subject) has been invested with powers as a Magistrate and Justice of Peace.

It would seem unadvisable to limit the extent to which Government may appoint European British subjects to try members of their own class.

19. I have referred at the commencement of this letter to the definition of a European British subject in the Criminal Procedure Code. That definition includes as grandchildren of Europeans many persons who have little claim to such distinctive habits and modes of thought as require in this country a special tribunal for the trial of their possessor. Such persons have been born in the country and have lived from their earliest years among natives, from whom they are often distinguishable by little else than dress. It seems to me that such persons may fairly be made amenable to the Courts of the Native Magistracy which is competent to deal with them, and that, if this were done, the number of cases against European British subjects would be so small as to reduce the administrative inconvenience in the provision of a special tribunal to a minimum.

20. I would exclude from the definition all grandchildren of Europeans, who might have been from their birth domiciled and educated in India.

Dated 1st June 1883.

From—The HONOURABLE A. SASHIAH SASTRI, C.S.I.,

To—The Chief Secretary to the Government of Madras.

In obedience to G. O. dated 2nd April 1883, No. 937, Judicial Department, I have the honour to submit the following observations on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects. In doing so I beg that the delay which has unavoidably occurred may be overlooked.

2. The vicissitudes of the English power in this country have been many, and have from time to time necessitated abnormal arrangements for the administration of justice, civil and criminal, where European British subjects were concerned. These arrangements from their very nature could not and have not lasted immutably for ever.

3. In less than two centuries and three quarters, which is but a short space in the history of empires, commercial factories became Presidency towns, Presidency towns grew into Presidency kingdoms, and Presidency kingdoms became in their turn component parts of a vast united empire under one Empress. The judicial machinery for the trial of European British subjects underwent corresponding changes. By the Charters of 1661 and 1669 the Governors with their Councils of Madras, Bengal, and Bombay were constituted Courts of "Oyer and Terminer," and their jurisdictions were fixed by the Charters of 1726 and 1753. These Governors' Courts gave way to the Supreme Court at Fort William in 1774 and Recorders' Courts in Madras and Bombay in 1797, extending the jurisdiction over all British subjects in all the Provinces. These two last gave place to the Supreme Court in 1801 at Madras and in 1823 in Bombay. As new territories were acquired by the Company, the jurisdiction of these Courts was enlarged. To provide for offences committed by British subjects at a distance, Justices of Peace were appointed at first by the Governor General and afterwards by the several Governors and Lieutenant-Governors from among the covenanted servants of the East India Company or other British inhabitants. The jurisdiction of the Supreme Courts passed to the present High Courts in 1862, 1865 and 1866, under Statutes of Parliament, and natives were declared eligible to the Benches of those Courts. Under these statutory changes, procedure also has changed from time to time. Thus in 1812, Zillah Magistrates were empowered to fine up to Rs. 500, and imprison up to two months. In 1857, four Bills were brought into the Legislative Council with a sweeping clause rendering European British subjects liable to be tried by any Magisterial tribunal of the country without distinction. This clause, however, was rejected by a majority in the Council. The mutiny came in 1859, and the subject was dropped. Act XXV of 1861 left the jurisdiction untouched. Mr. Stephen's Bill of 1870-71, which passed as Act X of 1872, extended the jurisdiction of British Magistrates and British Sessions Judges while leaving the disqualification of natives to try European British subjects untouched. This was followed by an amending Act in 1874. The question again came under discussion once more, and the law of Criminal Procedure was finally remodelled as Act X of 1882, still leaving native disqualification to try European British subjects untouched.

4. During all these momentous changes, it cannot be denied that some privileges were lost at each step. But the most substantial privileges of the European British subjects have remained and still remain unchanged and constitute a most invidious distinction between the European British and native subjects—(a) a right of appeal from the lightest possible sentence of a Magistrate to the Session Judge or to the High Court, and from the latter to the High Court, is still reserved; (b) right of being tried by the High Court for all offences, for which one year's imprisonment is not considered adequate is still reserved; (c) right to be tried by a jury composed of his own countrymen to the extent of one-half is still reserved; (d) that palladium of the Englishman's liberty—to wit the Habeas Corpus Act—is still reserved to him.

5. All the change that is contemplated by the Bill of February 1883, now under consideration, is that, where the posts of District Magistrate and of Sessions Judge are held by covenanted natives, such natives shall not by the mere reason of their race be debarred from exercising the jurisdiction over European British subjects, which their European brethren of the covenanted service exercise over them by virtue of their office.

6. It has been argued with some spaciousness that throughout all the changes in the matter of jurisdiction, the right of being tried by their own countrymen was left untouched; and so long as that was so they did not care to complain. But is it altogether so? Was not the appointment of natives as Justices of the Peace in the Presidency towns so long ago as 40 years and then again that of natives to the Bench of the High Courts constituted under Royal Charter, direct invasions of this right? If they were, have they been attended with any disastrous consequence, such as are foreboded on the present occasion? What disasters have befallen in the adjoining colony of Ceylon where the natives of the island are not debarred from exercising criminal jurisdiction over European British subjects.

7. Special privileges originating under special circumstances and calculated to meet a given state of things must give way to the ordinary privileges of a citizen when the special circumstances which justified them have passed away. Common laws, common Courts, common jurisdiction, common procedure, common liberties, and common rights are but the legitimate outcome of common allegiance to one sovereign. The proposal involved in the present Bill is but one more step towards the consolidation of the Empire, and that consolidation will not be complete till the perfect equality of all in the eye of the law is asserted and enforced, or, in other words, till Article 8, Chapter I of the proposed Bill of 1857 finds its appropriate place in the Procedure Law of the land. That article was "no person whatever shall, by reason of place of birth or by reason of descent, be in any criminal proceeding whatever excepted from the jurisdiction of any of the Criminal Courts;" and Mr. Peacock (afterwards Sir Barnes Peacock) thus spoke on the subject: "This article would invest the Courts of the country with jurisdiction over European British subjects. To him it appeared to be correct in principle, for he could not understand upon what ground it could be contended that any one class of persons should be exempt from the jurisdiction of those Courts. No Frenchman or German or Armenian or East Indian was exempt from their jurisdiction. European British subjects alone enjoyed that privilege; and the Council was aware that there were many cases in which, on account of the extreme inconvenience, expense and delay which must necessarily be caused by committing defendants for trial to the Supreme Courts for offences committed in distant parts of the country, offenders were frequently allowed to go unpunished. The inconvenience was not con-



finer to prosecutors. It extended also to the witnesses, who were frequently interested in the proceedings. The article to which he referred would bring an offender, whatever his place of birth or whatever his descent, under the jurisdiction of the Courts within the local limits of which his offence might be committed." This *summum bonum* of impartial legislation may not be attainable quite yet, but it must be attained one day, and that cannot be very far; and when that time arrives I would not deprive the European British subject of his special privileges, but would legislate that his privilege in the matter of appeals and in the matter of the Habeas Corpus Act be extended to all Her Majesty's subjects; for liberty of person is as dear to the native as it is to the Englishman, and there is no reason whatever why it should be held more sacred or be more jealously guarded in the one case than in the other.

8. The knell of all exclusive race privileges has been unmistakeably sounded from time to time. It was sounded in 1833 when the British nation in Parliament assembled, most solemnly declared that every subject of Her Majesty may rise to the highest offices in the State without distinction of colour, caste or creed. It was tolled again about 1834, when all European British subjects were declared liable to the ordinary *Civil* jurisdiction of the Company's Courts of every grade. It was again sounded when natives were appointed Justices of the Peace in all the Presidency towns, and later on when the Benches of the highest Courts in the land were thrown open to the natives, and again unmistakeably when the Civil Service was practically thrown open, both by competition and by nomination, to the natives of the country. The policy of the British Parliament has ever been onward, founded as it has ever been on that keen sense of equal laws, equal justice, and equal rights which is the real corner-stone of the British constitution—a constitution which stands so pre-eminently high in the estimate of the world. The voice of that august body never faltered when questions of such momentous interest came before it. Not all the "*fulmen brutum*" has made that body swerve to the right or to the left, and the whole of the civilized world has not failed to read written over the portal of that assembly "*Ficti iustitia, real cetum*."

9. In matters criminal, the present position of the Englishmen in the mofussil, if truth must be told, is almost one of immunity from prosecution, for the prosecution of a European British subject is at present very heavily handicapped by the immense sacrifice of time and convenience to the prosecuting natives as well as to the witnesses. It is a notorious fact that in remote and unpeopled parts of the country, whither British enterprise and capital take them, they, not unoften, take the law into their own hands and frustrate all attempts to bring them to punishment. While the Englishman has no objection to take the law of a native in criminal matters at the hands of a Native Magistrate, why should he shrink from the manly test of submitting to it himself when it comes to the native's turn to take the law of him? In *civil* matters the law makes no distinction between the European British subject and the native, and both have been freely taking the law of each other before the lowest Courts as well as the highest Courts without any disaster befalling either. Why, then, should there be in criminal matters any distinction? The substantive criminal law being the same for both, why should there be any distinction of race in the *dispensers* of justice to one of them?

10. I have carefully studied the petition of protest and have searched in vain for a solid argument against the proposed alteration of jurisdiction. In place of argument, I find that that worst of prejudices—*viz.*, race-prejudice—is substituted. The logic of prejudice will listen to no reason, and it was most painful to me to observe that the civilizing influence of a century have done so little to bring nearer together in sympathy the two races (originally of the same stock) whom Providence has placed side by side on the same soil as common subjects of one and the same sovereign. Is not even this feeble ground of race-feeling cut away from under their feet when it is remembered that the definition of a British subject is a very comprehensive one, and which virtually excludes none born in Her Majesty's colonies—a Hottentot, a Negro, a Singalese, a Mayori, a Canadian; anybody in Her Majesty's colonies might attain to the status of a British subject and be legally qualified to try a European British subject in India. Is a Hindu gentleman—nay, an Aryan brother—less worthy than any of the above?

11. Again, has not the character of the *personnel* of the Civil Service itself changed very much since the competition system? That service is no longer the close preserve of gentlemen, members of certain families almost hereditarily succeeding one another. It is now open to the son of the common hangman as it is to the scion of a noble family, and, in the ordinary course of things, the former might possibly preside at the latter's trial. Why should it then hurt the feelings of an Englishman to be tried by a scion of the Zamorin or the Maharaja of Benares? It would indeed be a very strange commentary on the advance of civilization in India and of English education in particular, if it be declared that the best of natives—the very cream of the intellectual aristocracy of India—who had received the best education available in the country and had gone to finish it in the English Universities—who had successfully competed with the children of England on her own soil and in her own schools—and competed again at the examinations for the service, obtained their covenants and come back to their country—saturated with English feelings and English thoughts and English loyalty—and, after returning, have served from the bottom-rung of the ladder and risen, after 18 or 20 years of spotless service, to the bench of a Magistrate or Sessions Judge;—if men such as these are declared unfit to have the very limited criminal jurisdiction over European British subjects which their brethren of the service (it may be of inferior natural attainments or aptitude) are considered by virtue of their birth eligible to exercise. If it be said that the Euro-

pean civil servant qualifies himself by learning the languages, customs and manners of the natives to try the natives, why cannot the Native Civilian, who has mastered the language, customs, and manners of the Europeans to a much greater degree, be assumed to be equally fit to try the Europeans—safeguarded as the latter will still be by so many privileges already alluded to?

12. If all the arguments of the protest amount to no more than a prejudice arising from race-feeling—a mere antipathy of colour—a mere dislike engendered by habit and false notions—what were the results when such blind prejudices were brought face to face with reason and stern justice? Let history tell. How much money and blood did England spend in the emancipation of the Negroes who were not the less hated on account of their colour? Was not the great American war of the Confederate States against the federals waged, so regardless of life or money, to declare the coloured man an equal in the eye of the law to the white man? Is not the United States of America, perhaps the greatest and the most powerful empire on earth, an example where all nationalities are absorbed and moulded into one great nation for purposes of Government, and all men, be he Scotch, Irish, Swiss, French, German or Spanish or Negro or Chinaman, live in peace under equal laws administered without reference to race or colour?

13. Far from apprehending any disaster to non-official Englishmen or British enterprise in India from the passing of the Bill, I am in hopes that it will have the effect of placing the administration of justice on a higher pedestal than at present; that it will be a mark of that confidence on Her Majesty's native subject which it is impossible to deny to him after the solemn declaration of 1883, and of the Queen's Proclamation of 1858, and that it will be of a piece with that general policy of the British administration which has been the characteristic of it from the very beginning. I am also in hopes that in a few years, when the agitation caused by unthinking men driven into phrenzy for the moment shall have subsided, that the benefits of the proposed measure will be realized and acknowledged by the very class who now so vehemently oppose it—who, I trust, will find that they are saved a world of trouble, inconvenience and expense, when they find a Native Magistrate at their very door as competent to dispose of criminal charges laid against them as one of their own countrymen at a distance;—and in some cases, one much more absolutely unbiassed than one of their countrymen when, as often happens, European society is split up in factions from the influence of which neither the European Magistrate nor the European Sessions Judge could possibly keep aloof. I set much store on this feature of the question, and have no hesitation in saying that whatever occasional failure of justice might arise from the ignorance of the Native Magistrate of the customs and manners of Englishmen and Englishwomen, such failure will be more than compensated by his perfectly neutral attitude.

14. For these reasons I am deliberately of opinion that the Bill should pass into law.

*Minute by the Right Hon'ble M. E. GRANT DUFF, President, dated 31st May 1883.*

I do not believe that the passing into law of Mr. Ilbert's much-abused Bill would cause one anna of British capital to be removed from India,—nay I feel persuaded that five years hence the whole opposition to it would be forgotten, and that everything would go on as it has done for years.

2. What is meant by such phrases as those used by Mr. Logan about alienating the goodwill of the European community? How could the European community remain permanently alienated from that Government whose existence and overwhelming strength alone make the presence of the European community in this country possible?

3. I agree with Mr. Stokes in considering that the much-discussed measure is perfectly "innocuous." Half the clamour raised against it has proceeded from persons who do not know the law under which they are living, and who will read with surprise Mr. Webster's clear and telling exposition of that law.

4. It does not follow, however, that because a Bill is innocuous it ought to be passed.

5. To withdraw it altogether would be, as it seems to me, a grave political error,—one of the gravest that has been made in the domestic politics of India for many years. To do so would be to give up to irresponsible people the government of a country, which should remain where the law has placed it, in the hands of the Viceroy and his Council under the general superintendence of the Secretary of State and his Council.

6. When, however, this and other Governments were consulted a year ago, they were not consulted about what has since been known as "Mr. Ilbert's Bill," but about a very different proposition.

7. Why should not the change be confined, as was proposed at that time, to Covenanted Native Civilians only?

8. I dare say the Government of India had very good reasons for enlarging the scope of the suggested change; but these reasons cannot have been such as to demand *urgency*.

9. Would it not be wise to be satisfied with extending the proposed privileges to Covenanted Native Civilians? It is idle to maintain that they have not had far greater advantages than the nominated Native Civilians. In process of time we shall see whether the former are, as many think they will be, far superior in efficiency to the latter, or whether, on the other hand, these show themselves the equals of their more highly educated brethren.

10. *Alors comme alors!* This is not a country in which it is well to take very long views. Let us make those changes based upon our experience here and elsewhere, which, we feel per-



suaded, will produce *pretty soon* good effects, and let us give all reasonable satisfaction to the reasonable wishes of the people as brought before us by their authoritative spokesmen, up and down the land; but let us not be led to move at all quicker than we otherwise should, with a view to *anticipate* demands which may some day be made, and which it will be for our successors to grant or refuse.

11. I have no sympathy nor, indeed, any toleration for the distinction which I see drawn in one of the papers read above between what is theoretically right and practically right. If a thing is practically wrong, it must be theoretically wrong,—the theory being based usually on imperfectly apprehended facts.

12. I hold, however, that we have sufficient facts at our command to be certain that the Covenanted Native Civilian will not abuse the powers to be entrusted to them, if the view which was taken by the majority of the Madras Government, in May 1882, finds favour with the Viceroy and his advisers. My personal impression is that the further changes suggested would do no sort of harm, but I should prefer to see one step made at a time.

13. I shall especially rejoice if this view is generally supported by my honourable colleagues, as I hope it may be, and if it enables the Madras Government to give, as it happily usually does give, after full discussion, an unanimous opinion.

*Minute by His Excellency SIR FRED. ROBERTS, Commander-in-Chief, dated 14th June 1883.*

When the opinion of local Governments was asked a year ago, as to the advisability of amending the Criminal Procedure Code, I concurred in the views expressed by His Excellency the Governor, that "it is perhaps a pity that a question was raised just now which affects so few people, but I see no answer to the claim of Mr. Gupta, which is logically defensible."

"Very soon, if not immediately, the Covenanted Civilian of native birth must be put on precisely the same footing as his European colleague."

2. It seemed to me to be a logical sequence to the acts of former Governments; and that it would be as unreasonable to deny to Native gentlemen of the *Covenanted* Civil Service the full privileges enjoyed by their British colleagues, as it would be to bestow on a Native of India a Lieutenant's or Captain's Commission in Her Majesty's Indian Forces, and then to refuse him the right of commanding a mixed detachment of British and Native troops.

3. I had no intention of extending the concession to any but the few gentlemen (six or seven) who had qualified themselves by competition in England for the Civil Service of India; but I ought to have added at the time how opposed I had always been to the admission of Natives either to the *Covenanted* Civil Service, or to an equality with the Commissioned Officers of Her Majesty's Army.

4. By opening the *Covenanted* Civil Service to Natives, I felt that we were placing them in positions for which they are not yet fitted, morally or socially, however well they may be so by education; and that we were giving them power which some of their own countrymen and the European population of India, almost to a man, doubt their being able to exercise wisely and impartially.

5. As, however, no restrictions as to the offices which they could, or could not fill, were imposed when Native gentlemen were invited to enter the *Covenanted* Civil Service, those who have competed successfully for that service ought not now, in my opinion, to be denied appointments or authority, which they might reasonably have hoped for, when they determined upon adopting that service as a career. But with the exception of the six or seven Native gentlemen above alluded to, I would confine the *Covenanted* Civil Service to Europeans, at any rate, for the present.

6. The salaries of the several grades of the *Covenanted* Civil Service were purposely fixed at high rates, in order to attract a superior class of well educated English gentlemen to India. It is quite unnecessary to offer the same inducements to Native gentlemen. To them service in India has no disadvantages, while those conversant with the relative expenses of a European and Native official's life in this country will at once see how disproportionately large the pay of the Native *Covenanted* Civilian is. Taking into consideration the different conditions of life, we may safely estimate the income of the Indian Member of the *Covenanted* Civil Service as at least double that of his European *confrère*.

7. By an Act of Parliament, passed in 1870, to give "additional facilities for the employment of Natives in the Civil Service of India," a certain number of Native gentlemen can be annually nominated to this service by local Governments, subject to the approval of the Government of India.

8. This, I submit, meets all that is now required.

9. These nominees belong to what might appropriately be termed the "Local Civil Service," and the scope of their employment might justly be limited to such offices as may be determined by the Government of India and the Secretary of State.

10. From this Local Civil Service any man who had proved himself exceptionally qualified might, with advantage, be chosen for positions of high trust and responsibility, without in any way admitting the rights of other members to similar preferment.

But so long as the *Covenanted* Civil Service is open to Natives, we must expect that those who enter it will not be satisfied if treated differently from their European colleagues, and that as they become eligible, by length of service, for the higher appointments, diffi-

culties will arise, of a nature even more embarrassing, perhaps, than the one we have now to deal with.

Indeed, the time is probably not so far distant when we shall have some clever and ambitious Native Member of the Civil Service being pushed forward as a candidate for the Lieutenant-Governorship of Bengal, the Punjab or the North-Western Provinces.

11. I am aware that many leading Statesmen at Home hold very different opinions, and consider that the Natives of this country should be placed on an equality with Europeans as regards their eligibility for employment, and be given their fair share of the higher appointments. There is, no doubt, much to be said in support of these views. Education has spread so rapidly during the last quarter of a century, and a certain class of Natives have proved themselves such apt scholars, that it would be difficult to convince any one, ignorant of the habits and customs of Native life in India, why they should not take their places in any service or department for which they may have been able to compete successfully. I quite feel this, and I fully agree that Natives should be gradually educated to take some active part in public affairs.

12. But there is a dangerous side to the question.

13. It is not to be expected that any class would be content with managing local Boards and small Municipalities. As they are encouraged to take their share in such minor responsibilities, they will, in time, claim a place and a voice in the government of the country. In theory it seems impossible to object to this; but to those who have Indian experience, the time seems far distant when Natives can be safely trusted with such power. Englishmen unacquainted with India and the Indians, and who are in favour of political and popular education, do not seem to give such matters a thought. Their anxiety apparently is to divest themselves of power, and to hand it over to a people who are not yet fit to be entrusted with it. This cannot but be detrimental to the interests of both England and India, and will certainly cause us to be despised by the very people we have conquered for not understanding how to govern them; with the result, perhaps, that we may have some day to fight for what we now possess.

14. It is a mistake to suppose that race-antagonism, which reached such a pitch during the mutiny, has been gradually disappearing, as is often asserted. In the Army this may be the case, but there, the constant intercourse of the European officers with their men, and the sharing of dangers and hardships in common, have brought about a mutual feeling of goodwill, which goes far to lessen the natural distrust of the two races towards each other. This combination of camaraderie and respect will, no doubt, last so long as nothing occurs to excite the religious, or, in some future time, the *political* feelings of the soldiery.

In out-of-the-way districts, where civilisation is still in its infancy, there is, to a certain extent, this same kindly feeling between Europeans and Natives, and the latter are much more inclined to accept the authority of the governing race than they are in the large centres of educational enlightenment.

15. This effect of education is unfortunate, but inevitable, and with results so momentous, it surely behoves Government not to adopt a too progressive policy, without first feeling its way carefully and cautiously.

16. It must not be thought from this that I am against the education of Natives. Far from it. This must necessarily come to pass, and no one is more alive than I am to the great benefits which education will eventually bestow upon the people of this country. My great desire is that we should accurately appreciate the results of this education, and be careful not to attribute to Natives imaginary qualities, because they are capable of passing a difficult examination at an English University.

*Minute by the HONOURABLE H. E. SULLIVAN, dated 12th June 1883.*

Every word of the Minute recorded by His Excellency the Commander-in-Chief has my entire concurrence.

No. 1169, dated 3rd July 1883.

From—J. R. REID, Esq., Secretary to the Government, N.-W. Provinces and Oudh,

To—The Secretary to the Government of India, Legislative Department.

I am directed to acknowledge receipt of your letter No. 26 C., dated 17th March 1883, forwarding copies of the papers noted on the margin, and to submit, for the information of the Government of India, the opinion of the Lieutenant-Governor and Chief Commissioner on the provisions of the Bill, together with the opinions of the Hon'ble Judges of the High Court, Allahabad, and of some other persons consulted on the subject.

2. The Bill is intended to amend sections 22, 25, 443, 444, 450, and part of 459 of the Code of Criminal Procedure (Act X of 1882), and its effect upon the existing law would appear to be as follows:—

(1) As section 22 of the Code of Criminal Procedure now stands, the Government can appoint any European British subject, official or non-official, and if official, of any

branch of the Government service, to be a Justice of the Peace for its territories. Under the law as amended by the Bill, the primary qualification for investment with powers of a Justice of the Peace would no longer be one of nationality and race descent, but would become purely official within certain branches of the public service: that is, no one could be appointed a Justice of the Peace who was not a Magistrate of the first class, and was not—

- (a) a member of the Covenanted Civil Service, or
- (b) a member of the Native Civil Service constituted under 33 Vic., cap. 3, or
- (c) an Assistant Commissioner in a non-regulation province, or
- (d) a Cantonment Magistrate;

and no non-official person, or member of any service under the Government other than those specified above, could be appointed a Justice of the Peace.

- (2) Under section 25, as amended, all Sessions Judges and District Magistrates would become Justices of the Peace for the territories administered by the Local Government under which they are serving.
- (3) It is proposed to alter section 443, so that any Magistrate of the first class, who is also a Justice of the Peace, would be competent to try European British subjects; and the effect of this alteration, taken with the addition proposed to section 25 and with section 446, would be that a District Magistrate, whether an European or a Native, would be empowered to try European British subjects, and on conviction to sentence them to not more than three months' imprisonment, or to fine of not more than Rs. 1,000, or to both.
- (4) While Sessions Judges, whether European or Native, would become, under section 25 as amended, competent to try and sentence European British subjects, Assistant Sessions Judges, whether European or Native, would, under section 444 as amended, not be competent to do so until they had held office for three years and had been specially empowered by the Local Government.
- (5) Section 450 and part of section 459 are proposed for repeal, because by the preceding amendments all Sessions Judges, whether European or Native, would, in virtue of office, be Justices of the Peace, and the disability of Native Magistrates and Sessions Judges to exercise the powers of a Justice of the Peace would be removed.

3. The object of these amendments, as stated by the Government of India, is to settle the question of jurisdiction over European British subjects outside the presidency towns of British India in such a way as to remove, at once and completely, from the Code of Criminal Procedure (Act X of 1882) every judicial disqualification based merely upon race distinctions. The Lieutenant-Governor, in submitting his views upon this proposition, desires that he may be understood to be treating the various points involved only as they relate to the North-Western Provinces and Oudh. The determination of them by the Government of India may depend materially upon considerations of a general character, and upon the circumstances, political and administrative, of the different provinces of British India; and Sir Alfred Lyall would wish only to offer an opinion upon the expediency or necessity of introducing the Bill's provision into the provinces under his administration.

4. I am to say, then, that the Lieutenant-Governor does not think it expedient, in these provinces, to throw open to Native Magistrates the jurisdiction over European British subjects to the extent that would be permissible under the Bill. The four classes of persons specified in section 1 of the Bill include, taken together, very nearly the total number of the civil officers (excluding the subordinate executive services) in these provinces. According to the constitution of the judicial service, there is in each district only a limited staff of officers at any time available for disposing of the important criminal work of the provinces. It follows that very junior officers must occasionally be invested with the powers of a first class Magistrate, their integrity and energy and the supervision of the superior courts being accepted as security for the proper exercise of these powers. The proposed magisterial qualification of eligibility for appointment to be a Justice of the Peace, namely, that the officer to be appointed must be a Magistrate of the first class, is therefore a very variable test of special fitness to exercise that jurisdiction. It is true that the qualification is a preliminary one only, and that the Local Government may select, from among the Magistrates possessing it, those only whom it thinks fit for appointment under section 1 of the Bill. But the Lieutenant-Governor now doubts whether there is sufficient stability or security in this discretionary power; since the correspondence and discussions that have taken place regarding the Bill have elicited great diversity of opinion, and it is not impossible that the Local Government might, at different times, have widely different views as to the proper standard of personal fitness, and as to the various considerations unavoidably and indisputably connected in all countries with marked distinctions of race. Seeing, then, that the broader and more attractive any principle is in its abstract form, the greater is the need for prudence in its application, the Lieutenant-Governor would now advise, in this instance, that the Legislature lay down a less flexible rule than that provided in the Bill, and limit more definitely the application of a principle which, reaching very far, may easily touch feelings and prepossessions that cannot be ignored.

5. In regard, moreover, to the last of the four classes named in section 1, it is understood that any person, without restriction as to service or class, military or civil, who is invested with the powers of a Magistrate of the first class within a cantonment, becomes the Cantonment Magistrate. If this be so, then not only for the reasons stated above, but also because Cantonment Magistrates are particularly intended to exercise authority over soldiers and others subject more or less to the rules and customs of military discipline, and are in constant relation with military commandants, the Lieutenant-Governor would not advise any change of law that might permit full jurisdiction in cantonments to be given to others beside European British subjects. And as both Cantonment Magistrates and Assistant Commissioners in non-regulation provinces can be appointed by the simple order of the Executive Government, their status differs in this respect from that of persons appointed to the Civil Service, which is created and defined by statutes.

6. For the reasons, then, set out in the preceding paragraphs, Sir Alfred Lyall would recommend the entire omission of section 1 from the Bill.

7. Section 2 of the Bill proposes to make all Sessions Judges and District Magistrates, in virtue of office, Justices of the Peace. With regard to this provision, I am now to explain the reasons why, after careful deliberation, the Lieutenant-Governor adheres to the opinion stated in the last paragraph of my letter No. 692, dated 27th May 1882, to the effect that the powers of Justice of the Peace might be conferred upon every Native officer, whether a member of the Covenanted Civil Service, or a commissioned civil officer in a non-regulation province, who may be appointed to be a Magistrate of a district. In the first place, the appointment of a Native officer, except on temporary occasions, to be Magistrate of a district, would, at least in these provinces, be a substantial recognition of his trustworthiness, capacity, and strength of character. For the District Magistrate, who in these provinces is also the Collector, is the chief executive officer holding large powers and acting under serious responsibilities within a very considerable tract of country. He commands all the executive, police, and revenue officers in the district; and he is the controller of, and to a certain extent the appellate authority over, the magisterial courts of the district. Being thus one of the main springs of the whole public administration, the District Magistrate is a member of the most important grade in the whole executive service of the Government in these provinces. It was probably with advertence to this fact that one of the non-official European gentlemen consulted regarding the Bill answered that if a Native Civilian was appointed Magistrate and Collector, it would make no appreciable difference to him whether or not that officer was a Justice of the Peace. Whenever, therefore, a Native Civilian shall have been promoted to a position of such trust and influence, it will be both reasonable and expedient to confer upon him the full attributes of his office. For since he is responsible for keeping order within his territorial jurisdiction, and for maintaining the authority of the Government and the law, not only should he be able to deal with persons of every class and condition, but it would be inconsistent and unwise so to limit his power that he should not be able to use it against an European, even in cases of sudden emergency in which he might have to exert his authority personally in preserving the peace by punishing disorder. These reasons for giving full jurisdiction to District Magistrates are at any rate clear, and of public concern. Moreover, District Magistrates are necessarily so limited in number, that the full extent to which, by including them among Justices of the Peace, the jurisdiction could be extended, would be plainly understood and clearly circumscribed, and would not fluctuate with changes of opinion as to the fitness of particular Native officers or classes of officers. Further, the principle of arming District Magistrates with exceptional powers has been the mainstay of our executive system from a very early date. At a time when ordinary jurisdiction over European British subjects was jealously reserved to the Supreme Courts at the presidency towns, the Statute of 53, George III, cap. 155, empowered the District Magistrate as such (whether or not a Justice of the Peace) to try charges against an European British subject of certain offences committed against Natives of India, and to pass sentence upon him. In fact, it is believed that investment with the powers of a Justice of the Peace was not essential to the exercise of the powers conferred under the statute until, for the first time, a proviso to that effect was introduced without discussion into Act XXV of 1861. It is, perhaps, true that up to 1832, when the Statute 3 and 4, William IV, cap. 85, was passed, no Native could have held the office of District Magistrate; but the point is now mentioned to support the argument that the investment of the District Magistrate as such with authority of a special kind has, if not always, still from a very early period of our administration, been admitted as essential to local administration.

8. The Lieutenant-Governor therefore supports the proposal to amend the law so as to make all District Magistrates, in virtue of office, Justices of the Peace. In the correspondence with which this discussion began, it was proposed by the Bengal Government to give full jurisdiction at least to Native members of the Covenanted Civil Service who shall have attained the position of District Magistrate or Sessions Judge. And in a Minute by a majority of the High Court of these provinces it is said that to this extent an amendment of the law is not opposed by the Judges, although the Minute objects altogether to clauses (b), (c), and (d) of section 1. The Lieutenant-Governor's opinion, as has been already explained, is that the appointment to a District Magistracy should be taken as the necessary verification of personal fitness to exercise the special jurisdiction. And from this point of view he would not draw a distinction between members of the Covenanted Civil Service and members of the Native Civil



Service constituted under Statute 33, Vic., cap. 3. It may be true, although it has yet to be proved, that the former are likely, by reason of their training in England, to be better fitted than the latter to exercise the powers of Justice of the Peace. But this would be one of the points to be taken into account in appointing Native Civilians to be District Magistrates; since, whether they were members of the Covenanted Civil Service or of the Statutory Native Civil Service, their personal fitness to exercise all the functions of the appointment would have to be considered. It may also be observed that the Statute 33, Vic., cap. 10, pledges the Government to confer appointments ordinarily reserved for the Covenanted Civil Service only upon Natives of India of proved merit and ability, under rules that may from time to time be varied; so that in the case of persons employed under this Statute the selection for higher office must always be based strictly upon fitness and efficiency.

9. The foregoing arguments in favour of the proposal to invest District Magistrates, in virtue of office, with jurisdiction as Justices of the Peace, do not, however, in the Lieutenant-Governor's opinion, apply to the proposed investment of Sessions Judges, in virtue of office, with similar powers. Every offence is ordinarily triable only within the district where it occurred; and as the charge must go in the first instance before some Magistrate, there are executive reasons why the District Magistrate should not be debarred from receiving, and according to law disposing of, any charge of an offence cognisable within his jurisdiction. But a committal for trial before a Sessions Judge involves few, if any, considerations of urgency or executive expediency; while it is usually as easy to arrange for the trial being held before the Judge of one district as before that of another. The object of interposing in 1872 the jurisdiction of the Sessions Court between the Magistrate and the High Court was to save the expense, delay, and general disadvantages of sending Europeans from remote districts for trial to the High Court. This is a consideration which is certainly rather losing than gaining force as communications improve; and at any rate there will always be a sufficient number of European Judges in different districts of these provinces to prevent serious inconvenience of this kind. Moreover, under the existing law in regard to the trial and punishment of European British subjects by the Court of Session, the Judge not only possesses jurisdiction stretching over a very wide range of offences, and has power to pass a sentence that may be very severe to an European, but he can also decide whether the accused shall or shall not be sent to be tried by the High Court with a jury. In these provinces trials before Sessions Judges could rarely (except in the few larger stations) be held with a jury; while if procedure by jury were, as a rule, introduced for the trial of Englishmen, Native Judges might be embarrassed. On the whole, therefore, the Lieutenant-Governor does not think that the anomaly of making a distinction in this respect, between European and Native Judges, furnishes a sufficient reason for changing the law, in order to give Native Judges the special jurisdiction over European British subjects.

10. In the final sentence of my letter No. 692, dated 27th May 1882, the specific recommendation of the Lieutenant-Governor was made in the following words:—

“In short, although the Lieutenant-Governor would not, for the present, advise that a Native Covenanted Civilian should be invested (save in very special cases) with the powers of a Justice of the Peace until he has been appointed, temporarily or permanently, to be a Magistrate of a district, he would confer the powers of a Justice of the Peace on every Native officer, whether a member of the Covenanted Civil Service or a commissioned civil officer in a non-regulation province, who may be appointed to be a Magistrate of a district.”

Sir Alfred Lyall would now amend this recommendation by striking out the clause

\* (Save in very special cases.) enclosed in the parenthesis;\* and he does not now advise, as was suggested in an earlier part of the confidential letter of the 27th

May 1882, that a Native Civilian, temporarily appointed to be a District Magistrate, should retain his powers as a Justice of the Peace on reversion to a subordinate post. He would attach the exercise of jurisdiction as Justice of the Peace to the office of District Magistrate, as a necessary or intrinsic function of the office itself, not of the individual who might hold it; and he would make no other substantive alteration in the law. He would retain the power, now held by the Local Government, of appointing, when reasons for it are shown, any European British subject, official or non-official, to be a Justice of the Peace. For, there can be little doubt that in certain localities and circumstances it may be advisable, if not necessary, in the interests of the natives of the country themselves, that the Government should have the power of conferring upon European British Magistrates, official or non-official, powers to deal promptly with their own countrymen. If, however, the Government of India are of opinion, upon a more general survey of the bearings of the question throughout India, that Sessions Judges ought to have jurisdiction as Justices of the Peace, the Lieutenant-Governor would advise that, upon the analogy of the proviso in section 4 of the Bill, the Local Government should be vested with discretion to confer, for special reasons, the jurisdiction upon Native Sessions Judges who shall have held office for a period stated. To this arrangement, indeed, for the North-Western Provinces and Oudh, there would be no objection whatever; but in these provinces the Sessions Judges are often officers whose standing in the service is not higher than that of the District Magistrates, and it becomes sometimes necessary to appoint, for short intervals, a junior officer.

11. In the correspondence submitted with this letter, it is more than once observed that the question of altering the present law regarding jurisdiction over European British subjects is in no way urgent. With this observation, so far as it relates to these provinces, the Lieute-

nant-Governor feels bound to say that he concurs. From one of the Minutes recorded by the Judges of the High Court it appears that during the past ten years the average annual number of charges against European British subjects has been 81. Of these cases by far the greatest number have occurred in the more important districts, in or near large stations, where European Magistrates and Sessions Judges are always to be found, and where, for general administrative reasons, the offices of Magistrate and Sessions Judge are not at all likely to pass out of the hands of European British officers. There are at present few European British subjects residing in the outlying districts, at a distance from the principal towns and lines of communication; nor is there any near prospect of their number increasing in parts of the country beyond easy reach and supervision from the principal centres. On the other hand, the Native Civilians now in these provinces are very few. In Oudh, there is one Native Assistant Commissioner not belonging to the Civil Service, and two Native Civilians appointed in 1880 and 1881 under the Statute 33 Vic. In the North-Western Provinces, there are two officers appointed in 1880 and 1881, under that Statute, and one Civilian who entered the service by competition in 1876. It may be assumed that, even if the Bill were to pass unaltered, the Government of India would expect that before the powers of a justice of Peace were conferred upon any officer of the classes made eligible, his general capacity and judgment as a Magistrate of the first class would be tested by some years' probation in that class. It follows that under any circumstances not more than one or two of the gentlemen just referred to would be soon eligible as Justices of the Peace. And even if the proportion of Native Civilians annually attached to this administration be in future augmented, the number of those who could be appointed Justices of the Peace must nevertheless for a long period to come be exceedingly small.

12. On the other hand, the English community in the North-Western Provinces has shown, since the Bill was published, a natural desire that criminal charges against them should, as heretofore, be enquired into and tried by English judicial officers. To this arrangement no demur, so far as the Lieutenant-Governor can ascertain, is made by the Natives of these provinces at large. It is true that some leading Native gentlemen, whose views and feelings carry much weight and merit much consideration, distinctly support the principle of removing class differences and race disqualifications, and would wish to see Native officers relieved from any such disability. But Sir Alfred Lyall nevertheless believes that all Native gentlemen possessing judgment, ripe experience, and real knowledge of these provinces would advise great care in selecting Native officers for the exercise of what must inevitably be, in many cases, a difficult and peculiar jurisdiction.

13. In these circumstances, the question of extending to Native Magistrates the power of Justice of the Peace cannot be said to press upon this administration. But whenever the Government of India determine that it must be settled (and now that the question has been formally taken up it ought to be settled), the Lieutenant-Governor would certainly give the jurisdiction to all District Magistrates, and he believes that this amendment of the present law would fulfil all reasonable expectations and answer all practical purposes.

No. 2309, dated 8th June 1883.

From—S. HARVEY JAMES, Esq., Registrar, High Court of Judicature, N.-W. Provinces,  
To—The Secretary to the Government, N.-W. Provinces and Oudh.

Referring to your No. 628, dated the 6th April last, in the Judicial (Criminal) Department, on the subject of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, I am directed to submit Minutes recorded by the Hon'ble the Chief Justice and Mr. Justice Oldfield, and a joint Minute recorded by the Hon'ble Mr. Justice Straight, Mr. Justice Brodhurst, and Mr. Justice Tyrrell.

*Minute recorded by the HON'BLE SIR R. STUART, Chief Justice,—dated 7th June 1883.*

There are many considerations germane to the question raised by this Bill, and to the legal policy relating to it, which I could have gone into with satisfaction to my own mind; but the pressure and urgency of other work has been such as to leave me without sufficient time or leisure for a full explanation of my views. I shall therefore confine myself to a few remarks on the more material points of the Bill.

I share in the regret so generally felt, and I believe with thorough and entire honesty on the part of those who have given expression to the feeling, that the Bill was introduced so hastily, unexpectedly on the part of the European community, and without any general demand on the part of the Natives of the country. Nor have I been able to discover in the discussion of the Bill in the Legislative Council, as published in the *Gazette of India*, the explanation of any adequate reason for it. It was said that the proposal was to substitute for the disqualification arising from race, a qualification depending on tried personal fitness, and section 10 of the Civil Procedure Code, which provides that "no person shall, by reason of his descent or place of birth, be in any civil proceeding exempted from the jurisdiction of any of the Courts," has been referred to as justifying the contention that the Criminal Procedure shall be brought into harmony with the Civil. But this is a view of the matter which appears to me to ignore



the real and serious considerations that have to be faced. Civil law and its procedure operate, of necessity, in a manner which is indifferent to personal extraction or race, and there is nothing to colour facts and motives, and the facts being ascertained, the law takes effect civilly, without necessity touching character, feeling or sentiment: the property or right claimed is determined, and there is an end to the dispute, and the disappointment of the unsuccessful party is the only moral consequence that can ensue. But the administration of the criminal law in India ought to be regarded in a different light, appealing as it does to considerations relating to idiosyncrasy, temper, and temperament, moral appreciation of crime, consciousness of guilt or innocence, social degradation as the consequences of proved guilt, and the strange difference in this respect between the moral sense of the European and that of the Natives. All these are very delicate considerations, and it is not easy to appreciate the opinion that they could be safely handled even by the most highly-educated Native Magistrate in trying a European for an imputed offence against the criminal law.

As to Native officers of "tried personal fitness," I have some difficulty in understanding how this fitness is to be ascertained. No doubt if the Native gentlemen whom it is proposed to substitute for European have successfully gone through the training necessary for the Indian Civil Service, and have had some experience of European society, the experiment proposed might, perhaps, be made without any serious disturbance to existing social relations in this country; and I have no doubt that there are many Native gentlemen who could be safely entrusted with the performance of any duty, criminal as well as civil. I am acquainted with one Native officer in these provinces whose service and conduct during the few years he has been among us has been marked not only by fair ability, but by discretion and good sense; and after a time at least I should not fear to confide to him the trial of Europeans for offences against the Penal Code. This gentleman, however, although officially serving in, is not a Native of, these provinces, but is a member of the highly respectable and intelligent Parsee community, and I observe he has been lately called to the English Bar.

There is, however, one peculiarity of the Native mind which ought not to be kept out of view, and that is, so far as my experience in these provinces goes, their incapacity for the investigation of facts irrespective of any consideration whatever but their truth, purely and simply. Nor can they weigh evidence; in fact, they seem to me utterly incapable of understanding what evidence is; and as I remarked lately in a civil suit (first appeal No. 143 of 1880, dated 4th July 1881), where the depositions had been shamefully taken in the subordinate Native Court, the logical development of a witness's knowledge of facts is a thing utterly unknown, if it is indeed not impervious, to the Native mind. I know Native lawyers, who are not only highly respectable gentlemen, but who, in the exercise of their profession, are not only very acute in the apprehension and application of a legal principle, and indeed extremely able in legal argument generally, but yet who cannot apparently bring their minds to the consideration of disputed facts simply as such, and this of course may have a very serious bearing on the question whether Native officers could generally be relied on to faithfully administer the criminal law where a European is the accused person. As a singular instance of the bent of the Native mind to disregard, or at least to fail to apprehend, plain facts clearly standing out before them on distinct evidence, I may be allowed to refer to the celebrated *Baroda* case, where the Commissioners appointed to try the Gaekwar were equally divided, the Native Commissioners being for acquitting and the Europeans for convicting. The Native Commissioners, including so very intelligent a person as Sir Dinkar Rao, were all men of the highest rank, and were content to offer a general opinion in favour of the Gaekwar, without the least attempt to support their view of the case by any examination of the evidence; while the European Commissioners, all men of high distinction and experience in public affairs, with Sir Richard Couch, the late Chief Justice of Bengal, at their head, went fully into the merits of the case as spoken to by the witnesses, and showed the guilt of the accused by an irresistible demonstration of facts. The Government of India, however, under these circumstances refrained from recording any opinion of its own on the evidence and proceedings before the Commission, but by proclamation announced a conclusion which was only intelligible on a belief of the Gaekwar's guilt and a knowledge of his gross misconduct for a series of years, and declared his deposition from the sovereignty of the Baroda State, and that he and his issue were precluded from all rights, honours, and privileges thereto pertaining. Indeed it is impossible to understand the view taken of the Gaekwar's conduct by the Native Commissioners, excepting on the idea that the Gaekwar's rank, status, and position were such as to be incapable of being affected by the depositions of the witnesses who were examined, many of whom being persons by whose statements Natives of rank are not accustomed to be influenced. It might have been different if, instead of such witnesses, persons in a social position nearer to that of the Native Commissioners themselves had given evidence to the same effect; and this just shows the danger of confiding to Native officers the decision of questions touching the liberty and reputation of Englishmen and other Europeans, and which depend on the appreciation of evidence of facts, irrespective of the status of the witnesses who speak to them. The one thing is to secure the exclusion of bias and feeling, and that a trial should be in all respects *fair*.

To revert to the Bill under consideration, I would advise that Native officers to be appointed under it should be selected from class (a) in section 1; and it occurs that in important cases, in which the punishment might exceed twelve months, a Native Magistrate should not be allowed to proceed with any preliminary enquiry with a view to commitment, or to the trial of a European without notice to the High Court, in the form of an application

by the prosecutor, to show cause why the enquiry should not go on before the Native Magistrate, whose warrant, however, should in the first instance be sufficient for the safe custody or bail of the accused European. Such a proceeding as this, along with the remedy afforded by section 456, Act X of 1882, might meet every possible miscarriage of the law, and afford every reasonable protection to Europeans who stand accused before Native Magistrates.

If the Bill is allowed to pass, I hope the change it makes in criminal procedure will be carried out with the greatest possible caution, and every care taken in the appointment of Native officers under it to select the men who may be presumed to be the best fitted for the performance of such new duties.

*Minute recorded by the HON'BLE MR. JUSTICE OLDFIELD,—dated 5th June 1883.*

The remarks I have to offer must be considered to be confined to the Bill so far as it affects the North-Western Provinces, and I am bound to say that I can find no immediate necessity for its introduction into these provinces, either on the ground that there has been a demand on the part of the native community for a measure to empower natives of this country as Justices of the Peace and Magistrates to deal with offences committed by European British subjects, or because the staff of Magistrates who may be empowered under the law as it stands to deal with such offences is inadequate for the purpose.

I fully appreciate the desirability of removing, so far as possible, invidious race distinctions; but I think the introduction of the Bill at the present time is to be regretted, seeing that there was no urgent need for it, and in view of the strong opposition to which it has given rise—an opposition which is undoubtedly based, however erroneously, on an honest conviction of its injurious tendency.

At the same time I am decidedly of opinion that the opponents of the Bill have greatly exaggerated the mischievous consequences likely to arise from the Bill, and I am persuaded that the Bill may safely be passed in a modified form without any evil result. I would recommend that jurisdiction over European British subjects should not be given to Native Magistrates of the classes (b) and (c) in section 1 of the Bill, and that Native Magistrates should not be employed as Cantonment Magistrates, and I would confine the jurisdiction over the European British subjects to native members of the Covenanted Civil Service only.

I think a measure of this sort, particularly under existing circumstances, cannot be introduced with too great caution, and it will be best to confine the exercise of powers under it, in the first instance, to natives who are members of the Covenanted Civil Service, and who, by their education, residence in England, and intercourse with Europeans, may confidently be expected to exercise their powers fairly and satisfactorily.

*Minute recorded by the HON'BLE MR. JUSTICE STRAIGHT, MR. JUSTICE BRODHURST, and MR. JUSTICE TYRRELL,—dated 2nd May 1883.*

We are invited by Government to give expression to our opinions upon the provisions of the "Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects." As a preliminary observation, and speaking with reference to these provinces alone, it seems to us matter for regret that we were not asked at an earlier stage, and before the measure was introduced into the Council, as to whether any pressing necessity existed in this part of India for any such change in the law as that which is now proposed. Had any enquiries been addressed to us, we could have shown what we now have to point out, that there are no circumstances, either of administrative or judicial inconvenience, existing within the jurisdiction of this Court necessitating legislation. At the present moment there is only one Native Covenanted Civilian in the North-West to whom clause (a) of section 1 of the Bill applies, and he is a Joint-Magistrate of the 2nd grade; and with regard to clause (b) of section 1, we have only two young native gentlemen, nominated under 33 Victoria, cap. 111, acting as Assistant Magistrates. As to clause (c) there is not a single Native Cantonment Magistrate in the provinces, nor do we think it would be at all desirable that any native should be appointed to such a post. Then as to the number of European British subjects coming before the Criminal Courts, we find that during the last ten years, 817 in all have been tried by the Sessions Judges, District Magistrates and Magistrates of the first class; and that in twelve districts out of thirty-seven, namely Azamgarh, Hamirpur, Lalitpur, Jalaun, Etah, Manipuri, Pilibhit, Budaun, Bijnor, Tarai, Garhwal, and Bulandshahr, there has not been a single case. Towards the total we have mentioned, the Allahabad district contributes 235, Agra 100, Cawnpur 75, Meerut 40, including the military stations of these several towns; and many of the offences comprehended relating to breaches of Cantonment rules and regulations; while Dehra Dun gives 121, Saharanpur 43, and Mirzapur 43. We are unaware that any unusual difficulty or inconvenience ever arose in connection with the disposal of this annual average of 81 cases against European British subjects; no complaint of anything of the kind is on record; and, as far as we can see, there is no probability of its occurring.

It will thus be seen that in these provinces no reasons of public convenience called for the introduction of this Bill, nor was there any personal grievance crying for redress, and the anomaly upon which so much stress has been laid in justification of the measure had never obtruded itself in any way. The existence of English Courts in India is in itself an anomaly;

but we doubt if any one could be found bold enough to propose their extinction merely upon that ground; and if absolute uniformity is to be the guiding principle of legislation in this country, we should at once abolish the distinction that protects a native gentleman of rank, or a *pardah-nashin* woman, from appearing in Court, when a European male or female can claim no such exemption.

We have said this much, because in a matter that has provoked such a display of strong feeling—a great deal of which, by the way, appear to us exceedingly exaggerated and undignified—we think we are bound to adopt the somewhat unusual course of expressing in no uncertain terms our views as to the inexpediency of, and absence of necessity for, the introduction of this Bill, at any rate so far as these provinces are concerned. We have not been able to ascertain that there was any demand or any agitation for such a change in the law, except of course on the part of the one gentleman who seems to have made the first move in the matter, until it was suggested by the appearance of the Bill itself; and we most emphatically say that there was not, and is not, any pressing need or necessity for it. Whatever another twenty years may effect, by an increase in the numbers of native gentlemen qualifying for the Covenanted or nominated to the Indian Civil Service, the alteration now proposed might well have been left to the future for settlement, when a substantial grievance clamoured for removal. We cannot, of course, venture to speak with reference to the circumstances of Lower Bengal and the Presidencies of Madras and Bombay, which will no doubt be fully dealt with by the Minutes of the several High Courts interested, for there are many matters relating to Lower Bengal, for example, of which in these provinces we can have no direct knowledge or experience. In passing, however, we think it right to say that we have no sympathy whatever with much of the language that has been used in the course of the bitter controversy that this Bill has aroused with regard to native magisterial officers; and we think it is scarcely calculated to serve the cause of its opponents, with those who wish to give the question a calm and impartial consideration. Seeing that under the law the Native Magistrates are entrusted with the power of trying their fellow-countrymen for many offences, it is neither complimentary nor creditable to our system of criminal justice to speak of them in a manner that implies they are intellectually and morally unfit to exercise any such jurisdiction at all. At the same time from our experience we feel bound to remark that, while the Native Subordinate Judges and Munsifs of these provinces, with few exceptions, exhibit a peculiar taste for and facility in, dealing with the questions of law which are raised in civil suits, we cannot say save in some rare instances, that we have found such of the work of our Native Magistrates as has passed under our notice to be equally happily done. There is no disguising the fact that many of the latter especially do not appreciate or understand the rules of evidence, and that they do not value the importance of recording depositions with strict care and accuracy. In justice to our Native Magistrates, however, it should be observed that their duties are of a mixed kind, and that much of their time has to be devoted to Revenue work as Deputy Collectors—a class of business in no way calculated to improve their knowledge of criminal law or practice. Without unreasonably depreciating them, we cannot say that we think these gentlemen, either by training, experience or knowledge of the manners and habits of Europeans, fitted to hold enquiry into or trial of cases in which European British subjects are in the position of accused persons. In this way, and to this extent only, can we coincide in the remarks that have been made upon the subject to which we have been more immediately referring.

So much has been said and written about the Bill now before us, that were we to discuss the various arguments for and against it, we should only be recapitulating what has already been urged on one side or the other. In the angry and impassioned war of words that the introduction of this measure has precipitated, it is not altogether easy to preserve that calmness and impartiality which is so essential in dealing with a question of this kind upon its true merits. We have already indicated in plain terms our opinion that the Bill is not wanted; but on the assumption that it may be persevered with, we have given its provisions our best attention, and think it right at once clearly and in distinct terms to state that we object altogether to the proposals contained in clauses (b), (c), and (d) of section 1 of the Bill. We think, however, without going the length of asserting that Native gentlemen who have passed into the Covenanted Civil Service, and who have reached the position of Sessions Judge or Magistrate of a district, to be “more English in thought and feeling than Englishmen themselves,” as described by an exuberant supporter of the measure during the debate in Council, that they may fairly be said, from the incidents of their training, experience and necessary length of service, to have given pledges of their capacity and competency to exercise jurisdiction over European British subjects. To this extent, and this extent only, we do not oppose an amendment of the law. But, while going so far, we wish most emphatically to declare that if this concession is granted, it should only be made with the plain and positive intimation that it is in no way to be regarded as a precedent or basis for future agitation in the direction of the other proposals contained in the Bill.

No. 990, dated 8th May 1883.

From—H. J. SPARKS, Esq., C.S., Judicial Commissioner, Oudh,

To—The Secretary to Government, North-Western Provinces and Oudh.

I have the honour to acknowledge the receipt of your letter No. 629, dated the 6th ultimo, forwarding, for my opinion, a copy of a Bill to amend the Code of Criminal Procedure as far as it relates to the exercise of jurisdiction over European British subjects.

2. Should the Bill become law, it is not likely to affect this province for some time to come. There is at present no Native gentleman holding the post of District Magistrate or Sessions Judge, and it is improbable that His Honour would immediately appoint to be Justices of the Peace officers so junior as the Native gentlemen who are now serving in Oudh as Assistant Commissioners. It may be owing to this that the Bill has caused little excitement here.

3. I have spoken on the subject to various persons, and find that European British subjects of all classes are opposed to the Bill. Natives generally appear to take little interest in the matter in which they are not personally concerned. One gentleman has told me that he thought there was no necessity for any change in the law: another that as Natives are now for the first time being placed in charge of districts, it would be as well to wait and see how they acquit themselves as such before altering the law: a third considered the Bill premature; but as the principle of doing away with race distinctions is good, he would be glad to see it passed. Some few of the more advanced and discontented school now see a sentimental grievance in the present law, and are in favour of the present measure. Some gentlemen have expressed regret that the Bill has been brought in, as it has given rise to an unfriendly feeling between the Native and the European. The views of the Native Magistracy generally were, I believe, truly expressed by a very shrewd and practical Native judicial officer, who told me that personally he should be very sorry to be appointed a Justice of the Peace.

4. In my own opinion the District Magistrate should be *ex-officio* a Justice of the Peace. He is responsible for the peace of his district, and should have full powers. In the interests of European British subjects also, it is desirable that there should be at least one officer in every district competent to dispose at once of any complaints that may be brought against them. The remaining provisions of the Bill appear to me unnecessary, and they would, I believe, have a bad effect. Although all men may be equal in the eye of the law, there is no doubt that, as a matter of fact, Englishmen do not regard Natives as their equals; and were it not for this feeling, we should probably not be here. When considering the probable results of the proposed measure, the existence of this feeling must not be lost sight of. In the case of a timid Magistrate, this assumed superiority might often lead to an improper acquittal; in the case of a vain one, it might cause undue severity. In no case would it be conducive to the dignity of our Courts, or to the temperate and impartial administration of justice. I am therefore of opinion that it would be a mistake to appoint any Native officer, except the District Magistrate, to be a Justice of the Peace.

5. It also seems to me unwise to throw away the power of appointing to be Justices of the Peace any European British subjects other than those specified in the first section of the Bill. The present policy of the Government is to appoint no Uncovenanted European Magistrate, and the race of European Deputy Collectors and Extra Assistant Commissioners is gradually dying out. But a time may come when the Government will be glad to avail itself again of the services of this useful class. Looking to the possibility of a change of policy in this respect, I would retain power to appoint to be Justices of the Peace such European British subjects as the Government may think fit.

6. I have said that in my opinion every District Magistrate should be *ex-officio* a Justice of the Peace; but though in theory I think there can be no doubt that he should be one, the present time does not appear to be favourable for a change in the existing law. As far as I am aware, no practical inconvenience has hitherto been experienced. I have not heard that any European British subjects have been detained for an exceptionally long period owing to there being no officer in the district competent to dispose of the complaint against them. Nor do I know of any case in which a Native complainant was prevented from prosecuting a European British subject for a similar reason. For some years to come there will be no difficulty in posting an English Assistant Magistrate to each of the few districts in which the District Magistrate may be a Native. There is therefore no immediate necessity for any alteration in the law, and it would be inexpedient to pass a most unpopular Act until it has been shown that the present law does really occasion inconvenience.

7. The Bill has unfortunately given rise to so much angry feeling that I trust I may be excused if I do not confine my remarks to the Bill itself, but express a hope that it may be withdrawn. My reasons for this are, that the provisions of the Bill are most obnoxious to the persons whom it will concern—the European British subjects; while they do no practical good to any other section of the community. I have heard it said that the Government is placed in this dilemma. If the Bill be withdrawn, it will look as if this were done in deference to views that have been expressed in a most unbecoming if not in a menacing manner, and that this will be a bad precedent for all seditious agitators. On the other hand, if the Bill become law, the feelings of a small, but important and influential, body of the community will be estranged. It appears to me that there is no question as to the correct course to adopt. If, as I believe, no practical difficulties have shewn an alteration in the law to be necessary, it would be a mistake to pass an Act which is regarded as an injury by the people whom it concerns simply that the Government may vindicate its dignity, or, in other words, show that it is not afraid. The Government of India is, I submit, too strong to shrink from doing what is right lest it should be thought to have given way to disrespectful clamour. The Government of India might no doubt prove its power by passing the measure in spite of all opposition; but I am convinced that the more dignified—and looking to the possible results of the measure—



the wiser policy would be to withdraw the Bill in deference to the opinion of those whose interests will be affected by it, without attaching undue weight to the intemperate manner in which that opinion has been expressed.

No. 26—XIII, dated 7th May 1883.

From—ELLIOT COLVIN, Esq., C.S., Commissioner, Meerut Division,  
To—The Secretary to Government, North-Western Provinces and Oudh.

In answer to your No. 630, dated 6th ultimo, Judicial (Criminal) Department, I have the honour to state that there appears to be no object in delaying my answer to the 1st of June, the latest date allowed. Opinions held by different classes are so strong and fixed, that there is no probability of any early change taking place.

2. The mass of the Native population are ignorant of the Bill: this element is one which has to be considered only so far as it can be worked on by agitators; and the religious leaders who have most influence with them have little or no sympathy with the Natives who are advocates of the measure.

3. These consist almost entirely of men who have been educated in our English colleges—clerks, pleaders, schoolmasters, junior officials: in short the men who have been semi-Europeanised by an English education are all strongly in favour of the Bill.

4. This advocacy is based partly on the ideas of liberty and equality derived from their education, and partly on the idea that the Bill places a seal on a policy of which they are strong partisans.

5. The weapon of this section of the community is the Press. Its chief opponent is that part of the Native community educated according to Oriental ideas, and which infinitely prefers being governed by Europeans, to being associated in Government with their fellow-countrymen, whose opinions and views they utterly distrust, and whom they consider to be perverts.

6. As yet the European, especially the European official, has held the scales between the two sections; but the semi-Europeanised section knows that with the Native Press to aid him, he will have gained a vast step by anything which lowers the influence of the European.

7. Unfortunately an impression is prevalent that the Government and Executive officers are not in agreement. The origin of this is, that while Government stated the consensus of opinion is in favour of the Bill, it is very rare indeed to hear any English official approve of it.

8. The Native community educated in the Oriental method do not want the Bill; they look with the greatest jealousy and distrust on the men of the new school, and are afraid of any measure which may increase their influence. The Deputy Magistrates point out the fact that they always try to get a case in which an Englishman is in any way concerned tried by an English officer; and officers of experience foresee that though to be able to try Europeans may be an honour, still the evil results and inconveniences arising would far counterbalance and practically prevent the exercise of the power.

9. The unanimity among all the non-official (English) classes is wonderful in the condemnation of the Bill. Most people who have an opportunity of feeling the pulse of their countrymen must have foreseen the outcry which was certain to be raised; but probably few anticipated the stubborn, unyielding character of the opposition which would be raised. In the present state of feeling it is useless to suggest a compromise.

10. Among the officials the Bill finds no favour. So far as this part of India is concerned it is looked on as premature. The bitterness of feeling which has been roused is deplored, while the absence of any immediate necessity for such a measure is admitted. No officer whom I have consulted suggests any modification or compromise. The feeling among the officials may, I think, be characterised as one of sincere regret and an earnest desire that the matter may be shelved as it most decently can.

No 106—XIII-167, dated 12th May 1883.

From—J. C. ROBERTSON, Esq., Commissioner, Rohilkhand Division,  
To—The Secretary to Government, North-Western Provinces and Oudh.

In reply to G. O. No. 631, dated 6th April 1883, Judicial (Criminal) Department, I have the honour to remark that, although I was originally of opinion that members of the Covenanted Civil Service (irrespective of the fact as to whether they were European British subjects) and members of the Native Civil Service constituted by the rules made under 33 Victoria, cap. III, might be appointed Justices of the Peace, subsequent events have caused me to modify that opinion, for it is impossible to ignore the agitation which has been caused amongst the non-official English section of the community.

2. As is natural in cases when men's minds are excited, a great deal has been said on both sides which had better have been left unsaid; but the fact remains that the opposition of non-official Europeans to the proposed Bill is unanimous and intense. On the

other hand, I (speaking from the opinions of Native gentlemen of standing and respectability) am convinced that there is no general wish for its introduction; and that, so far as this part of the country is concerned, they would willingly leave matters in *statu quo*, and are not in the least desirous of any such change as is contemplated by the Bill.

3. Looking at the agitation which has been caused, and at the fact that every English member of the Covenanted Civil Service is not necessarily a Justice of the Peace, I consider that the present Bill is uncalled for, and will, if passed, produce results which are much to be deprecated, without causing any real benefit to any one.

4. In one point only it might be advisable to make a change, *viz.*, although it is not likely to happen in these provinces for some years, the time will come when members of the Native Civil Service will be eligible for the appointment of Magistrate of the district; and should such an appointment take place, administrative difficulties might arise unless the Magistrate was invested with powers of a Justice of the Peace, for it might easily happen that there would be no other officer in the district qualified to exercise such powers. I therefore think that it might be advisable to alter the law so as to make every Magistrate of the district *ex-officio* a Justice of the Peace; but I would go no further. I imagine that there would not be much opposition to this compromise, for as an English gentleman, a planter residing in this division, remarked to me, granted the fact that the Magistrate and Collector of the district was a Native Civilian, it would make no appreciable difference to him whether that officer was or was not a Justice of the Peace.

5. In conclusion, I have given this matter my best attention, as I cannot forget that, when consulted demi-officially by you on the subject, I expressed an opinion decidedly more favourable to the proposals contained in the Bill than that which I have now given, and can only say that the strong opposition on one side, combined with entire indifference on the other, which has since come to my notice has shown me that I was mistaken.

No. 3150—276, dated 29th May 1883.

From—A. J. LAWRENCE, Esq., Officiating Commissioner, Allahabad Division,

To—The Secretary to Government, North-Western Provinces and Oudh.

As desired in your No. 632 of 6th April, I have consulted directly with many Europeans and Natives, and indirectly, *i.e.*, through Messrs. Barstow, Mellor, and Benson, on the subject of the Bill to amend the Criminal Procedure Code, 1882. Briefly, I may say that while all Europeans and Eurasians are against the Bill in any form or shape, few native gentlemen other than Bengali Babus and Cashmeri Pandits desire it or think it advisable. Some, no doubt, who had never previously known of the disqualification, nor had not in any way felt the necessity of a change, would now be averse to its being abandoned, as they look upon it as a race question, and make no secret of a desire for a victory over Europeans.

2. The latter now say but little, as they consider that all has been said that can be, and that the question will really be settled by Parliament, or at any rate in England. But that they think the less of it, or the better of themselves for having made a surrender in 1872, without which the present move would have been impossible, I do not believe. But the Europeans then recognised that grave administrative difficulties existed, that miscarriages of justice were frequent, and they gave way. They do not now believe, and speaking as Magistrate for twelve years of such districts as Benares, Etawah, and Agra, I agree with them that administrative difficulties or miscarriages of justice require any further surrender of keenly-valued privileges.

3. Government is not required to, and should not, anticipate the wants of the country. And as the Magistrate of Fatehpur says "all the injury (if any) which the Bill may do will fall upon the Europeans. It appears to me that it is the views of Europeans alone which required to be carefully considered and weighed, especially the views of that class, *viz.*, the non-official, whose interests are most likely to be affected. Now no one can deny that the whole body of non-official Europeans look on the Bill with consternation. Is the Government prepared to say that it is certain that the fears which the European community in general has so freely expressed are utterly groundless, and that the classes of natives to whom the Bill proposes to give the powers of a Justice of the Peace are in every way fitted to exercise those powers? This is, I think, the test by which the Bill must be judged, and by it I think the Bill stands condemned. I believe every word of what the Hon'ble Mr. Thomas said (*Gazette of India*, 21st April 1883) to be true; and that if natives are given the power of summoning Europeans (and especially European women) before a Native Magistrate, then they will use that power for the purpose of extortion and annoyance, and a very real terror will be added to the life of a European in the mufassil, which may at any moment lead to disastrous consequences."

4. In England no Magistrate can sentence an offender to an imprisonment of longer than six months, and in doubtful cases the option of a trial by jury at Sessions is nearly always given; but here the new Bill will, without affording the protection which trial by jury affords, authorise Native Judges to imprison European British subjects up to twelve months. A safeguard, which the English nation has always enjoyed, is thrown aside, and Europeans can hardly be expected to acquiesce in this loss without vehement protests.



5. It may be that when local self-government has accustomed the latter to see their native brethren taking a more prominent part in municipal and other small jurisdictions, and exercising impartially an authority to which all classes have to submit, they may accept such a Bill as is now proposed. But it is one thing to be subject to an alien in matters of taxation and municipal rights, and it is another to know that your personal liberty, and more especially that of your wives and daughters, is at their mercy. And Europeans do not believe that any Natives, with their widely different ideas in regard to almost every social and religious matter, their caste prejudices, their ignorance of the manners and customs of the Europeans, and of the motives which guide them, are competent to give them a fair trial.

6. Supporters of the Bill say :—It is to so few we propose to give this power. But is it so? Once a local Governor, who approves of the Bill, is empowered to invest Assistant Commissioners under the proposed Act, will he not consider himself bound to do so? Will not Native Magistrates of all classes sooner or later be invested with similar powers? In common, I believe with many experienced officers, I fear that such Magistrates will not prove independent, and that they will not always use their powers without fear or favour. It is, I believe, well known that native suitors often wish to have their cases tried by an European Magistrate rather than by a countryman.

7. The social and intellectual distance between Europeans and Natives in all things is so great—a distance which their religion extends rather than lessens—that few natives acquire an intimate knowledge of the private life and habits of thought of an European.

Perhaps those who have been for some years in England, the few regular Native Civilians, may be sufficiently versed in the ways of the lower, as well as of the better class of Europeans, as to be qualified to sit as their Judges; but ordinary natives, or young men of family nominated to the Civil Service, should not in my judgment be empowered as the Bill proposes.

8. I have said nothing of the sentiment which the Bill under discussion ignores, or of the proposed amendment of section 22 of the Criminal Procedure Code, whereby the powers of the local Government to invest non-official European British subjects with powers over British subjects is withdrawn. I can only conclude this is an oversight.

9. So much has elsewhere been said that I have been purposely brief; but having consulted many persons, I should counsel that the proposed powers be extended only to those Native competition Civilians who, as District Magistrates and Sessions Judges, should be *ex-officio* Justices of the Peace.

10. The Bill can hardly be abandoned entirely, but the smaller change the better prospect there is of good government, and of the continuance of cordial relations between the Anglo-Indian and Native-born subjects of the Queen.

Dated 23rd April 1883.

From—KUNWAR HARNAM SINGH AHLUWALIA, Lucknow,

To—The Secretary to Government, North-Western Provinces and Oudh.

In reply to your letter of the 10th instant, I beg to say that I am very thankful to Sir Alfred Lyall for inviting my opinion on the Native Jurisdiction Bill. I cannot but feel deeply interested in all that concerns the welfare of Indians; and therefore, availing myself of this opportunity, I would premise, *firstly*, that by assuming the title of Empress of India, Her Majesty has extended to us the privilege of considering ourselves as fellow-subjects with Englishmen; and, *secondly*, by giving us a liberal education, Government has befitted us for high responsibilities, which we expect to be entrusted with to a greater extent every day, according as we are found to deserve them more and more. The policy of Government has therefore been to avail itself of the services of Natives more largely than was the case some years back, not only as a generous concession to the claims of the children of the soil, but also as rendered necessary (1) on economical and (2) on political grounds. The Covenanted Civil Service has accordingly been thrown open to Native gentlemen, many of whom have already found admission into it; and since Government has gone thus far, every sensible man will admit that it should not long withhold from them the powers and privileges granted to their fellow-officers. A change must be made sooner or later, on the ground of administrative convenience, as also for the reasons given above. The anomalous case of a Native Presidency Magistrate is well known. A Native Civilian is tolerated as a Presidency Magistrate, but has not hitherto been permitted to go to the mufassil with those powers, in the exercise of which he has afforded satisfaction to the Local Government as well as the public. Outside the presidency-town a Native Magistrate cannot so much as commit for trial a European. It being, however, necessary for Government, in pursuance of its declared policy, to employ Natives extensively in the judicial service, in course of time a very large number of outstations will have Native judicial officers; so the question is, how can justice be administered to all Her Majesty's subjects without Native officers possessing criminal jurisdiction over European criminals? I presume Europeans have hitherto enjoyed immunity for many a crime, owing merely to the inconvenience attending an attempt to bring them to justice. The rural and illiterate classes of Natives (who form the majority of the population of India) have therefore been accustomed to think that English law is solely intended to punish them, and

not a law-breaking Englishman. They are surely mistaken, and yet Government might pay more regard to the quiet resignation of these its ignorant subjects, labouring under a mistaken sense of injustice, for which they fancy there is no remedy, than to the angry and senseless ebullitions of a privileged class who ought to know better. To me, therefore, it does not appear inexpedient to modify the existing law, and remove the disqualification which Native Civilians are subject to, because of the invidious race distinction that has hitherto been allowed to exist, as also owing perhaps to the supposed unfitness of Natives to try Englishmen even in the most trivial cases of infringement of law by the latter, whom no Native is believed to be capable of thoroughly understanding and doing justice to. The distinction in law between European and Native officers, so far at least as the administration of justice is concerned, should be done away with; and this amendment should, as His Excellency is of opinion, be passed at once, rather than some years hence. As very few Natives would obtain power under it, it would be easier to watch the working of it now than when (under the system introduced by Lord Lytton in 1879, and to which the measure proposed by Lord Ripon is but a corollary) Covenanted Civilians become more numerous.

Of course it is urged by those who are not in sympathy with the contemplated action of Government, that there being no sufficient safeguards against the miscarriage of justice, Natives cannot be trusted with powers over European British subjects out of the presidency-towns. Admitting this to be a fact, and granting that education, inter-communication, the supervision of High Courts, and other circumstances will not exercise any salutary restraint whatever, I would crave for consideration whether the objection does not apply with almost equal force to English Civilians in out-stations, and whether it has ever been allowed to be a bar to their investment with powers over *Native* British subjects? Taking also for granted that Natives do not understand Europeans sufficiently well to do justice to them, I ask again, do Europeans understand us so thoroughly as always to be able to do justice to us? These and other such objections that the majority of the non-official Englishmen in India are blindly raising against the wise and liberal policy of the present Government are simply suicidal.

Englishmen claim, and that justly, that their personal law should be respected; and so they are in all civil matters. We cannot grudge them their law of marriage, of inheritance, or their trial by jury. The question merely is, *by whom shall the ordinary criminal law be administered*, as a correspondent of the *Pioneer* very well puts it? If by Natives as well as Europeans, are the former nearly as competent as the latter? I believe sufficient care is taken in the selection of officers, whether they be Englishmen or Natives, for the Covenanted Service, and the subsequent training that they receive satisfies Government as to their fitness for judicial responsibilities. The personal qualifications that ought to entitle properly educated Natives to exercise the same powers as their fellow officials generally, and to deal satisfactorily with cases in which Europeans are involved particularly, can be no other than *fact, judgment, uniform uprightness, honesty, and moral courage*; and whether Native Civilians possess them in a measure sufficient for the proper discharge of judicial duties, I believe Local Governments are in a better position to judge than irresponsible non-official Englishmen and Eurasians, who do not seem disposed to believe that Natives possess these virtues. As for legal and other training, I suppose Native Civilians receive enough of it during the period in which they qualify for the Service in England, and say the first five years that they exercise their judicial functions in their own country.

The proposed amendment is meeting with violent opposition from all quarters of India. Even Eurasians, and those whose European names alone seem to justify their preposterous demonstrations, have made common cause with Englishmen. But Government need not be apprehensive of anything serious resulting from this storm in a teapot. However, so far as Englishmen are concerned, the opposition presented is certainly very natural, as the proposed amendment apparently assails a privilege hitherto enjoyed by them. Yet I wish they had fought so hard on the side of reason, instead of mere sentiment. We are the more sorry for it as the amendment in question will keep up for some time the unfriendliness that it has unfortunately created between Englishmen and Natives. We shall bitterly feel it in our daily intercourse with them, but we also strongly hope that all excitement and ill-feeling, not originating in anything to perpetuate them long, will subside of themselves sooner or later, and give place to cordiality to the extent permitted by the relations in which the two races stand to each other.

It will therefore be a pity, as also a great mistake, if the Bill be eventually withdrawn. It deserves to be successful over all opposition; and we fervently trust that India may yet heartily congratulate the noble Ruler, and those associated with him, through whose instrumentality this great change in the administration of the country will be effected.

In conclusion, I beg you will understand that all I have said is in reference to those Natives only who return from England after successfully competing there for the Civil Service. If the Bill is passed, it will, of course, be for all Native Civilians; but since Government will proceed with the greatest caution in putting it to the test of experiment, I trust that Native gentlemen of the "Indian Civil Service," if entrusted with the proposed powers at all, will be exceptionally few for some years to come.

No. 2940-165, dated 6th July 1883.

From—A. H. L. FRASER, Esq., C.S., Offg. Secy. to the Chief Commissioner, Central Provinces,  
To—The Secretary to the Government of India, Legislative Department.

I am directed, in continuation of my letter No. 2822-161, dated 30th ultimo, to submit

From the Registrar, Judicial Commissioner's Court, Central Provinces, to the Secretary to the Chief Commissioner, Central Provinces, No. 1134, dated 14th June 1883.

From the Officiating Commissioner, Jubbulpore Division, to the Secretary to the Chief Commissioner, Central Provinces, No. 1682, dated 4th April 1883.

From the Officiating Commissioner, Chhattisgarh Division, to the Secretary to the Chief Commissioner, Central Provinces, No. 2293, dated 9th April 1883.

From the Commissioner, Nerbudda Division, to the Secretary to the Chief Commissioner, Central Provinces, No. 1563, dated 25th April 1883.

From the Officiating Commissioner, Nagpur Division, to the Secretary to the Chief Commissioner, Central Provinces, No. 3184, dated 4th June 1883.

the correspondence noted in the margin, and also a Memorandum in which the Chief Commissioner has recorded his views on the Criminal Jurisdiction Bill. Mr. Jones has not thought it necessary to submit the opinions of Deputy Commissioners, but I am to mention that non-official Euro-

pean opinion is almost entirely adverse to the Bill.

This was, Mr. Jones thinks, only to be expected. The non-official European is but little acquainted with the considerations by which the Government of India is influenced in connection with this matter, and unless public opinion among Europeans is somewhat systematically educated, there is but little chance that the present opposition to the Bill will disappear. He would therefore venture to urge that the leaders of the European community should be taken as much as possible into the confidence of Government. With their help a compromise, which may not be altogether unsatisfactory, may, he thinks, still be arrived at.

No. 1134, dated 14th June 1883.

From—The Registrar, Judicial Commissioner's Court, Central Provinces,  
To—The Secretary to the Chief Commissioner, Central Provinces.

In reply to your endorsement No. 1246-68, dated 29th of March 1883, forwarding a copy of the Bill to amend the Code of Criminal Procedure, 1852, I am directed to communicate the following remarks.

2. No administrative necessity for the measure has arisen in these Provinces, inasmuch as there is in the Commission only one probationary member of the Native Civil Service, and no native member of the Covenanted Civil Service. For the same reason there can be no objection, so far as regards these Provinces, to the Bill on the ground that it will be prejudicial to the administration of justice.

3. I am, however, to say that if there were in the Commission native gentlemen qualified under the Bill for appointment to the office of Justice of the Peace, the Officiating Judicial Commissioner does not think that the Bill, if passed, would injuriously affect the administration of justice, or the safety of European British subjects. The Local Government would not appoint any native gentleman to be a Justice of the Peace unless he were fully competent to perform the duties of the office. There can be no question that Magistrates possessing the qualifications required by the Bill are, so far as legal knowledge is concerned, fully competent to try European British subjects. Those officers on whose discretion, judgment and impartiality the Local Government could not rely, would not, it is to be presumed, be appointed Justices of the Peace. So also with regard to the section of the Bill which confers the power of a Justice of the Peace on persons holding the office of District Magistrate and Sessions Judge, the Legislature may fairly assume that incompetent persons will not be appointed to such important offices. Moreover, it cannot be denied that an officer who is competent to exercise the powers of a District Magistrate or of a Sessions Judge is competent to exercise the limited jurisdiction conferred on those officers with respect to European British subjects.

4. There are, however, two objections to the measure, namely, first, that a native gentleman is not so good a judge as a European in a case in which a European is accused; and secondly, that European British subjects entertain a very strong opinion that a native gentleman is not competent to try them. From a judicial point of view, it is desirable that an accused person should be tried by the best tribunal possible, and by one in which both he and the class to which he belongs place confidence. It is, Sir James Stephen says, (Criminal Law of England, page 206), hardly less important that the decision in a criminal case should be believed to be just than that it should actually be just. Acting on this principle, the Legislature has reserved to the chartered High Courts, the Chief Court of the Punjab, and the Recorder of Rangoon, all the powers of a High Court with reference to European British subjects. Unless, therefore, there is an administrative necessity for the change, the Officiating Judicial Commissioner would not recommend that jurisdiction over European British subjects be given to a class of courts which European British subjects believe, rightly or wrongly, to be incompetent to give them justice. This opinion is given on a consideration only of the judicial administrative requirements of the Central Provinces. Mr. Crosthwaite does not think that he is called on to give any opinion as to the political questions raised in connection with the Bill, or as to the claims of native members of the Civil Service to the exercise of the powers conferred on English members of that service.

5. If, however, it is considered necessary, in view of the requirements of other Provinces, or for other reasons, to pass the Bill, the Officiating Judicial Commissioner does not anticipate that, so far as the judicial administration is concerned, any difficulty will be caused in these Provinces by its provisions if hereafter there are Native Magistrates who are Justices of the Peace. For some years the District Magistrate will always be a European British subject, and it will be easy for him to try all cases which in his opinion are such as, either owing to the nature of the charges or the fact of the parties and witnesses being Europeans, should be tried by a European British subject. By the time that native gentlemen rise in these Provinces to be Sessions Judges and District Magistrates, the question of their competency or incompetency to try European British subjects will have been decided and will be beyond controversy.

No. 1682, dated 4th April 1883.

From—MAJOR-GENL. E. M. PLAYFAIR, Officiating Commissioner, Jubbulpur Division,  
To—The Secretary to the Chief Commissioner, Central Provinces.

In reply to your No. 1246-68, dated 29th ultimo, I have the honour to state that although I consider a good deal of the feeling excited by the proposed introduction of the measure to be now legislated for is sentimental, still there is a certain amount of reason and justice against the Bill in question.

2. The Bill proposes to give certain classes of Native Magistrates up-country the powers, in respect of jurisdiction over Europeans, which the Presidency Magistrates now exercise. But in my opinion there is a wide difference between the surrounding circumstances of the two. In the Presidency towns there is strong public opinion brought to bear on all the acts of the Magistracy, which undoubtedly serves as a protection to Europeans who are subject to the jurisdiction of these Magistrates, and thus ensures fair play. On the contrary, in a very large proportion of up-country areas, there is no such "public opinion" and therefore no similar protection.

3. Again, the Presidency Magistrates, from their training and education and from constant association with Europeans, are able to understand the feelings, habits and customs of this latter class, and are therefore fitted to gauge the probabilities of any case in which Europeans are concerned almost, if not altogether, as well as Europeans themselves. There is also in the presidency-towns less chance of false accusations and false swearing, which is notorious in up-country.

4. It seems advisable to let well alone. The proposed change, so far as we have been able to learn, has been initiated at the instance of a small section of the native official community, and has not been forced on the attention of Government by any strong consensus of opinion. The opposition to the proposed legislation on the part of the non-official Europeans of India has been so marked that any attempt to persist in carrying out the measure can only tend to keep up, or rather to revive, the feelings of class animosity which had to a great extent died out since the days of the mutiny, and this of itself is a strong reason why the measure, not being actually necessary now, should be allowed to drop.

No. 2293, dated 9th April 1883.

From—LIEUT.-COL. H. C. E. WARD, Officiating Commissioner, Chhattisgarh Division,  
To—The Secretary to the Chief Commissioner, Central Provinces.

I have the honour to acknowledge copy of the Criminal Procedure Code Amendment Bill, received under your endorsement No. 1246-68 of date 29th ultimo, calling for an expression of my opinion.

2. I would beg to submit that, in my humble opinion, the amendments proposed are not necessary, and it is not expedient that they should become law at the present time. My reasons I will give in detail immediately, but I would first ask to be allowed to point out that I am in no way averse to the principles on which the Native Civil Service has been founded, or to the theory of conferring high powers on selected natives; rather the contrary; I have always advocated both, and I see no reason whatever why well-educated natives should not be able administrators.

3. My objection to the proposed amendments to the Criminal Procedure Code are these—

I. I note that in the Statement of Objects and Reasons it is urged that "it was thought anomalous that while natives of India were admitted to the Covenanted Civil Service and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects outside the presidency-towns."

This appears to be the real argument in favour of the Bill; and I would urge that it is insufficient. It is not worthwhile to excite the feelings of the whole European non-official community for the sole purpose of getting rid of an anomaly in a country like this where our whole rule is an anomaly, and where we meet with many equal, if not greater, anomalies at every turn.

If we begin by removing a much-cherished privilege of the Europeans simply because it is an anomaly, we must be prepared to meet counter-agitations on the part of the Europeans to bring about the withdrawal of the many privileges the natives have under our rule, notably the immunity from personal attendance in Court of ladies of rank and *purdah-nashin* women.

Is it not an anomaly that this privilege is extended to natives only, while English ladies of the highest rank have no such immunity from appearance?

II. The agitation that this proposal to change the law has given rise to throughout India has shown that, were this Bill to become law, there would be danger of collision between the Europeans and Natives. We can hardly expect to see the lower class European accept with equanimity the sentence of a Native Judge, and I should never be surprised to hear of the Native Judge being assaulted by the European whom he had sentenced.

I can speak from my own experience of my having had to protect my own Native subordinates from the violence of low class Europeans in petty civil cases. Their feelings would be harder to restrain in a criminal trial.

To my mind I would far sooner see the anomaly retained than occasion given for a grave scandal, which would only serve to increase the present race antipathy and the unfortunate feeling of antagonism between European and Native which recent events have now proved to exist.

III. Where the European feels so strongly, it seems to me a matter deserving the gravest consideration whether the end to be gained is proportionate to the means, *i.e.*, is the benefit anticipated from these amendments proportionate to the injury they will cause by increasing the feelings of animosity that are now known to exist between the European and Native?

The mere prospect of this change in the law has shown how deep-rooted a feeling of race antipathy and mutual distrust there unfortunately is.

I fear that if these amendments become law, this feeling will not be diminished, but will be increased, and every case tried under the new law will give rise to a stronger outburst of feeling and increase the strain on the relationship between the two classes.

It is true the English are naturally law-abiding, but here the feeling is so strong that I question whether they will accept patiently the proposed change in the law.

IV. I believe that the case of a European lady having to be arraigned before a Native Judge for trial in a criminal case would be looked upon as an outrage to the feelings of the European community, and it seems to me that it is quite possible that this feeling of outrage may easily give rise to serious complications and scandals, which, in my opinion, it would be surely well to avoid if the object of the Bill has not some much more emergent object than that stated in the Preamble.

It is now well known how strong this feeling of distrust and antagonism between the majority of the European community and the natives is, and if considered in the view of the possibility of the ladies of their families having to appear for trial in the Courts of Native Judges, it can hardly, I think, be looked upon as unnatural: rather the contrary, it seems to me to deserve careful consideration.

V. I think there is room for doubt whether this proposed change will be altogether acceptable to the Native Judges. As a matter of prestige they will doubtless hail with satisfaction a concession which may raise a few of their number to a position of superiority over the non-official European, but when the Act comes to be applied personally to themselves, I think it will be seen that the Native Judge will be in no haste to avail himself of his powers, as he cannot but feel that they will have to be exercised at a certain risk to himself.

4. I have endeavoured to show that, in my opinion, the advantage to be gained by the proposed amendment in the law does not counterbalance its disadvantages. If, however, the change is considered absolutely necessary, I would suggest that it should be tentative: let the European criminal have the option of being tried by the Native Justice of the Peace or a European Judge. This would meet the necessities of petty cases in districts where there were only native officials: to save himself the trouble of a long journey the European might elect to be tried by a Native.

5. I am aware that the number of Native Judges on whom it is proposed to confer criminal jurisdiction over Europeans is small, but this number will increase yearly, and it is intended that the men selected for this service shall be of high intelligence and superior ability, but it is not, I think, in the lack of intelligence or ability that the Native will be found wanting, but in the absence of a knowledge of European character, and the manners and customs of the lower classes of Europeans. At present the Native has no feeling in common or sympathy with the European, and without this it will hardly be possible for him to judge the European fairly.

There are few questions on which the thoughts of the two would not move in diametrically opposite grooves.

While, therefore, I am quite ready to admit that it is an undoubted anomaly to entrust the native member of the Civil Service with the powers of a District Judge, and to withhold from him jurisdiction over European offenders, I would submit that, in my opinion, the disadvantages of removing the anomaly are infinitely greater than the advantages which this removal is proposed to bring.

6. In conclusion, I would ask to be excused for speaking so plainly on this subject. The task is a difficult one, seeing that a different opinion has been given by so many in high



authority, but it seems to me that this is an occasion where Government has a right to expect that each individual should speak plainly the views he holds on a matter of such vital importance both to the State and the people.

The Chief Commissioner knows that I have now been associated for more than 20 years with members of the Native Magistracy, and that I have constantly placed on record my high opinion of the value of their services. He will not therefore, I trust, think that I am in any way prejudiced against the Native Civilian as a class, for this is not the case.

It has seemed to me that the proposal to amend the law is one that will be far from improving the relationship between the Europeans and Natives, and I have therefore considered it my duty to say so.

No. 1563, dated 25th April 1883.

From—J. W. CHISHOLM, Esq., Commissioner, Nerbudda Division,

To—The Secretary to the Chief Commissioner, Central Provinces.

In reply to your endorsement No. 1246-68, dated 29th ultimo, I only offer an opinion on the Bill for amending the Code of Criminal Procedure in the matter of jurisdiction over European British subjects in so far as it seems necessary, or otherwise, in the present circumstances of these provinces. There are those whose experience makes them more qualified to speak for other parts of India, and I do not think that on a question of this kind the whole country can be treated, except in theory, on exactly the same platform.

2. In my opinion the feeling of European British subjects in this country, in favour of being tried by European British subjects, is neither unnatural nor unreasonable. I should hope that in time this feeling will disappear, when the races know each other better, and are thrown more closely together. As yet, after more than a century of our rule, the admission must be regretfully made, that the races, as a whole, do not understand or sympathise with each other. The great body of the Natives look upon Europeans as a rough, harsh, and overbearing race, while the mass of Europeans look upon Natives as cunning, unscrupulous and false. Extreme types of character are thus ignorantly taken as representative of each race, and hence arises at times much bitterness and misunderstanding.

3. Among Englishmen the official is the only class much thrown among natives, and I think that most officials of any standing are in full sympathy with them. I question, however, if natives generally reciprocate this sympathy, even toward the official class, and this is owing to the barrier of caste, which, however disguised, forces them to regard the European as impure. It is quite exceptional natives who understand and appreciate Europeans as such, and this being the case I do not think that they should be given at present jurisdiction over Europeans. The fact is, they credit them with being strong-handed and oppressive, and their prejudices, which are still strong, scarcely qualify them to be impartial. There is thus ground for the European objection to being tried by a Native Judge who often from not understanding him would be liable to give ready credence to charges against him.

4. I would, therefore, only advocate jurisdiction over Europeans being given to natives where an administrative necessity existed for conferring such powers. In these provinces there is absolutely no such necessity, and the provisions of the proposed Bill would only make it possible to confer such powers at present in the Central Provinces on two Native Assistant Commissioners, neither of whom, with many good qualities, possess any real knowledge of Europeans, not having been thrown among them. In the future, doubtless, the necessity may arise when natives more largely fill the higher appointments, but if the future has to be provided for now, the best provision, in my opinion, for the law to make would be to give jurisdiction over Europeans to every Magistrate or Deputy Commissioner in charge of a district, and to every Sessions Judge in virtue of the office held and regardless of race.

No. 3184, dated 4th June 1883.

From—LIEUT.-COL. M. P. RICKETTS, Officiating Commissioner, Nagpur Division,

To—The Secretary to the Chief Commissioner, Central Provinces.

In reply to your endorsement No. 1246-68, dated 29th March, asking for an expression of my opinion on a Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to state that, before submitting my reply, I thought it advisable to consult all the District Officers of the division with the view of ascertaining, as far as possible, the feelings of those European British subjects who might be affected by the Bill.

2. I have not yet received any reply from the Deputy Commissioner, Balaghat, but all the other District Officers report that, with very few exceptions, European British subjects are strongly opposed to the Bill.

The Deputy Commissioner, Nagpur, condemns the Bill as wanting in the three elements of

- (1) Administrative necessity;
- (2) Finality;
- (3) Efficient and impartial administration of justice.



The Deputy Commissioner, Chanda, opposes the Bill on the ground that, if passed, it would seriously impair the supremacy of English rule.

The Deputy Commissioner, Wardha, professing himself to be an advanced radical, considers the Bill to be in advance of the wants of the time.

The Deputy Commissioner, Bhandara, is personally in favour of the Bill, but even he considers "the bar of European Extra Assistant Commissioners and European Honorary Magistrates of sufficient magisterial experience from investment with the powers of a Justice of the Peace to be quite indefensible." He also proposes certain modifications, and thinks that a knowledge of English should be an indispensable qualification for every Justice of the Peace.

3. I forward the reports of all District Officers in original, so that the opinion of those officers may be read in their own words.

4. I proceed now to give my own views.

The Statement of Objects and Reasons sets forth that "it was thought anomalous that while natives of India were admitted to the Covenanted Civil Service and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace and to exercise jurisdiction over European British subjects outside the presidency-towns;" and "the Government of India has accordingly decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code at once and completely every judicial disqualification which is based merely on race distinction."

The Honourable Mr. Ilbert also in moving the Bill is reported to have said—

"We propose to substitute for the disqualification arising from race a qualification depending on tried fitness."

"We propose to say that a very small number of specially selected Native Magistrates may exercise that limited and qualified jurisdiction which can at present be exercised only by persons who fall within the extremely arbitrary and technical definition of European British subjects."

5. Now to carry out this object, the first amendment proposed is to repeal the last clause of section 22, Act X of 1852, whereby European British subjects can, if considered fit, be appointed to be Justices of the Peace, and to substitute the appointment of—

- (a) Members of the Covenanted Civil Service;
- (b) Members of the Native Civil Service constituted under the Statute 33 Vic., Cap. 3;
- (c) Assistant Commissioners in Non-Regulation Provinces; or
- (d) Cantonment Magistrates.

I fail to see on what ground, either of justice or administrative convenience, an amendment of this kind can be defended. It is also distinctly opposed to the statement of the mover of the Bill, that the future qualification of a Justice of the Peace is to be one of "tried fitness."

European British subjects are to be disqualified in future, not because of unfitness, but because they do not happen to be in one of the four favoured classes above mentioned which are supposed to be specially fit. And yet none of these classes have yet been tried, while there are many European British subjects not falling within those classes who have been tried and found competent.

Why should the results of past experience be set aside and Government be limited in its selection of Justices of the Peace to four particular classes, when experience has proved that outside those classes there are many European British subjects fit to be made Justices.

6. I agree also with the Deputy Commissioner, Bhandara, that if a native is to be made a Justice of the Peace, it is indispensably necessary that he should have a knowledge of English. I think too that a distinction must be made between—

- (a) Members of the Covenanted Civil Service; and
- (b) Members of the Native Civil Service constituted under the Statute 33 Vic., Cap. 3.

Whatever claim the former may have to the same rights of jurisdiction as their European confreres in the same service, no such claim can be asserted for the latter on account of the totally different character both of their appointment and examination. In both cases the guarantee of fitness is not the same, and both classes ought not to be placed on the same footing as regards jurisdiction over European British subjects.

7. There is no reason, as far as I can judge, for supposing that justice would be furthered, or parties convenience, by jurisdiction over European British subjects being given to the four classes specified in the proposed amendment of section 22. I think, therefore, that the amendment is quite unnecessary and should not be passed.

8. The next proposal is to amend section 25 so as to make all Sessions Judges and District Magistrates "*ex-officio*" Justices of the Peace, and to repeal so much of section 443 as limits jurisdiction over European British subjects outside the presidency-towns to Magistrates who are themselves European British subjects, and to repeal a similar provision of section 444 and of section 450 with regard to Sessions Judge, and also a portion of section 459.

These provisions of the law at present bar all natives outside presidency-towns from trying European British subjects. I think, however, that in the case of natives who are considered fit to be Magistrates of Districts and Sessions Judges, the bar might be withdrawn

on certain conditions, but I would not have all Sessions Judges and District Magistrates (European or Native) to be "*ex-officio*" Justices of the Peace.

9. I agree in the following opinion expressed by Sir A Lyall:—

"The interests of the European British subjects and of the administration would be sufficiently provided for if the present restriction, under which no one who is not himself an European British subject, has jurisdiction over an European British subject, being removed, power be left with the Local Government to appoint Justices of the Peace those Native members of the Covenanted Civil Service who have proved their fitness to exercise the jurisdiction. The Local Government would then apply the test of personal fitness to each particular case for Native as well as for European members of the Covenanted Civil Service."

10. The appointment then of a Native to be a Justice of the Peace would not depend upon his holding a particular appointment, but upon the question of personal fitness, to be determined by the Local Government; and I would limit such cases to those natives only who are Sessions Judges or Assistant Sessions Judges of three years, or Magistrates of Districts.

The time has not come, I think, when it is necessary for the better administration of the country that all natives who happen to be in any of the four classes specified in the amendment to section 22, or who are Sessions Judges and Magistrates of Districts, should be vested with jurisdiction over European British subjects independently of proved fitness.

11. The changes contemplated by Government have greatly exasperated the European population, and it seems to me that Government should show some respect and sympathy to such opposition, and refrain from change, unless the change can be shown to be demanded by the common weal. But no such proof is forthcoming. No change seems necessary on the ground of administrative inconvenience, for to my mind the present jurisdiction over European British subjects might continue many years without any detriment to Government.

12. If, however, it be considered necessary to allow Natives to be made Justices of the Peace, then the safest way of doing so is not to withdraw the privilege hitherto enjoyed by British subjects of being made Justices of the Peace, but to extend the same privilege to natives on proof of personal fitness determined by the Local Government, but to limit it, in the first instance, to those who hold the office of Magistrate of the District or Sessions Judge, or Assistant Sessions Judge of three years' standing, and who are acquainted with English.

*Opinion on the Criminal Jurisdiction Bill by W. B. JONES, Esq., Chief Commissioner, Central Provinces.*

The question which this Bill raises is troublesome, both on account of the passions which it excites, and on account of the absolute difficulty of arriving at a satisfactory conclusion regarding it. The latter difficulty has, I believe, received too little attention. My belief is that, if we could refer it to some absolutely impartial tribunal, that tribunal would find it most difficult to draw the line between the conflicting claims of the European and Native. Justice herself would scarcely know how to hold the scales. Yet a clear perception of the difficulty of the problem would do much to mitigate passion. The question is disputed between Europeans on one hand, and *educated* natives (the mass of educated natives know and care nothing about the matter) on the other; and the latter are as able, and very many of them as willing, as Europeans to see both sides of the argument, and doing this to acquit their opponents of that which chiefly embitters controversy, *viz.*, the suspicion of conscious unfairness, or at least of a more or less wilful shutting of the eyes to unwelcome arguments. Of course there are amongst us those who would obstinately and blindly resist any concession to natives as a thing objectionable *per se*, but of such persons Government will not, and cannot take account, nor indeed will their feelings greatly influence the tide of general European opinion.

2. Assuming then that the effectual and impartial administration of justice is the object at which we aim, we must admit at once that *à priori* it is desirable that cases in which Europeans are the accused should be triable by either European or Native Magistrates, just as cases in which Europeans are complainants already are. To make them triable by Judges of one class only not only seems unfair, but, has a tendency to produce actual and positive injustice. A law which should provide that in every case in which a Brahmin might be the accused and a man of another caste the accuser, the Judge should be a Brahmin, would be condemned by every one. And we must remember too that, as all history shows, a legal disability has a tendency to create or intensify the race difference which it marks. The principle that no class should as such be excluded from the judicial office in cases between it and any other class is one that all must accept.

3. But this great principle is subject to the proviso that persons fit for the judicial office are to be found and that the fittest persons should be appointed. In the case supposed in the preceding paragraph, Brahmins might be the only people able to read and write, and might on this account, and with manifest propriety, monopolise the judicial office. The exercise of judicial power is not one of the natural rights of man. All that can be claimed is that the preference of one person over another should be based on considerations of fitness, and not on race disability. It is here that the English case, though at first sight weak, is in reality strong. That the law should exclude natives altogether looks at first sight utterly indefensible, but in truth, and with some exceptions, the general effect of the law is to secure the appointment of the fittest Judges.

4. That the European is generally fitter than the Native to try cases in which Europeans are accused appears to me to be abundantly clear. Of the total number of such cases, a large proportion consists of cases in which a European is the accuser as well as accused, and here clearly the European is the fitter person. As I have said, no one has a natural right to try other people, and no native has the smallest right to feel aggrieved because such cases are not entrusted to him.

Turning to those cases in which the accuser is a native, I think that the Judge should usually and preferentially be a European, for the plain reason that we know so much more about natives than they do about us. The English Magistrate is a man who has come to spend his whole working life in India; the Native Magistrate is at the best one who has spent two or three years at College in England. Owing to caste restrictions and to the native custom of secluding women, the two races are debarred from that intimate association with one another which would make either thoroughly competent to try the other. But the separation is not the work of the European, and at all events the mere fact that he lives from 25 to 35 years among natives and, though not in the eye of the law domiciled here, makes India his home for the best part of his life, gives him an advantage over even the Native Civilian who has obtained his place by competition in England.

5. The Honourable members who argued against the Bill in Council appear to me to have been led somewhat astray owing to their having thought too exclusively of the accused person. Picturing to themselves the position of a solitary European wrongly accused, they rather overlooked the fact that the effectual and impartial administration of justice is attained by a system which secures justice as between complainant and accused or between society and accused, and not by the system which affords a maximum of security to the accused. The conviction of an innocent man is the worst of all judicial crimes, but the acquittal of a guilty man comes next to it, and believing that the gentlemen to whom I have referred have thought almost exclusively of the first danger I am not able to press their argument as far as they do. If we are to think merely of the interests of the accused, then the argument in favour of his being tried by a European is overwhelmingly strong, but if while providing all reasonable security against the conviction of innocent persons we make it our chief aim that justice be done in the case, and this is what the effectual and impartial administration of justice means, then the argument becomes much weaker. But granting this, I am still compelled to admit what they greatly insisted on, that the European in this country is exposed to the danger of false accusation to a great extent and is very helpless against it, and that this fact affords some additional reason for the privilege which the law now confers upon him.

6. The logical issue of the struggle between the principle that race distinctions are to be condemned, and the principle that the fittest Judge—in the present case ordinarily the European—is to be preferred, is, that the disability now imposed by law on natives should be removed, and that it should be left to the Government to select fit persons who would usually be Europeans. Government would usually select Europeans just as (to take an illustration), although Civilians are eligible, it almost invariably selects Military officers for the post of Cantonment Magistrate.

But while feeling is so excited, it cannot be hoped that Europeans will trust Government in this matter. They may consent to surrender some of their existing privileges, but they will certainly demand that those which they are permitted to retain be secured to them (as at present) by law. They will not leave the selection of fit persons to the judgment of the Government of the day. Some other solution of the difficulty must, therefore, be looked for.

7. It appears from the Bill that, in the opinion of the Government of India—

- (1) all District Magistrates and Sessions Judges may be regarded as fit persons ;
- (2) that fit persons may be selected from among officers exercising the full powers of a Magistrate belonging to—

The Covenanted Civil Service,  
The Statutory Native Civil Service,  
Assistant Commissioners in Non-Regulation Provinces,  
Cantonment Magistrates.

In the first of the above proposals I entirely concur. I would claim this concession as a mere matter of justice to Native Civilians. As the Honourable Sir S. Bayley said, it is a necessary corollary to their admission to the service. But apart from this the proposal would have my entire support. In the case of those whom it will include we shall have the assurance that most of them have been educated in England, that all know English thoroughly and are men of experience, judicial and other. Government does not entrust every one with the charge of a district or the duties of Sessions Judge, and it would be a monstrous thing to allow a European to say that a man occupying such a position should not be trusted to try him.

8. And in the case of District Magistrate and Sessions Judge, the argument based upon considerations of administrative convenience is, as Sir Ashley Eden showed, immensely strong. I am far from being inclined to make too much of this argument. I would not abrogate a privilege so highly valued by Englishmen in order to make administration convenient. In the opinion which I formerly submitted, I was careful to say that the question of the privileges of the European British subject was one with a long history behind

it, and not one to be decided by reference to considerations of convenience. But certainly, when we have such strong reason to believe that District Magistrates and Sessions Judges would be fit persons to try Europeans, the fact that if they are not allowed to try them the greatest inconvenience will result ought to be taken into consideration.

9. To the second of the proposals made in the Bill I am strongly opposed. I of course would trust Government to select only fit persons, and I would be the last to say that numbers of fit persons are not to be found among the classes indicated. I have the pleasure of knowing numbers of Native officers in whose capacity and rectitude of purpose I could place implicit confidence. But I am not sure that Government is well advised in making just at this time that demand on the confidence of the non-official classes which this proposal makes; I am unwilling to see Government limit itself in its selection of Native Justices of the Peace to an infinitesimally small number of persons, and I altogether deprecate the idea that Government, to secure uniformity in its treatment of the two classes, should deprive itself of the services of all the non-official class. This proposal has had great effect in weighing down the Bill, and anxious as I am that justice should be done to Native Civilians, I would almost rather see the Bill abandoned than that, being passed, it should place such a grave slight on all classes of the European community outside the ranks of the Service to which I belong.

10. The question then is, shall Government limit itself to the first of the two proposals mentioned above, or shall it, going further, seek to secure the ends at which the second proposal aimed in some other way. In favour of the former alternative there is the consideration that it confines the remedy to the immediate evil, and, professing simply to do justice to Native Civilians, raises no general question of principle, and does not, as the second clearly does, open the way to further agitation. It will be for the Government of India to decide this point; but in case decision should be in favour of the second alternative, I would suggest, as a possible means of attaining the end in view, that we might supplement the provision regarding Magistrates and Sessions Judges by enacting—

- (1) That cities with a European population exceeding a certain number should, for the purpose now in hand, be regarded as presidency-towns;
- (2) That Government should take power to appoint any one, European or Native, Justice of the Peace, but that cases in which a European British subject being the accused, a native might be the complainant, should be heard by a Bench consisting of one European and one Native Justice of the Peace, difference of opinion, whether as to finding or sentence, being referable to the Magistrate of the District.

I do not altogether like the second proposal. A mixed tribunal almost suggests antagonism; but guarded as it will be by the proviso that in cases of difference of opinion the Magistrate of the district may be called in, it would not, I think, work badly.

If these proposals should meet with acceptance, the "solitary" European will have all reasonable security, for he can be tried only by the Magistrate of the district, who will usually be a European and always a fit person to try him (*vide* paras. 7 and 8), or by a Bench on which an Englishman will sit, and in which the Magistrate of the district, usually an Englishman, will be in fact President. And the European inhabitant of great cities, who (to use the words of the Honourable Mr. Evans) sees about him "the power and influence of the European community, the blaze of publicity, the press, the bar, and (sometimes) the presence and power of the High Court," can scarcely object to be treated like his countrymen in Calcutta, Bombay or Madras. And the native cannot object to proposals which sweep away all race disabilities.

11. My predecessor, Sir J. Morris, has advised that the Bill should altogether be abandoned. I cannot concur in this: whatever happens, Government is bound to proceed with the Bill to the extent of allowing Native Civilians, who have attained the rank of Magistrate of the district or Sessions Judge, to exercise the same power as European Civilians.

12. I cannot conclude this Note without saying that I feel most strongly the importance of taking notice of cases in which natives being complainants, European tribunals fail to do their duty. I referred to this point in my former opinion. The native press make much of it; and although they exaggerate greatly, I am unable to say that their feelings on the point are unnatural or altogether without foundation. We are as much interested as natives—I might even say much more interested—in seeing that violent attacks by Europeans on natives are adequately punished.

13. On reading over what I have written, I am sensible that I have said much that at first sight might have gone without saying. My reason for this has been that it is possible that this with other opinions will be made public, and that I have been anxious that it should be evident to all who may read it that I have endeavoured to take a fair and impartial view of the question in issue.

No. 4652, dated 9th July 1883.

From—C. GONNE, Esq., Chief Secretary to the Government, of Bombay,  
To—The Secretary to the Government of India, Legislative Department.

In continuation of the papers forwarded with my letter No. 4026, dated the 15th ultimo, I am directed to transmit herewith, for submission to the Government of India, copies of the opinions marginally noted received from the Agents, Great Indian Peninsula, Bombay, Baroda and Central India, and Southern Mahratta Railway Companies, and from the Manager, Bhavnagar-Gondal Railway, on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

Agent, Great Indian Peninsula Railway Company,  
No. 5364, dated 30th May 1883.

Agent, Bombay, Baroda and Central India Railway Company, No. 3105, dated 11th May, and No. 3964, dated 18th June 1883.

Agent, Southern Mahratta Railway Company,  
No. 1971, dated 19th June 1883.

Manager, Bhavnagar-Gondal Railway Company,  
No. 1254, dated 26th May 1883.

No. 5364, dated 30th May 1883.

From—G. A. BARNET, Esq., Agent, Great Indian Peninsula Railway Company,  
To—The Consulting Engineer for Railways, Bombay.

In reply to Government Resolution No. 609 of the 11th April, calling for a report on the proposed Bill to amend the Code of Criminal Procedure, 1882, I feel very doubtful if the time has yet arrived for the introduction of such a sweeping change in the administration of criminal law, and I greatly fear it will be productive of far more injustice than can possibly be compensated for by the removal of the supposed anomaly which has given rise to the Bill; and I earnestly hope that the objections to the proposed amendment of the law as set forth in the memorial of the Bombay Chamber of Commerce (of which I am a member) to His Excellency the Viceroy and Governor General may add a little strength to the appeals that have been made by other representative bodies in India, and induce the Government to postpone for the present further consideration of the measure.

No. 3105, dated 11th May 1883.

From—T. W. WOOD, Esq., Agent, Bombay, Baroda and Central India Railway Company,  
To—The Consulting Engineer for Railways, Bombay.

With reference to Bombay Government Resolution No. 609, dated 11th April, I have the honour to state that, in my personal opinion, the amendments proposed by the Government of India to be introduced in the Code of Criminal Procedure, with a view to "remove from the Code, at once and completely, every judicial disqualification which is based merely on race-distinctions," are consistent with the general course of Indian legislation for the past 25 years, and, though brought forward now at an unfortunate moment, embody a just principle, the operation of which could not be much longer consistently withheld in its application to those Native Magistrates who have qualified for the positions of Sessions Judge or District Magistrate under the rules laid down by Government itself and shown their fitness to exercise the powers attached to those positions.

2. I would suggest, however, the substitution of "five years" for "three years," in the amended draft of section 414 of the Code embodied in section 4 of the Amendment Bill, as the period within which no Assistant Sessions Judge shall exercise jurisdiction over European British subjects; the longer period affording greater security for the display of trustworthy qualities in the individual officer, and furnishing Government with fuller opportunities of judging of his character and ability, before entrusting him specially with that jurisdiction. The powers reserved to Local Governments in this latter respect will, I do not doubt, be exercised with discretion, but, in extending the jurisdiction of selected Native Magistrates over Europeans in this country, it seems to me desirable that strong guarantees of their personal fitness for the wise exercise of the power to be entrusted to them should be insisted upon.

No. 3964, dated 18th June 1883.

From—T. W. WOOD, Esq., Agent, Bombay, Baroda and Central India Railway Company,  
To—The Consulting Engineer for Railways, Bombay.

In reply to your letter of the 15th instant, No. 2269, I have the honour to state that, so far as I can judge, the effect of the alteration in the law contemplated by the Criminal Jurisdiction Amendment Bill now under consideration will, in the districts traversed by this Company's Railway, be hardly perceptible for at any rate many years to come, even if the Bill should be passed in its present form.

2. It may, however, be fairly presumed that the crucial examination and public criticism on all sides that the Bill has undergone will ensure such safeguards being introduced in its final form as will provide every reasonable security and protection for the just rights of such Europeans as may come under its operation.



3. The opinions I have submitted to Government on the subject are those that my personal judgment leads me to form. As regards the views on the measure held by the European employes of this Company, I have no data on which to reply to your enquiry, except the fact, which I think indicates the absence of any strong feeling amongst them on the matter, that no representation from them on the subject has been made to me. In the early days of the public discussion of the measure, the Traffic Manager brought to me a letter he had received from the Traffic Manager of the East Indian Railway, enquiring what the members of this Company's service intended to do in the matter; but, on my declining to sanction the fostering of any similar agitation on this Railway to that carried through on the East Indian line, the matter went no further. If a spontaneous movement had taken place amongst the European employes on this Railway in opposition to the Bill, I should have felt it my duty to represent the facts to Government.

No. 1971, dated 19th June 1883.

From—G. M. STEWART, Esq., Agent, Southern Mahratta Railway Company, Limited,  
To—The Consulting Engineer for Railways, Bombay.

In response to Government Resolution No. 609 of 1883, I have the honour to record my opinion on the subject of the Bill to amend the Code of Criminal Procedure as affecting the interests which I represent.

I am not aware that the proposal to extend the judicial powers of Native Magistrates over British-born subjects has excited any great alarm amongst the employes of this Company, but this I attribute very much to the fact that, under existing circumstances, the amendment would, for the present, be inoperative in the districts traversed by this Railway, and also to the fact that as yet there are comparatively few individuals in the permanent service of the Company who would be personally affected by the proposed change in the law.

I believe, however, that the general feeling of the European section of the Company's staff is decidedly adverse to the measure.

For my own part, I should deplore the amendment as a step in a dangerous direction, which would certainly excite agitation for, and probably be followed by, further concessions, and I should dread the effect of any measure which would give *mamlatdars* or subordinate Native officials increased authority over Railway employes.

I think it is much to be regretted that the Bill was ever introduced at all. By giving rise to an unfortunate feeling between sections of Her Majesty's subjects, it has already done harm which cannot now be remedied; and, in my humble opinion, the object in view is not of sufficient importance to make it desirable that the Bill should be passed, in spite of the widespread and deep-rooted opposition that has become manifest.

I cannot see any real necessity for such a change in the law. So long as special rights and privileges are reserved for Natives and due consideration is shown for their religious and social prejudices, I do not think it is unreasonable that Europeans should have the privilege of being tried by their own countrymen.

So far as mental attainments are concerned, I have no doubt that there are many Natives of India who are fully competent to exercise jurisdiction over Europeans; but I do not think that any argument in favour of judicial equality is complete without taking into consideration questions of feeling and the prejudices due to race-distinctions.

While Natives refuse to associate with Europeans on terms of social equality, and while their domestic habits and ideas are such as to stand in the way of personal sympathy, I can see nothing anomalous in the judicial disqualification imposed by the existing Code of Criminal Procedure.

As I have been invited to express my opinion, I have no hesitation in saying that I think the Bill is ill-timed and premature, if not altogether uncalled for, and I hope that further discussion on the subject may be averted by the withdrawal of the measure.

No. 1254, dated 26th May 1883.

From—H. DANGERFIELD, Esq., Manager and Engineer-in-Chief, Bhavnagar-Gondal Railway.  
To—The Consulting Engineer for Railways, Bombay.

With reference to Bombay Government Resolution No. 609, dated 11th April 1883, and this office letter No. 910, dated 14th April, and your reply No. 792, dated 21st April 1883, I have the honour to state that I think, as so much has been written about Mr. Ilbert's Bill "to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects," I had better simply report that, as far as I have been able to gauge the feeling of the European British employes of the Bhavnagar-Gondal Railway, the objects of the proposed Bill are utterly distasteful to them.

2. I feel certain, if individual opinion was asked for, not a single man would dissent from the opinion reported in the foregoing paragraph.



Dated 14th May, 1883.

From—G. M. BARTON, Esq., Secretary, Indian Tea Association,

To—The Secretary to the Government of India, Home Department.

By desire of the General Committee of the Indian Tea Association, I have this day forwarded to you, by parcel post, 12 copies of the Report of a public meeting held at Silchar on the 21st ultimo, and I am to request that you will be good enough to place the proceedings before His Excellency the Viceroy and Governor General in Council.

*Report of a Public Meeting held at Silchar to protest against Mr. Ilbert's Bill.*

(Reprinted from the *Englishman* of May 2nd.)

In response to a special invitation addressed to the whole of the non-official European community of the Cachar District, a large number of their body met on the 21st April, 1883, in order to discuss the provisions of Mr. Ilbert's Criminal Code Amendment Bill.

There were present at the meeting—Messrs. D. S. Mackintosh, C. W. Griffith, A. S. Anderson, F. W. Piows, E. C. Showers, M. J. Balfour, E. T. Pearce, A. J. Preston, H. E. Sanderson, G. Gray, H. C. Sproull, A. Quillet, H. R. Blakeney, R. B. Doake, F. H. Malet, M. Bigge, T. Dykes, J. Paton, H. W. Morris, Dr. MacLaughlin, R. H. Halford, W. H. Chambers, M. Muller, M. Aitchison, E. J. Jones, R. H. Macdonald, F. R. Jones, S. Dible, J. Dowie, J. R. Ross, H. Weir, C. McLean, D. Fraser, P. J. Macdonald, J. Stirtan, R. Spicer, J. Grierson, E. Livermore, A. J. Reid, R. H. Farquhar, C. A. Eglinton, J. Green, G. E. Noad, W. C. Noad, C. J. Bell, R. Thomson, S. M. Fasson, J. Sidey, J. O. Bowhile, A. K. Trotter, R. F. Balkwill, A. R. MacKellar, C. T. Macrae, H. Grant, E. L. Edgar, J. W. Feltwell, J. J. Morison, M. G. Jukes, A. Stewart, C. Menzies, D. M. McLeod, J. H. M. Borrett, A. A. Bull, R. S. Elliot, G. Penny, Hon'ble R. R. Tyrwhitt, Dr. Dundee, J. Murray, R. J. R. Mackenzie, W. T. Smith, G. M. Loch, G. S. Rice, C. Lawrence, A. Spicer, K. H. Mullens, J. Inglis, A. S. Penny, J. F. Piffard, R. G. Craigie, L. Rodwell, S. D. Jackson, C. T. Pargiter, E. Beatson, J. Horne, H. Mackenzie, W. T. Cathcart, E. F. Skinner, J. Schaleh, C. Williams, T. Keswick, A. R. Tawney, J. Grieg, A. Odling, G. S. W. Peter, G. A. Smith, C. S. Walliker, F. G. Stewart, C. H. Wright, A. Cooper, W. J. Temple, F. F. Clerihew, J. Peter, R. Wylie, J. McAnley, R. White, J. B. Doake, J. F. Playfair, D. Ferguson, H. A. Thornton, W. Black, and J. Hutcheson; and there were present by their proxy, Wm. Aitchison, Messrs. A. M. Bulteel, Dr. Fraser, J. Peddie, A. D. Brown, Dr. Jones, T. Smeal, H. B. Beglar, G. R. Nicholls, W. Henderson, J. G. Blair, E. G. Greenhill, A. Milne, J. Speid, T. Blair, G. C. Balfour, E. Rawlins, Hector Mackenzie, J. B. Atkins, A. M. Chalmers, W. Stiefelhagen, A. J. Judge, D. A. Laing, J. B. Lawrie, J. E. E. Corstorphine, H. B. Tater; by their proxy, D. S. Mackintosh, Messrs. Gordon Fraser, and D. J. Lewin; by his proxy, J. Hutcheson, Mr. W. T. Shave; by his proxy, Dr. MacLaughlin, Mr. Fred. Forbes; by his proxy, A. J. Preston, Mr. D. P. Thomson; by his proxy, M. Bigge, Mr. W. L. Clark; by their proxy, R. B. Doake, Messrs. P. E. Thriepland and T. G. Stroke; by their proxy, P. J. Macdonald, Messrs. C. H. Moore, G. R. Geale, C. E. Pickford, and Dr. Cowen; by his proxy, J. Stirtan, Mr. J. A. Thompson; by his proxy, E. Livermore, Mr. C. McArthur; by his proxy, C. J. Bell, Mr. H. D. A. Allies; by their proxy, M. Muller, Messrs. E. S. Cornish, and A. Raddiffe; by his proxy, A. Stewart, Mr. J. Wilson; by his proxy, C. Menzies, Messrs. W. Macnab, R. H. Talbot, and J. S. Guise; by their proxy, D. M. McLeod, Messrs. D. P. H. Douglas, and W. M. Munro; by their proxy, R. S. Elliot, Messrs. J. Mellwraith, and H. Chamney; by his proxy, G. M. Louch, Mr. R. A. Clarke; by his proxy, C. Lawrence, Mr. A. Harper; by his proxy, A. S. Penny, Mr. A. S. Muspratt; by his proxy, L. Rodwell, Mr. A. L. Bradford, by their proxy, S. D. Jackson, Messrs. G. B. MacKellar, C. G. Cockburn, and J. W. S. D. Clark; by his proxy, E. L. Edgar, Mr. T. Towers; by their proxy, E. F. Skinner, Messrs. A. E. Butler, Dr. Reid, A. Osborn, D. McWha, and A. B. Woodroffe; by his proxy, J. Grieg, Mr. J. C. Allen; by their proxy, C. S. Walliker, Messrs. P. A. Campbell, and F. T. Mackenzie; by his proxy, R. Wylie, Mr. H. A. Blockman; by their proxy, J. Peter, Messrs. F. Barter, J. R. H. Lawrie, E. A. Sissmore, T. R. Lawson, and J. Innes; by their proxy, R. White, Messrs. H. E. Crawford, Dr. Smyth, W. J. Butler, C. E. Jackson, and C. Hurst; by their proxy, G. F. Playfair, Messrs. R. Mackintosh, J. M. Barry, and H. Playfair; and by his proxy, D. Ferguson, Mr. J. Downer. The total number of the non-official adult male European population of Cachar is 194, and it will be seen from the above list of names that out of this number 111 were present personally at the meeting, and 81 by proxy, leaving only 2 unrepresented. The officials who attend the meeting were:—Mr. J. Knox Wight, the Deputy Commissioner of Cachar, Mr. W. W. Daly, Superintendent of Police, Dr. Monteath, Mr. Barker, Mr. J. A. Brown, and Captain Angelo.

It was proposed by Mr. A. Stewart, seconded by Mr. C. Menzies, and carried unanimously, that Mr. Aitchison take the chair.

The Chairman then, in opening the proceedings, said:—Gentlemen, I thank you for the honour you have conferred on me in electing me to the chair on such an important occasion.

It gives me much pleasure to see such a large number of our community met here in response to the invitation which I issued on the 9th instant. And perhaps it might be well to explain how it comes about that this meeting has not taken place very much earlier and at the time when meetings were being hurriedly called together in every corner, I may say, of this vast empire, to protest against the passing of Mr. Ilbert's Bill, which he introduced into the Viceregal Council for the purpose of the so-called amendment of the Criminal Procedure Code. You are aware that there is an elected body to represent Planters in this district in the General Committee and Sub-Committee of the Cachar branch of the Indian Tea Association. That body generally deals with all questions relating both to the direct and indirect interests of the industry, and it is found sufficient to cope with the ordinary questions which arise from time to time; and therefore, generally speaking, and happily, there is no necessity for calling together such a meeting as this. But this question being so extremely exceptional and striking so vitally at the liberty of every individual of our community, whether members of the Tea Association or not, this meeting became an urgent and unavoidable necessity. I had been pressed from various directions, and for weeks past, to call a meeting, and I will now go on to show how it has been postponed.

At a meeting of the General Committee of the Tea Association, held on 14th February last, a proposal was made by Mr. A. Spicer, and unanimously and warmly supported, that we forward to Government our strongest protest against the passing of Mr. Ilbert's Criminal Procedure Bill. Now it may surprise some of you to tell you that this was the first movement made against the Bill by any body of men in any of the planting districts; at least, it was the first, so far I can learn from the newspaper reports of meetings and other sources of information. When Mr. Spicer's proposal was made, it was thought best to get a memorial also drawn up, petitioning Government to withdraw the Bill, and to get that memorial drawn up in Calcutta by a qualified man. We were then aware that time was of consequence, and in order to expedite matters it was agreed to canvas the district, through our Sub-Committees, and get all the signatures procurable, to be in readiness for appending to the memorial as soon as it arrived. But to do even this there was not time, and a telegram came to Mr. Bell, our Association Secretary, saying that we must get up a meeting at once if we did not wish to have the Bill passed. Two or three days after receipt of that telegram there happened to be rather an unusually large meeting of Planters in Silehar, but Mr. Bell, being ill at the time, sent the telegram and other papers in to me and requested me to hold a meeting, if possible, of those present in the station that day. So the meeting was held, and shortly after another small meeting was hurriedly called and held in Hailakandi Sub-division. But it was never intended that nothing further should be done; for from that day it was clearly seen that the whole European community must be called together, as the more the question was looked at and considered, the more vital did we see would be the effects of such a serious curtailment of our inherited liberty. The sole reason, therefore, for this meeting being put back until now is that we could get no certainty as to the time the memorial would be forthcoming. News was constantly being received that the memorial was coming, but it never came and has not to this day. But I dare say if the members of the General Committee who were present at that meeting of the 14th February had had the least suspicion that the memorial would have been so long delayed, they would have arranged amongst themselves to have had it drawn up. This then brings us to the present. However, I do not think there is much to regret in our meeting having been postponed until now, for we certainly are in a better position to show our strength to Government than we were six weeks ago, before we had much discussed the question, and got it explained and help up to the light of reason, in all possible phases, by the ablest men in India, as well as by such men as Sir Fitz James Stephen, Sir Louis Jackson, Mr. Seton-Karr, and other old and experienced Indians now living at home. And although we may be able to contribute hardly an item of additional argument to the brilliant and overwhelming reasoning that has been brought to bear on the question at issue, yet it is our duty to meet as we have done now, and do all we can to show Government that time only adds to our strength in vigorously opposing the Bill, which we all look on as a dangerous infringement of our cherished and unalienable rights, and which we solemnly believe, if passed, will result in disaster and the worst of consequence to all Europeans in India, but especially to those living in the mofussil, to their industries, and to that of tea-planting in particular. Time must not blunt us in our opposition to such a dangerous measure, but it must give us only renewed strength and power to combat the threatened evil, and we must not think of rest until the Bill is withdrawn; and until that much-desired object is attained every legitimate means must be lifted up and hurled against it. I would now merely add that I call upon you all to do your utmost to support me in this onerous position, and let us have this meeting as quietly and orderly conducted as possible. And although I would not desire to restrain any one from freely discussing the question before us, still I would fain hope that no one will be carried away into using intemperate language, which might make it appear to Government that we are taking up a menacing position which no good Government could possibly tolerate. For I know well that our loyalty cannot be challenged and is second to none in India, and I also know that it is far from any one's intention here to show anything like a spirit of menace. But we want calmly and firmly to show forth to Government and the public that our rights are now seriously in danger. We solemnly believe, if the present policy is pursued to the end, the ties that were being slowly woven between Native and European, and which have already become weakened, must snap asunder, and nothing but an explosion and bloodshed can bring back the position for their possible re-union. With these few remarks I now beg leave to call upon Mr. Skinner to move the first Resolution.

During the delivery of the above address the chairman was frequently cheered, and he sat down amidst loud and prolonged applause.

On rising, Mr. Skinner, who was met with enthusiastic cheers, said:—Mr. Chairman and gentlemen,—I beg to put for your acceptance the following proposal:—“This meeting strongly objects to the proposed change in the Criminal Procedure Code.”

There has been no substantial failure of justice to call for a change in the existing law, which has worked smoothly hitherto, and given confidence to call without entailing any practical inconvenience upon the administration. This we know on the authority of His Honour the Lieutenant-Governor of Bengal, in which Province the Europeans mainly reside. The Chairman has explained to you the reason of the delay in calling the present meeting. If those who have accused us of coolness to the proposed change were present at this meeting, they would soon alter their opinion. (Loud cheers.) Considering the great distance many of us have had to come, and the difficulties that have stood in the way, the mere fact of our presence here to-day should be sufficient to show Government, how strongly we feel on this, to us, most important subject. (Great applause.) We know on the very highest authority, as you have just heard from the Chairman, that this proposed change is unnecessary. This statement is applied to the whole of India, but, knowing as we do this district, we go further, and assert that, for Cachar, the proposed change cannot but prove most injurious, for it will greatly tend to place every European at the mercy of the Native. With the exception of a few natives in the district, it cannot be denied, we are hated by them. Indeed, are we not often insulted by them on the public road, and do we not know of instances of base charges having been made against Europeans without there being the slightest foundation for them? Government now proposes to enable the Natives to lay criminal charges against Europeans before a Native Judge. What reason does it give for this sudden change? Does the Government prove any strong necessity for this change, or does it attempt to show that it is on account of the universally expressed wishes of the Natives? I think not; indeed, I feel sure the Native thinks it but natural that we should insist on being tried by a European. The proposed change may not affect Cachar just now, but, as soon as a Native Judge is appointed to this district, unjust criminal charges against Europeans are bound to be common, for the Native will soon change his present mode of revenge for the more hurtful one. If we consider what the encouragement of a Native Judge would be in a district like this, surrounded by only Natives, it is easy to foresee what the result would be. For is bribery unknown in this district and have Natives ceased to employ it? No, it is still rampant and made use of at the first opportunity. Gentlemen, I call upon you to make a stand against this iniquitous change, and to join as one man in our protest. (Great cheering.)

Mr. E. L. Edgar, in seconding the above Resolution, said:—Mr. Chairman and gentlemen,—Having been called upon to second this resolution, I take the opportunity of making a few remarks on our present situation. As a proprietor in this district and being moreover about to leave India for a time, I feel acutely the position managers will shortly be placed in. In a very short time the chief of a tea district will be the only European official in it; it will be officered by Baboo Civil Surgeons, Baboo Magistrates, and last, but to us of none the less importance, by Baboo Superintendents of Police. (Cheers.)

Now, although Cachar is comparatively thickly populated with planters, we have to consider the lot of those less fortunate in Assam Proper, and other parts. (Cheers.) Take as an example a well laid plot against a manager at even one of what we might call remote gardens in this district. How very awkward it would be for the manager if, after being drawn into hurting a Native, said Native were withdrawn to be further operated upon by his (the Native's) friends. The chief of the nearest police station (more than likely in the swim himself) investigates, the man or body, as the case may be, is sent, after suitable delay, to a Baboo Civil Surgeon, and after sufficient further delay has occurred, partly with the object of harassing accused, partly from the Native nature, but three-fourths with the object of baffling accused in any evidence in his favour, the case is called up before a Baboo Magistrate. The planter there stands arraigned on a charge many degrees beyond the true facts of the case, if not on a wrong charge altogether, and the whole onus, Baboo like, is put upon him alone, to clear himself the best way he can, his greatest difficulty being in his prolonged absence from the site of the occurrence, facts consequently being distorted, and for a specimen of the extraordinary reports Native Surgeons are capable of sending in, *cide* the *Englishman* of the 14th instant. Furthermore, what counsel have we at command in remote Tea districts? (I may say that all Tea districts are remote to counsel.) Why men who are only half educated, totally unpractical, and wholly without training, men who do not from one year's end to another travel two miles into the districts, and who consequently have no knowledge of the nature of things in them, and what is worse, will not exert themselves as counsel for the defence in any case brought by the powers that be, with the chief mooktear in the district opposed to them, prosecuting on behalf of Government, and who so continually exhibit the shallowness of their reasoning powers by putting the most idiotic questions alike to either side: also it will for ever be unknown to us what order of men the three aforesaid powers that will be, when at home and in dhooties, do not associate with. In fact our tenth-rate advocate of doubtful social degree, in whom we have had to confide, may, for the nonce, be patronized as a boon companion, with the object in view—a conviction.

The horizon has another aspect that readily presents itself to me; it is this. It being an accepted fact that there is a growing tendency to reduce the number of European officials of all

degrees in the Tea districts, it will be simply impossible for those left to attend efficiently to garden and coolie inspection work as prescribed under Act I of 1882, more especially Section CXI (Local Labour Contracts);—who then are we to be favoured by? A Baboo on a neighing mare with foal at side, or a shop-keeping member of the Local Self-Government, both equally unpractical, to visit and report on our gardens, in fact on ourselves.

The remarks I have made, gentlemen, do not bear so directly on the burning question of granting increased powers to a class of men wholly ignorant of our estimate of the gulf between truth and falsehood, equity and justice. That I leave to others. As to the critical position into which we, as planters, are undoubtedly drifting, it is becoming daily more and more evident that our old coolies are getting out of hand, and what concerns us just as much in the present is, I submit, whether we shall remain *masters*, as well as managers, of estates, if to increased power to the few are added further appointments of the many. One or other, may be, we could survive, but not both. (Great cheering).

The Chairman then put the first Resolution to the meeting, and it was carried unanimously and with enthusiastic cheering.

The second Resolution, proposed by Mr. R. B. Doake, and seconded by Mr. James Peter, reads as follows:—"Considering how every individual class in this country has its own peculiar customs and privileges, which are religiously guarded and preserved to it, this meeting thinks that a native of India should have been the very last person to propose that the Europeans should be deprived of the right to be tried by their countrymen, without which there can be no security to them for either life or property, in this land, where the fabrication of false evidence is of every day occurrence for the gratification of extortion or revenge. And it is an undisputed fact that natives themselves, when convinced of the justice of their case, frequently make petition to have their cases transferred from a native to a European Judge." In proposing this Resolution Mr. Doake addressed the meeting as follows:—"Mr. Chairman and gentlemen,—I feel that it needs no words of mine to recommend this Resolution to this meeting. But there are one or two points in connection with it to which for a short time I would direct your attention.

And if you will allow me I do not think I can begin better than by explaining to you how it is that I who was for a time partially in favour of Mr. Ilbert's Bill, (Oh! Oh!) find myself standing here to-day to oppose it.

When I first saw the subject mooted, without paying much attention to it or knowing anything of what had gone before, I thought it seemed only fair that those men, who to some extent, at least, had thrown aside the prejudices of their race, had gone to England, had studied there for years and finally entered the Civil Service of India by successfully competing against Englishmen in a series of the most trying examinations, should not be debarred by reason of the colour of their skin from any privileges given to their fellow Civilians.

At the same time I felt strongly opposed to giving any privileges not hitherto held by them to those persons who, possessing perhaps neither the brains nor the inclination necessary to enable them to enter the service by the gateway of open competition, found themselves let into it through the back-door of favouritism without their ever leaving the country at all, and with all their prejudices and vices and superstitions thick upon them. (Cheers.)

But when I looked more deeply into the matter and studied all that could be said on both sides both for and against the Bill, I came to see that this was not a question of the rights or privileges of our native friends at all. That if the constitutional, and I trust inalienable, right of an Englishman prevented Mr. Gupta, or any other gentleman not a British-born subject *commissioned by Her Majesty for the purpose*, from the privilege or pleasure of trying him for criminal offences, they had no cause of complaint whatever, for they were robbed of nothing that they hitherto possessed, nor was anything being kept back from them to which they were entitled. (Applause.)

For no man, no matter what his race or colour may be, has any inherent right to sit in judgment on his fellow-men. This is a duty imposed by the Crown upon some of its servants for the benefit of its subjects and the convenience of the administration. And if the Government for any reason should deem it fit to confer this duty upon any one of its servants and not to confer it on another who may be in all respects equally worthy, no one has any reason to complain, unless it can be shown that some failure of justice or inconvenience to the State is the result. (Hear, hear, and loud applause.)

In this matter there is therefore involved no question of the rights or privileges of Mr. Gupta or any other native of India, whether in the service or out of the service, but there is at stake the right of a Briton in British territory to be judged by his own countrymen, and Government has no claim to deprive us of this ancient and dearly preserved privilege unless it can be proved to us, not that the feelings of a few, no doubt very worthy persons, may be hurt, but that grave inconvenience has arisen to the State through the present law, or that the cause of justice has suffered, and this 'they cannot show.' (Great cheering.)

No defender of the proposed change has advocated it because otherwise culprits may escape justice, and as for the expense 'or inconvenience arising to the State' I make bold to say, Sir, that Mr. Hope's special private carriage has cost the State more than Mr. Ilbert's Bill, if passed, would save it in the next seven years (Tremendous and prolonged cheering); while as for the inconvenience that may arise some fifty, or thirty, or even ten years hence, there are many things in the present law which may cause the Government inconvenience some twenty or thirty years hence; but it is good advice not to cross a bridge till you come



to it (cheers and laughter), and wise statesmanship consists neither in the expunging of harmless anomalies from the statute book nor yet in legislating for the anticipated inconveniences of a future generation, but in giving justice to the present population, for this purpose seeking out and carefully removing those grievances which now oppress the people, due regard being had for the rights of all. (Cheers.)

But, Sir, it is with some surprise that I find native gentlemen of education and position, such as Baboo Kristodas Pal and the Syed Ahmed Khan, who may be said to represent the privileged class of India, advocating the taking away of this privilege from Englishmen because they consider it an anomaly. It is a trite saying that people who live in glass-houses should not throw stones, and have these gentlemen not considered that a Government which holds so slightly the privileges of its own countrymen, may, if encouraged, be even less careful of their privileges which have hitherto been guarded even at the cost of grave wrongs being done to the people? (Applause.)

There is, for instance, the privilege of their women not appearing in open Court, but giving their evidence even in the gravest cases from a closed in palki or from behind a purdah.

Now, no one will deny that this concession to prejudice may result, nay often has resulted, in grave failure of justice, for by it the Magistrate is deprived of the advantage of observing the demeanour of the witness, and you all know how important this is. Many of us even among our own coolies have, I am sure, dozens of times known that a witness was speaking falsely when we could not have told it by merely hearing his voice without watching his face. (Cheers.) But this is a special privilege of the women of the upper classes, which no one has yet proposed to sweep away. Then there is the anomaly of a Government, the nominee of a people whose boast it is that all are equal before the law, telling some of these men that their rank is too high to admit of their appearing in our Courts at all. If we are to ride a tilt against anomalies why should this ridiculous one not be knocked over? (Loud applause.) Again we have polygamy, which is peculiarly obnoxious to the feelings of the British nation. Why should this remain, or why should our Government permit to the Bengali what it denies to the Englishman? Slavery for a time existed in India, but it was against the conscience of the British people, so the Government put that down. Why therefore should it allow this grossest form of domestic slavery to continue? (Applause.)

But more repugnant, perhaps to our feelings than even polygamy is infant marriage, with its sequel, child widowhood. Why should this remain, or why should the Government be a party to a perpetual bondage of these poor women, whose sole sin it is that the boys to whom they were betrothed died when they were yet children? (Hear, hear.)

Our conscience in these matters is strained, but hitherto we have refrained from action, making allowance for the vices and superstitions which the people have inherited from an ignorant ancestry. Shall we continue to do so any longer? I say rather let these gentlemen themselves cast out from their own eyes the beams which now degrade an ancient civilization, and then they may see clearly if any mote need removing from ours. (Loud cheers.)

In the administration of justice it is essential both that the magistracy be upright and that the people have confidence not only in their purity but also in their ability to deal out impartial justice between man and man, and no judge should have his powers extended to men of other nationalities, unless it can be clearly seen that he has gained the confidence of his own. But in this country the contrary is notoriously the case. It is an undisputed fact that the natives do not believe in either the purity or the judgment of their own magistrates, that, rightly or wrongly, they believe them to be open to bribery and other personal influences, and that they are not to be trusted at all times to administer justice without favour, and it is an every day occurrence for them to petition to have their cases removed from the hearing of their own countrymen into the courts presided over by Europeans. For whatever else they may think of us, they believe this, that we try to act rightly and that our magistrates are not only incorrupt but above allowing any outside matter to influence their decisions. (Great applause and cheers.)

For this unbelief in the integrity of their countrymen they may have no grounds. Their magistrates may be most honest and impartial, and may always dispense strict justice. Corruption may be unknown in their courts. Their very police may be above bribery. But Sir, the people don't believe it, and seeing that this is the case, seeing that their own people don't trust them, why should we be asked to put our necks in their noose? (Vociferous cheers.) No Sir, I say let them first gain the confidence of their own people and let them show by deeds as well as words that they are worthy of ours. Let them emancipate and educate their women, who are now so downtrodden. Let them raise up those inferior castes whom they now so oppress. Let them abolish from their midst those vices which now so sully the land. In a word, Sir, let them love liberty and do the right, and then we shall forego this privilege of being judged by our countrymen, for we shall need it no longer. (Applause.)

In conclusion I wish to say that I have faith in the strong conscientious desire of Lord Ripon to act rightly between all races and classes of men in India. And he has promised us that he will give the fullest weight and his most careful consideration to any arguments we may bring before him, I therefore appeal to him to put aside from his mind all the false and irrelevant issues that have been raised, and to try this matter upon the one issue by which, as I have shown, it ought to stand or to fall. (Applause.)

Is the present administrative inconvenience so great and the chance of future wrong so little that Government ought now to deprive their British subjects in India of this privilege which they value so highly, the constitutional right to be judged by their own countrymen? (Cheers.)

If he will answer this question and this only according to his belief, we will acquiesce in the reply, but if our cause be decided on this issue alone I have no fear of the result. (Mr. Doake sat down amidst the most vociferous cheering.)

Mr. Peter, in seconding this Resolution, said :

Mr. Chairman and gentlemen,—In seconding the Resolution proposed by Mr. Doake, I have a few remarks to offer which I trust will not be out of place. Since ever India became a part of the British Empire, we are all well aware with what a jealous eye the Government has watched over everything affecting native caste, and with what severity any infringement of caste prejudice has been visited, and this more especially since the mutiny in 1857, the origin of which it is needless for me to remind you of, but which was to a great extent inflamed by a so-called infringement of caste. To what a powerful extent the native mind can be influenced, for good, or for evil, in anything appertaining to this, the memorable time I have above mentioned is a standing monument; and the ringleaders of the mutiny well knew the powerful engine they had set in motion when they insinuated injury to caste, and it is needless for me to recapitulate the result; but when we consider that, with such an example before them, Government persists in forcing upon us a Bill which is calculated to offend not only European, but also native prejudices, is it any wonder that we are indignant and protest against it? (Hear, hear and cheers.) That a native of India should be the person to propose it, still further surprises us. Were the higher class of natives found to any number brought up and educated so as to be able to pass the Civil Service examinations, then we should not be so much surprised, but if the records of the Government Colleges and Universities are of any value, we find the larger proportion of natives belong to by no means the highest caste, but are very often Kayats, Kahars and sometimes Chamars, and we ask how would the high caste Brahmin feel at sentence being passed on him by a Bhunya or a Chamar? The only test at present required for the Civil Service is an educational one; and our contention is that under these circumstances the Amendment Bill is likely to infringe native caste prejudices, and it may be that Government, in pandering to a few, may alienate the feelings of millions of its subjects and raise a storm which it will find difficult to allay (applause), for we must not forget that the high caste native does not lose his contempt for his low caste brother because he has been educated to Government service. In addition to this the records of the Mofussil Courts teem with cases showing the utter incapacity of the natives, as they at any rate are now, for dealing with European cases, and the cases of Stephen, and still more lately of Briscoe, are fresh in our memories as witnesses of it. (Loud cheers.) The mischief that has been done by Government in thus endeavouring to force upon the community at large a measure they detest, is incalculable, and has opened up old sores that were getting headed over, and has caused in many instances hasty language to be used which will rankle for many a day, and has given rise to a general feeling of distrust which did not exist before. (Applause.) The Commander-in-Chief, in 1872, said that he was jealous of the liberty of the European British subject in India because he laboured under great disadvantages. In places where Europeans are numerous, there is a chance that there may be European witnesses; but in remote places there is every probability that he may be at the mercy of native witnesses. Gentlemen, I ask what has been done to change matters since then, and could there be a greater authority, or one under whose eye there was more varied experience to quote from, than the leader of thousands of European troops scattered over every portion of the Empire? (Cheers.) And I cannot conclude better than by quoting what Sir James Colville said in 1857 to the Indian Council: "The Council should consider that the feeling of British subjects who expressed so much alarm at being made liable to the jurisdiction of the mofussil tribunals in criminal matters, was not so much that of men who felt that persons of any races who committed such crimes as theft or the like would not be fairly tried; but it was a well-grounded apprehension of being subjected to those false charges of violence and attempts at violence with which, in regard to natives, the past history of the mofussil courts was so rife, and which constantly arose out of disputes respecting possession of land." (Applause.)

Further on he says: "It did seem to him, therefore, that it would be rash to submit charges of affray for trial to a Magistrate who was interested in preserving the peace of the district, and who in exercising his police duties must necessarily be in danger of acquiring some degree of bias against or in favour of particular persons within his jurisdiction." Gentlemen, again I ask you if Sir James Colville dreaded this of one native against another in 1857, how can we expect race prejudices to have died out, and what justice can we look for after the violent expressions some of the so-called educated Bengalees have lately used when expressing their sentiments about us, and whom the Government wish to elevate to a status of equality with us and deprive us of a right inherited since the days of the Magna Charta? (Great and repeated cheers met the speaker at the conclusion of this address.)

This second Resolution having been put to the meeting by the Chairman, it was carried unanimously.



Mr. A. Spicer then stood up and said :—

Mr. Chairman and gentlemen,—The Resolution that I have the honour to propose for your acceptance is as follows :—

“The avowed policy of the Government being to encourage the influx of European capital, so necessary for developing the great natural resources of this country, which, owing to poverty; the inhabitants, who rely mainly upon agriculture, are quite unable to achieve by themselves, the Bill introduced by Mr. Ilbert must do infinite harm, by not only deterring the introduction of fresh capital, but having also the tendency to drive existing industries out of the country, as in all cases foreign capital insists upon having European supervision whose liberty is now for the first time being jeopardised.”

In other words, it is the commercial or business aspect of this Bill on which I am about to make a few remarks, not only as it refers to *our* industry, but to that of every other industry carried on and managed by Europeans in this country. The only safe way of examining this Bill in these aspects seems to me to be to argue from the known and assured experience of the past to the future. In all the enterprises carried on by European capital in this country, whether silk, tea, or indigo manufactures, or railways, we find that capitalists have only subscribed their capital when it has been entrusted to and managed by men of their own or a European race. I do not think that any one will question this point; and that being the case, what are we to think of a Government which, whilst avowing its wish to attract European capital, yet seeks to pass this Bill, which will render insecure the lives and liberty of the men to whom the capitalist entrusts the management of these industries. Security, a certain interest, perfect confidence in the stability of the Government, are the first considerations to a capitalist. Tea, silk, and indigo seem to be almost on a par in these respects, the shorter the crop season the greater the danger from this Bill. Consider for a minute how the whole results of a year's working might be jeopardised by arrest at a critical time of the manager and assistant of a tea garden on a false charge, by order of an unscrupulous Native Magistrate, entrusted with the powers proposed to be conferred on such by this Bill. Such considerations cannot but deter any one from investing in these enterprises; yet, although Government wish to attract European capital, they are mad enough to attempt to pass this Bill. (Loud cheers.) The European merchants in Calcutta have a great chance in their hands at this time. Let them refuse to tender for the Public Works loan now announced, and thus show to the Government that, having lost faith in its fair and upright dealing as regards Europeans in this country, they will entrust no more of their capital to it. But can *we* do nothing to support our *birth-rights*, not privileges—that is the wrong word? The North Lakhimpore Planters have, I see from the papers, announced to the Chief Commissioner their intention to have nothing to do with the Local Government Board, if their rights are to be interfered with by Mr. Ilbert's Bill. I am sorry that they have not given the Government a little more time for repentance. (Great cheering.) I would have preferred to have seen them waiting and watchful, but quite as determined, till next August or September, to allow the Government to withdraw the Bill of its own accord, but the Chief Commissioner seems to be anxious to precipitate matters, and has announced, I understand, that the customary allowance made for the improvement of the district will be withdrawn unless these recalcitrant planters consent to sit on the Local Government Board, thus punishing the whole district for what may be the fault of the few. (Applause.) Verily this is most unjust. (Cheers.) I call upon you all, planters of Cachar, to support your comrades in Assam, and if the Chief Commissioner attempts to carry out his threat, that you will do the same thing and let it be known at once that you are equally determined and will allow no consideration to deter you and leave the Government and the Natives to stew together in their own juices. (Vociferous and excited cheering, and voices shouting, “We will, We will.”) Hitherto the non-official Europeans have been looked upon and have to a certain extent considered themselves as an unacknowledged but not the least valuable part and parcel of the Government, but if this Bill is passed, all that is at an end, and the Europeans must look for nothing but what they can extort from the fears of the Government. (Hear, hear.)

Another reason for not passing this Bill, but I am afraid I am departing from the Resolution committed to me, is that it is against the practice and principles of this same British Government. In every eastern country in which Europeans are engaged in commerce with the natives of the soil, Government has invariably protected and fostered British commerce by insisting upon fair and equitable Courts, ruled or presided over by their Consuls or Judges specially appointed by them, or in other words, Europeans are tried by European Judges. I need only refer to the action of our Government in Egypt, China, and Japan to prove this. In Japan only a few months ago, in reply to a request that the interior of Japan should be opened to the foreigners, the Mikado's Government is reported to have said that they were willing to open the country to foreign commerce, if the Europeans would give up their rights to have their disputes with Natives of the soil referred to the Consular Courts. This, I need hardly say, the Europeans declined to agree to on the plea that native Courts are notoriously corrupt, and that in cases between Natives and Europeans, a Native Judge would side with his countrymen. In what, I ask, are the natives of this country superior to the Japanese. Is it in truthfulness? Are perjury and buying witnesses never to be seen here? Are false cases unknown in the Courts of India? No, to the disgrace of this country (and to a certain extent to the Government), I cannot find one

single equality in which the Natives here are superior to the Japanese. (Applause and cheers.) Such being the case, to what are we to attribute the action of the Government in seeking to place Europeans, Eurasians, and their wives and families, under Native Magistrates? Is it to be attributed to a false philanthropy, or to ignorance of the Natives of this country that is absolutely criminal. The Viceroy, and his mouthpiece, Mr. Ilbert, may be in ignorance, having only been a short time in this country; but what are we to think of the highly placed and still more highly paid official members of Council, who are reckless of consequences to others, knowing, as they must, that if this Bill passes, it will place the lives, liberties, and property of their countrymen at the mercy of a cringing and deceitful race? (Applause and cheers). From these considerations I draw the conclusion that if this Bill passes, there will be no security for the capitalist, and he had better look elsewhere for the employment of his capital. (Loud and prolonged applause.)

Mr. C. J. Bell, in a few appropriate remarks, begged leave to second Mr. A. Spicer in proposing the above Resolution.

The Chairman then put the Resolution to the meeting and found it unanimously and heartily carried.

Mr. C. Menzies, after an able and eloquent speech, proposed the next Resolution, which reads:—

“It should never be forgotten that one of the mainstays of British supremacy is the belief, almost universal, that impartial justice is dealt out to all alike; but this condition will no longer be continued, for the Europeans declare, with one voice, they can have no confidence in the proposed new tribunals, and their decisions will never be accepted. The danger involved in this state of affairs can readily be perceived, and surely the accused ought to have a voice as to the tribunals by which he is to be tried.”

Mr. E. Livermore seconded this Resolution in the following speech, during which he was frequently cheered and applauded.

Mr. Chairman and gentlemen,—The Resolution before the meeting draws attention to the jeopardy in which British supremacy in India will be placed, should the Government persist in its ill-advised policy by passing Mr. Ilbert's Bill, in the teeth of an opposition such as no Indian Government has hitherto experienced. That one of the mainstays of British supremacy in this land is the impartiality with which justice is administered to all alike, irrespective of class or creed, is an undoubted fact, and the consequence of this is seen in the high respect which Natives have for our courts of law, and the ready way in which they appeal to those courts for redress in cases of injury or wrong suffered. But though we can readily admit that Natives have learnt to appreciate that impartial justice which is ever meted out to them at the hands of the representatives of law and order, we cannot allow that they are yet morally capable of understanding what true justice is. They have no inborn sense of fairness, they fail to see why right should prevail and bribery and corruption have no influence with their Judges. Until this dark moral defect is eradicated, they can never be fitted to sit in judgment on Britons, whose sense of justice has in the course of ages almost grown into an instinct. It is in no vaunting spirit that, at a crisis such as this one, Briton may well claim that his countrymen are endowed with an innate sense which is not the mushroom growth of one generation, but during a gradual descent for many generations past has from primitive ideas of justice developed into that high moral sense of which I speak. On the other hand, a native of India, though belonging to a land which was old in history a thousand years before Great Britain had emerged from barbarism, has descended from a race whose mistaken ideas of morality have made no advance towards improvement for successive centuries, and even now, when years of European rule might have been expected to have elevated the moral tone of the nation to some slight extent, very little improvement is noticeable, and lies and deceit are the daily experience of all Europeans who have much intercourse with natives. It is not in the nature of things that this moral defect can be counteracted by simply cramming an individual native with more or less useful knowledge. Though he may combine in himself all the learning of the wisest men of the age, he cannot change his nature, nor can we, whom our paternal government is seeking to subject to his authority, forget what blood flows in his veins.

It is thus, Sir, that we have to declare to-day, and that with no uncertain voice, that we can have no confidence in the proposed new tribunals, because we can have none in those natives who are to preside over them; in fact we doubt the integrity and have no confidence in the impartiality of our would-be native Judges, and in so far as this is the case, we feel with bitter sorrow, that the hitherto impartial administration of justice in this land is at stake, and with it the supremacy of British rule in India. Further, we can never accept the decisions of the natives, as they have little or no knowledge of our habits and our motives of action. They are not our equals, and the fact of this agitation shows that they neither have, nor desire to have, any sympathy with us.

If, in the course of years, the gradual education of the people of India shall have raised the masses to a higher moral status than they now occupy, it may be then time to examine whether their devotion and loyalty to the British rule will fit them for rights more nearly approaching to those of Englishmen, but until that time comes, the Government are doing no good to natives, and do much harm to Europeans, by even proposing to concede to the former powers which they are in no way prepared to yield for the benefit of the realm. That there are other mightier reasons why Europeans should not be subject to the jurisdiction of native Judges we must all feel, but it is quite in accordance with the fitness of things, that a Gov-

ernment which has so little acquaintance with the wishes and feelings of the various races it governs, as to mistake the clamour of a few educated Baboos and native editors, for the demands of 250 millions of people, and contemptuously ignore the passionate and heart-felt protest of ninety-nine per cent. of its European subjects, should be so blind to the teachings of the past, as to deliberately place in the hands of a subject race so dangerous a weapon as judicial authority, which at any time may be turned against their rulers.

It is deeply to be regretted, now that the insatiable ambition of a certain class of the native community is making itself apparent, that at the time when native Magistrates in Presidency towns were granted the power now demanded for their brethren in the mofussil, the concession of these powers was not more strenuously opposed. Even if the European opposition had not succeeded, it would have shown the Government of the day what English opinion on the subject was, and it would have had the effect of teaching the native population what the line of demarcation was, over which they might not step, in their search for their imaginary rights. That little or no harm has come of granting those powers to native Presidency Magistrates, is more due to the fact that in each Presidency town there is a powerful and watchful English press, and a large European community, than any inherent qualities in the Judges themselves. The absence of these opportunities for criticism from most mofussil courts is one of the strongest reasons against this measure, and would inevitably heighten that suspicion with which we can do but little help looking upon all native doings, especially where legal proceedings are concerned.

With the one exception of the powers granted to native Presidency Magistrates over Europeans some years ago, this proposed Criminal Procedure Amendment Bill is the first time, since the establishment of the British constitution on its present firm basis, that the absolute right of a Briton to be tried by his own countrymen alone has been called into question, and hitherto this right has been held as inviolable in every colony of Her Majesty's vast dominions as in England.

Englishmen cannot but feel that the Government of India are acting in an unconstitutional manner in endeavouring to take this sacred privilege from us. It is a matter of the deepest import to all Europeans, but especially to those who have yet a long career before them in the Indian mofussil, that the absolute purity of the justice administered in the mofussil courts shall be guaranteed in the future as it has been in the past, but no such guarantee can be accepted by us, who will come under the power of these courts, that does not re-affirm the inalienable right of Britons to be tried by their own countrymen.

What conclusion can we come to, taking the strange action of the Government with regard to this Bill into consideration, but that it is wilfully callous to the true interests of England in the East, or worse fault still for a Government, absolutely ignorant of what those interests are. Our remedy must be to oppose with all our strength this deliberate attack on British supremacy in India, and if the Bill pass, to anticipate the inevitable result of the retrograde policy of a Radical Government by joining *en masse* those volunteer corps which the Government itself acknowledges are necessary, that, when the broad and statesmanlike policy under which we are suffering shall have worked out its natural result, we shall be able to assist the powers that be with our services, when in the hour of danger the material increase of the standing army in India will have become an absolute necessity.

The above Resolution was then put to the meeting and carried unanimously, and with cheers.

Mr. S. D. Jackson in a short but telling speech proposed the next Resolution, which reads:—

This meeting cannot accept as either satisfactory or convincing the reason given by Government for introducing the change, or do they believe in the finality of the present policy. The present Government is not able to bind its successors, and if the abolition of anomalies be the end in view, it is quite impossible that things can stand where they are. India was won by conquest, and the fact that after the lapse of over a century the country is still held, and its 250 millions of inhabitants are governed by a mere handful of Europeans, incontestably shows both the justice of their rule and the great prestige in which the English name is held. That such a Government should preach the perfect equality of the races, or should do anything to lower the prestige of the Europeans, out of a hankering after theoretical symmetry (in the administration of the law) must appear to all nothing less than a political blunder of the most serious kind which may involve consequences that all will deeply rue.

This Resolution being duly and well seconded by Mr. P. S. Mackintosh, it was put to the Meeting by the Chairman and carried unanimously.

In a few appropriate words Mr. R. White then proposed the following Resolution:—

That our warmest thanks be tendered to the European community of Calcutta for the able and unselfish help they are giving to their countrymen in the mofussil in opposing the proposed alteration in the Criminal Procedure Code, and especially to all those who supported and sympathized with the meeting held there on 28th February, 1883.

This Resolution was duly seconded by Mr. C. S. Walliker, and, on being put to the Meeting by the Chairman, it was carried unanimously with repeated and enthusiastic cheers.

Mr. A. Stewart then said:—Mr. Chairman and gentlemen.—In rising to propose the Resolution which has been assigned me, I do so with pleasure, as I feel sure you will be only too glad to concur with me. At this time, when we have had this obnoxious Bill thrust upon us where would we have been had it not been for our free and independent English Press,

which has well vindicated its character as an honest and upright organ of public opinion? Foremost amongst the newspapers of India I beg leave to mention the *Englishman* as the one first to draw attention to the dangerous features of the proposed amendment (cheers); and, with one exception (groans for the *Statesman*), the remainder of the journals followed the course taken by it. I would now propose the following Resolution:—

“That our best thanks be tendered to the *Englishman* and other newspapers, for their able and manly opposition to the proposal to deprive us of our cherished and inalienable right of being tried by our countrymen.”

Dr. A. J. M. MacLaughlin seconded this Resolution and said:—Mr. Chairman and gentlemen,—I have much pleasure in seconding that Resolution. Every European, who has any interests in India, should be for ever grateful to the *Englishman* (a voice, “and the *Statesman*,” derisive cheers,) for the very able way that paper has been endeavouring to defend us in regard to this Bill. If only some of the home papers would take the matter up as warmly, and let our countrymen know clearly the exact nature of this Black Act, and the extent to which it will tend, if it become law, to jeopardize our liberty, I am sure there would be as strong a feeling evinced against it there, as is now shown by Englishmen in this country. (Cheers.)

Englishmen must, indeed, have changed very lately, if they will remain silent when they know that an attempt to crush us, their fellow-countrymen, is being made by those they have appointed to look after our interests and to be our rulers. Is it likely that they will allow us to be deprived of our liberty and our rights, merely to gratify the aspirations of a few natives, or allow us to be the subject of a mere experiment, which a few eccentric political theorists wish to make, when it is evident to the, I might say, whole European population of India, and to a large number of natives, that such an experiment must be attended with complete failure and end in insecurity of life and property? I should say certainly not, and for these reasons, it seems to me that what is now necessary to secure success in our cause is to ventilate this matter fully throughout the United Kingdom, through the assistance of the European and Anglo-Indian Defence Association, and let our friends and fellow-countrymen at home know the extent of injury to us, without any benefit to the natives, which the passing of this most unjust, unnecessary, unfortunate, and injurious Act would entail (Cheers).

The above resolution being put to the meeting it was carried unanimously, with cheers for the *Englishman* and groans for the *Statesman*.

Mr. A. Odling then rose and in effect said that he had much pleasure in proposing the next Resolution for he was sure it would commend itself to the meeting. And he would beg to draw their attention to what had been said in Calcutta and elsewhere that, besides subscribing funds, how much they could help our cause, if those who had relations or friends at home in influential positions, or members of Parliament, would keep on writing and stirring them up to agitate, and deeply interest themselves in our favour. And with these few remarks he would beg leave to propose the next Resolution—

“That we now open subscription lists in aid of the Europeans and Anglo-Indian Defence Association, and pledge ourselves to support this Association both with funds, and by every legitimate means in our power.”

Mr. H. G. A. Thornton seconded this Resolution, and on its being put to the meeting by the Chairman, it was carried unanimously, and with loud cheers.

The Chairman, in proposing the next Resolution, said:—

Gentlemen,—Before proposing the next Resolution I have a few remarks to make. I have listened with great pleasure to the able way in which the previous speakers have proposed, seconded, and supported the foregoing Resolutions. And there can be no doubt, I think, that such a large assemblage of the European community, so ably, unitedly, and determinedly setting forth their strongest protest against Mr. Ilbert's Bill, must have considerable weight when their proceedings are laid before the Government. It will be seen how keenly we feel that our good Government, to which we could not be more loyal (cheers), has so illiberally been trying, and trying in the dark, to deprive us of a cherished right, the possession and exercise of which are doing no one in India the slightest harm; but rather, in fact, doing India good. No further back than last September Government took a step in the right direction, and very liberally published that it thought the public should have greater opportunities and time given to discuss and study any Bills which were under the consideration of the Legislative Council. And this was with the avowed object to enable that Council to mould such Bills as much as possible in accordance with public reasonings and request. I have no doubt whatever that Government was sincere when it published that it thought the time had come when it should, to a much larger extent than hitherto, be guided by and take counsel from the community at large when making laws and regulations for them. And therefore I have the greater hope that this very objectionable and dangerous Bill will be withdrawn now, when it is clearly seen that there is the completest possible unanimity of voice against its being passed into law, amongst those it would so vitally and injuriously affect. The ablest men of our community in India are strongly opposed to it, and the more time there is given to discuss the Bill the more obnoxious and harmful it appears, and the stronger and more combined is the opposition to it. So that it cannot be hoped that the great outcry made against it is of a merely effervescent nature that time will calm down and make inert. No, I rejoice to say that this generation of Europeans in India has not yet been, either in mind or body, so enervated as to languidly and unconcernedly submit to a trampling down of

its inherited and inalienable (whatever Mr. Ilbert may say to the contrary) rights as British subjects of their dearly loved Queen. (Cheers). I now beg to propose the following Resolution:—

That the proceedings of this meeting be submitted to His Excellency the Viceroy and Governor General in Council through the Indian Tea Association of Calcutta, for his due and careful consideration, with the earnest hope that the proposed Bill for the amendment of the Criminal Procedure Code may be withdrawn.

Mr. G. M. Lock stood up and after making a few appropriate remarks begged to second this Resolution. The Chairman then put it to the meeting, and it was carried unanimously and with great cheering.

Mr. H. Weir then in very eulogistic terms proposed a vote of thanks to the Chair, and this being warmly seconded by Mr. E. S. Elliot, it was carried amidst ringing cheers.

After the Chairman had returned his thanks to the meeting for this motion, he warmly thanked them for having supported him so well, and said the meeting could not have passed off more orderly or more successfully.

The National Anthem was then sung with the greatest enthusiasm. Before separating the Deputy Commissioner expressed a wish to address the meeting on the question of volunteers, as he was now the Commandant of the lately formed Cachar Corps, and that question had been brought up in Mr. Livermore's speech. But before taking up the question he said in effect that he had had the greatest pleasure in hearing the speeches that had been made, that he was extremely pleased with the tone that pervaded all the speeches, as well as all the members of the meeting; that he was sure if Lord Ripon himself had been present, he could not have objected to one single word that had been said, and that if all the meetings held throughout India had shown as much good temper and spoken as effectively, he believed the result would already have been different with regard to the Bill. The Meeting, after a few further remarks about the volunteers, then dispersed.

No. 709, dated 21st May 1883.

Endorsed by the Home Department.

Transferred to the Legislative Department for disposal.

No. 579—60, dated 7th July 1883.

From—MAJOR H. WALLIE, Secretary to Chief Commissioner, Coorg.

To—The Secretary to the Government of India, Legislative Department.

In compliance with your letter No. 31C., dated 17th March, 1883, I am directed by the

Mr. C. G. Plumer, Judicial Commissioner of Coorg.  
Lient.-Col. W. Hill, Commissioner of Coorg.  
Major H. M. S. Magrath, District Magistrate.  
Mr. K. Ganapati, Subahdār of the Mercāra Taluq.  
Mr. C. Soobiah, Assistant Commissioner.  
Mr. N. Monappa, Subahdār of the Yedenalknad Taluq.  
The Coorg Planters' Association.  
Rev'd. H. A. Kaundinya.

Officiating Chief Commissioner to submit a note by Mr. Lyall containing an expression of his opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, together with copies of communications on the same subject from the gentlemen noted in the margin.

*Note by Officiating Chief Commissioner, Coorg, dated 7th July 1883.*

1. On receipt of the letter of the Government of India, Legislative Department, No. 31C., dated 17th March, 1883, calling for opinions on the Bill to amend the Code of Criminal Procedure, 1882, the Judicial Commissioner and the Commissioner of Coorg were asked to give opinions on the Bill. Their replies have been received, and the Commissioner of Coorg has forwarded with his letter the opinions of the Coorg Planters' Association, of the District Magistrate, of three Native officials, and one Native clergyman.

2. The Judicial Commissioner supports the principle of the Bill, but would limit its operation. The Native clergyman and two of three Native officials support the Bill more or less entirely. The other four opinions are against the Bill.

3. Before expressing my own opinion, I must mention that, when I met Sir James Gordon at Madras, the day before he sailed for England, he said to me that he much regretted that he had not been able, owing to ill-health, to dispose of this reference. He added that he intended to write an opinion on his voyage home, and send it direct to Government; but that in case he was not able to carry out this intention, he begged me to mention, in disposing of the reference, that his opinion was strongly in favour of the withdrawal of the Bill.

4. A year ago, when I was serving as Financial Commissioner in the Panjāb, the Panjāb Government asked me to give an opinion on the question as then stated in the confidential letter (No. 7-592 of 28th April, 1882, and enclosure) of the Secretary to the Government of India, Home Department. I replied briefly that it seemed necessary, on grounds of administrative convenience, to confer on Native Covenanted Civilians who may be appointed to hold the offices of District Magistrate and Sessions Judge the same jurisdiction over European British subjects as is exercised by European British subjects holding those offices, but that I did not recommend any further alteration of the existing law.

In giving "administrative convenience" as the reason I accepted for the change of law, I did not accurately describe the argument which most influenced me at the time.

I was aware that any change in the law which has hitherto excluded European British subjects from the jurisdiction of Native Criminal Judges would be objected to by the Euro-



pean community, and I did not consider that such objection would of itself be in any way unreasonable; but I thought that, as the policy of admitting a large number of Natives to the Covenanted Civil Service had been adopted by the Government, the particular risk to the European community involved in this change of the criminal law ought to be incurred along with other difficulties and risks to the British Government of India with which the policy is admittedly weighted. It seemed to me at the time that, if Native Deputy Commissioners and Sessions Judges could not be invested with such jurisdiction, the fact might be used to their injury as a reason for not appointing them to such posts; also that, in the case of Natives appointed District Magistrates, the want of such jurisdiction might injure their prestige and affect their power to control their districts successfully.

I regret to have to confess that, in the press of business, I wrote the opinion in question on a mere perusal of the papers then circulated to me. Those papers contained Mr. Gupta's extracts from the debate in the Legislative Council which occurred when a similar amendment of the law was proposed in 1872. His extracts were from speeches by the "ayes" only; since then I have read the speeches by the "noes." I have also read the petition to the House of Commons by the European and Anglo-Indian Defence Association, and many able letters which have appeared in India and English newspapers. I have also had opportunities of discussing the question with some officers of experience, Native and European, not only in the Panjáb, but also in several other provinces. Official opinion is not unanimous, but I am now still less inclined than at first to support an amendment of the law. I am, in fact, in favour of the entire withdrawal of the Bill.

5. The Statement of Objects and Reasons which accompanies the Bill gives no reason for legislation by the desirability of abolishing anomalies and disqualifications based upon race-distinctions. Many absurdities as well as anomalies have to be tolerated in India, and, as the race-disqualification does not prevent a man becoming a Judge, but only from trying a very small class of accused persons, it is not a disqualification of which the race can seriously complain. In respect to the grounds of my former opinion, I think, on reconsideration, that for a long time to come no serious administrative inconvenience is likely to result from the maintenance of the present law, and that the proposed alteration of it is, on the whole, more likely to hinder than to promote the present success of the policy of admitting Natives into the Covenanted Civil Service, and of appointing them to such posts as that of District Magistrates and Sessions Judges. I mean that the success of that policy (and I desire its success) might be seriously endangered by the occurrence, which is by no means improbable, of cases in which the Native Civilian Judge or Magistrate failed to do justice in the trial of Europeans under the influence either of timidity or race-feeling; and, secondly, I think that the Government would be oftener likely to hesitate to appoint a Native Civilian to be District Magistrate, because having jurisdiction over Europeans, he would probably have to exercise it, than because not having such jurisdiction, any case occurring would have to be transferred elsewhere for trial.

6. In the excited state of feeling caused by hard language used at public meetings and in newspaper articles, it is not very easy for Native gentlemen concerned to publicly express an opinion against the Bill; most of them feel that to deprecate the proposal made by the Government of India is to incur the imputation of ingratitude to the Government and of a want of self-confidence and patriotic feeling. But I believe that the great majority of the Native gentlemen now serving as members of the Covenanted Civil Service, or as Assistant Commissioners in non-regulation provinces, would on the whole prefer to see the Bill withdrawn.

In the case of Native gentlemen not immediately concerned who are in no present fear of having the responsibility of trying such cases put upon them, there is, I think, great divergence of opinion. The great majority of the younger English educated Native gentlemen, official or non-official, are, I think, at the present moment in favour of the Bill, and it is also supported (as any measure supposed to be unpalatable to Europeans will be) by those Native gentlemen, educated or uneducated, who are disaffected to the British Government or who feel a race-antipathy to the English. But in the Panjáb, where I had opportunities of conversing with Native gentry of various kinds, I came to the conclusion that a large number of sensible and well affected Native gentlemen were of opinion that the proposed change of the law was an unwise one. The great mass of the people are, I think, everywhere entirely uninterested in the question.

7. I hope I shall not be thought to have a low opinion of the Native Covenanted Civilian as Judges or Magistrates because I have written above of the probability of the occurrence of failures of justice if the criminal trial of Europeans in the mofussil is entrusted to them. I have, on the contrary, a high opinion of their judicial abilities, but it seems to me to be clear that the English Covenanted Civilian is in a position which makes it easier for him than for a Native to be an efficient and impartial Judge in criminal trials of Europeans.

When both parties are Europeans, it will be admitted that the Native Judge is at a great disadvantage in judging of the facts; when the accused is an Englishman and the prosecutor a Native, much race-feeling is frequently aroused. The English Civilian Judge before whom such cases come up is, no doubt, not insensible to race-feeling for his accused countryman, but, on the other hand, as a member of the ruling race, a generous determination to be just to the other races is easier than it would be if the position was reversed; and, moreover, there is a strong traditional feeling in the Indian Civil Service of its being the special duty of its members to be impartial in such cases,



and to protect Natives from being oppressed. Again, in most of such cases the European defendant is a non-official, and the Indian Civilian Judge is sometimes apt to be prejudiced against such defendants by their bluntness of speech and comparative want of deference for the Court. The European population among which the Judge is living is scanty in number and changes rapidly; the Judge may leave the district any day, and will soon leave the country for good; he is, therefore, in a position to be but little afraid of unpopularity with the Europeans around him. My experience leads me to believe that these conflicting forces keep the English Civilian on the whole very impartial in the trial of such cases. It is well known that, in European non-official or military circles in India, the Civilian Judge is very commonly believed to be prejudiced in favour of the Natives in disposing of such cases. I myself believe that this is so far true that bias is as often shown in favour of the Native as of the non-official European. On the other hand, a Native Judge trying a criminal charge against a European about which race-feeling has been aroused is in a much more difficult position. He is generally by birth a man of the Native middle class, between which class and the non-official European a jealous sentiment is apt to exist. The country is his home, and he lives among the people, and is exposed by their customs and habits to outside pressure and solicitations of the strongest kind. The rough and independent bearing of the accused will often prejudice him, and the great distrust which the non-official European almost always displays of a Native Judge will be apt to annoy him. In fact, all the surrounding circumstances and all his natural sympathies are likely to bias him in favour of the prosecution, particularly if the prosecutor is a man of his own class or of good position in Native society. On the other hand, there is nothing to keep him straight except the fear of the disapproval of his English official superiors and his own conscience and firmness of character. Though I have a great respect for Native Judges, I am of opinion that the average conscientiousness and firmness of character of the educated English gentleman is, at present, much higher than that of the educated Native gentleman. The same comparison in favour of the Englishman may, I think, be made with many European races. This difference may very possibly be due to no inherent superiority of race; it may be simply the result of free political life, a pure form of religion, high education and high civilization maintained through a great number of generations. But, whatever the cause may be, I do not think the fact of the difference will be questioned by any impartial person of Indian experience.

8. For the above reasons, I hold that the English Judge or Magistrate in India is naturally better qualified to try cases in which Europeans are accused than the Native Judge or Magistrate. If this is admitted, and if no great administrative inconvenience is to be anticipated at present from leaving the law as it stands, then it seems to me that to make a change in defiance of the decided opinion and strong sentiment of the European community on the subject would be unjustifiable. I myself put little weight upon the argument that, if the Government gives way to the Europeans now, it will not be able to legislate against their wishes in other matters, or in this matter when another occasion arises. I believe that they have been from the first on the whole in the right in this case, and that it has only been the occasional manner of their opposition, not the opposition itself, which has deserved to be called blatant or unreasonable. I think that the non-official Europeans (those who live in the mofussil among the people in particular) are as alive to the progress of the times, and the necessity of gradual change in their relations with the Natives as any other class. I think that the indigo-planters of Bengal showed this not long ago in their dealings with the Bengal Government. When the Government has a good case for legislation, I believe the majority of non-official Europeans will be sensible enough to recognize the fact, even though the legislation be against their class-interests. The opposition then will be weak, and the Government will find itself amply strong enough to disregard it.

I do not think that any real political importance should be attached to the display of Native feeling on the question recently made in the newspapers and in speeches at public meetings. The feeling is shallow, and has been mainly aroused by the abusive language addressed on some occasions by the Europeans to the class of educated Natives and to a Government which those Natives know to be most benevolently disposed towards them. The real question is one of sentiment only as far as the Natives are concerned, and it is only a very small class which is interested in it. I do not intend to maintain that national or race sentiment should be disregarded in legislating for India—I hold the contrary opinion very decidedly; but the strong sentiment in this case is on the side which resists the proposed change, and which may be materially affected by it.

9. I believe the Bill to be based simply upon liberal and benevolent ideas; but, in studying its provisions (including those which merely to avoid the least appearance of preferring English to Native Magistrates, disqualify a number of competent European Magistrates who are not Covenanted Civilians), one might be forgiven for suspecting it to be the outcome of a very exaggerated idea of the sensitiveness of the Natives in respect to race-distinctions, and of an over-regard for such sensitiveness amounting to timidity. There is always some danger in India in any appearance of timidity. On the other hand, there will be no danger in disregarding the clamour which will be raised if the Bill is withdrawn by the particular classes of Natives who are now showing interest in it. It is impossible to conciliate by concessions those who are at heart radically hostile to the British Government; those who are content with progress under it will be indifferent to the fate of the Bill if they see the Government persevere in its general policy of admitting the Natives to high offices and of gradually entrusting to them larger municipal powers of self-government.

*Memorandum by C. G. PLUMBER, Esq., Officiating Judicial Commissioner, Coorg, dated 8th May 1883.*

One of the objections to the Bill is apparently founded on a misconception of its scope; it appears as if the great body of opponents think that, if the Bill be passed, any Magistrate of the first class will have jurisdiction to try European British subjects. But that is not so. Section 443 as amended would run thus—"No Magistrate, unless he is a Justice of the Peace and (except in the case of a Presidency Magistrate) unless he is a Magistrate of the first class, shall inquire into or try any charge against an European British subject." To have jurisdiction the Magistrate must be both a Justice of the Peace and Magistrate, first class, and the only persons who can be appointed Justices of the Peace under the provisions of section 22 as proposed to be amended are such Covenanted Civilian members of the Native Civil Service, Assistant Commissioners in non-regulation provinces or Cantonment Magistrates as are invested with powers of a Magistrate of the first class. Those persons, and those only, would be able, if the Bill were to pass, to enquire into or try a charge against an European British subject.

2. It does not follow necessarily that every one of the class of persons referred to in the proposed amendment of section 22 would be appointed a Justice of the Peace. The discretionary power of such appointment is left to the Governor General and to the several Governors; they might be trusted to use their discretion so that no one not in every way fit to discharge the duties of a Justice of the Peace should be appointed.

3. I quite agree that a person who is considered qualified to be a District Judge or District Magistrate is, or should be, *ipso facto*, qualified to discharge all the duties pertaining to those officers, and to try European British subjects. The Local Governments should not appoint any one to those appointments who is not so qualified.

4. The Bill is the logical outcome of what has gone before; it is part and parcel of the policy which has been for many years in vogue in British India; it is the logical sequence of the admission of Natives to the ranks of the Covenanted Civil Service. No objection was taken at that time by those who now object to this Bill: they knew, or might have known, perfectly well that the Covenanted Civilians were the real administrators of the country; they knew, or might have known, exactly what were the powers, executive and judicial, wielded by Covenanted Civilians; they must, one would have thought, have foreseen that, when Natives were once admitted to the Covenanted Civil Service, the time would not be far distant when it would be necessary to remove all restrictions from the enjoyment by them of all the privileges, and from the exercise by them of all the powers, vested in Civilians; but the class to which the great mass of the opponents of the present Bill belong—the non-official Europeans—were silent.

5. Silent, too, were they when Natives were made Presidency Magistrates, High Court Judges and even when a Native was made Acting Chief Justice in Bengal. Small blame, in the face of such apparently absolute acquiescence, is it to the official class that it was for the most part ignorant of the storm which this Bill would raise.

6. I cannot help thinking that some of the fears which this present Bill has raised are much exaggerated.

7. It seems to be assumed that, as soon as Native gentlemen are invested with the power to try Europeans in the mofussil, false charges of all sorts will pour in against Europeans, male and female, and that their lives and liberties will be endangered. Such fears appear to me to be groundless; they can have no force unless it be taken for granted that the Native Magistrate will conspire with the complainant in such cases.

8. And is it likely he would do so? What would the class of Natives who alone would be empowered to try such cases have in common with the persons who it is supposed will be the complainants; and, unless the Magistrate is in a conspiracy with the complainant, the accused, it seems to me, would be just as likely (to say the least) to get justice from a Native Magistrate as from a Magistrate who is a European British subject. The Native Magistrate, indeed, in my opinion, would be more likely to detect the falsity of the complaint if it were false than many of the young European Justices of the Peace who now have jurisdiction to try European British subjects. It may be that a Native Magistrate would be ignorant of the manners and customs, ways of thought and feeling of the accused; but, what is of much greater importance, he would be very well acquainted with the manners and customs, ways of thought and feeling of the complainant and his witnesses. My experience tells me that a Native Judge, as a rule, is excellently well able to appreciate the evidence of Native witnesses; and is it likely that a Native Magistrate trying a European would wilfully convict him of a false charge? To put it on no higher ground, he dare not do so; he knows that all his hopes of promotion depend on Europeans; he knows that the whisper of any injustice on his part against a European would lead to instant enquiry, and on detection to stern punishment. My own honest belief is that the very limited class of Natives whom by this Bill it is proposed to give discretion to the Local Government and Governor General to invest with jurisdiction over European British subjects may be trusted to exercise that jurisdiction impartially and without the slightest fear of any injustice being done to Europeans. That is my own honest, deliberate opinion, but, at the same time, I am not likely to be affected one way or other by the Bill, and the great mass of the non-official Europeans who are most interested in the Bill would appear to have a violent antipathy to its provisions. Such strong and practically unanimous feeling against the Bill as has been shown by the non-official Europeans cannot of course be lightly disregarded.

9. It is said that the non-official Europeans, the planters, &c., came out to India under a sort of guarantee from Government that they were to be amenable in criminal matters to the jurisdiction of European British Judges only. I have no doubt that those who put forward this plea fully believe in it; but I would like to know, as a matter of fact, how many planters, &c., before they came out to India ever made any enquiry on the point; and I would like to know further, supposing the enquiry to have been made and the reply to have been that they would be amenable to the jurisdiction of Native Magistrates, how many would have been deterred from going out to India. They came out to India, as we officials came out, because they were obliged to work for their livelihood, and India offered them a likely field for their labour; and, in my opinion, the passing of this Bill would have a very inappreciable effect in thinning the ranks of the non-official Europeans.

10. But, at the same time, as I have said, the strong feeling shown against the Bill should not be lightly put aside. I would not counsel the total abandonment of the Bill, because I honestly believe it to be a Bill embodying principles which must sooner or later be given effect to, and because I would not have the Government yield now to an agitation which it is clear it must face at some time.

11. It is possible that there is no immediate necessity for the Bill; it is possible that it would have been better not to have introduced it just now; feelings have been stirred up which all would have preferred to have allowed to lie dormant; but the Bill has been introduced; it is strictly, as I have said, part and parcel of the policy of the Government in India for several years past.

12. Unless that policy is to be reversed, sooner or later a similar Bill must be introduced. As the number of European officials decreases and the number of Native Magistrates and non-official Europeans increases, jurisdiction to try European British subjects must be given to Native Magistrates; and if this Bill is abandoned, another of similar import will have to be introduced, which will again give rise to agitation such as is now rampant. The first furious blast of the storm has now been encountered by the Government. There would be, in my opinion, a want of courage in quailing before the storm and abandoning the Bill, leaving a future Government to encounter over again the same opposition, with the disheartening precedent of the success attendant on the present agitation. While, however, I would not abandon the Bill altogether and expose the Government to the dangerous charge of having yielded to agitation, I would endeavour to meet, as far as possible, the objections raised. The principle of the Bill should, in my opinion, be insisted on, but in detail its operation might be limited. His Excellency the Commander-in-Chief, in the course of the debate in Council on the Bill, suggested a very fair compromise, namely to limit the jurisdiction to try Europeans to such Natives as are, or may become, Sessions Judges and District Magistrates. To carry this proposal out—

Section 1 of the Bill should be omitted.

Section 2 should stand as at present (it should be section 1).

For section 3 I would substitute the following:—

“In section 443, after the words ‘and a European British subject’, insert ‘or a District Magistrate and Sessions Judge.’”

For Section 4 I would substitute—“Any Judge presiding in a Court of Session may exercise jurisdiction over a European British subject, but an Assistant Sessions Judge shall not exercise such jurisdiction unless he is a European British subject and unless he has held the office of Assistant Sessions Judge for at least three years.”

For section 5 substitute “section 450 is hereby repealed.”

Add fresh section—“After the words ‘European British subject’ in the last line of the second paragraph of section 459, add ‘or a District Magistrate or Sessions Judge.’”

A fresh section might also be added something to the following effect:—

“Any sentence of imprisonment passed on a European British subject by a Sessions Judge or District Magistrate who is not himself a European British subject shall, on the application of the person sentenced, be suspended pending an appeal.”

No. 81-40, dated 28th April 1883.

From—LIEUT.-COL. W. HILL, Commissioner, Coorg,

To—The Secretary to Chief Commissioner, Coorg.

I have the honour to acknowledge receipt of your docket No. 2255-917 of the 30th March 1883, forwarding to me, for an expression of opinion, draft Bill for the amendment of the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, and directing me to obtain and submit that also of the Coorg Planters Association and of others competent to give an opinion on the proposed measure.

2. In reply I beg to observe that the desire with which the Government is animated in removing such anomalies is honourable and just; but I regard the measure itself as being premature and impolitic: premature because, however much the whole moral tone of the natives of India who have had the benefit of an English education may have been elevated so as to justify their appointment to posts of responsibility and trust, the characteristics of the great body of the populace, especially those in up-country districts, with whom European planters are placed in immediate contact, has not altered so far as to warrant the abolition

of distinctions of the nature proposed between European and Native; also the number of natives who have entered the Civil Service is so very few that their feelings may for the present be sufficiently consulted by their non-appointment to districts containing a large number of European proprietors of land. The exercise of jurisdiction over Europeans by the Assistant Commissioner, as provided in the Bill, is not needed, as there are two Justices of the Peace in Coorg, and his duties are confined chiefly to the disposal of civil cases and the charge of the district treasury.

3. The amendment of the Code appears to be impolitic, inasmuch as it deprives Europeans of the time-honoured privilege, which they prize, of being tried by their own countrymen, and the deprivation of which would unquestionably tend to lower them in the estimation of their native neighbours.

4. In Coorg, which has an European population of nearly 200, most of whom are engaged in the cultivation of coffee estates, the number of cases which come before the Justices of the Peace is very few. They consist mostly of petty complaints of ill-treatment made by servants against their European masters, and of mischief made by raiyats who have allowed their cattle to stray into coffee estates. In nearly every case the complaint is much over-stated. Consequently there exists in the minds of Europeans a strong feeling, as expressed in paragraph 4 of the letter from the Coorg Planters' Association, that the present restriction of powers acts as a protective measure against the institution of false cases which, if trumped up against them, could not easily be rebutted owing to their isolated position. Not only would the disgrace of being dragged before the Courts be much felt by gentlemen of standing and position, but they apprehend that their authority over their workmen would by such means be so much weakened as to affect their chances of success in the enterprise in which their capital is embarked. Mingling, as they do, freely with the native population, and having ample opportunity of judging of their character, such apprehensions must be well founded, and are, in my opinion, deserving of the fullest consideration on the part of the Legislature. Their allegation as to the untrustworthiness of a great portion of the evidence tendered by natives is fully borne out by the daily experience of the Courts; and, as urged, Native Magistrates might occasionally feel difficulty in disposing of cases between Europeans owing to their want of knowledge of their habits and modes of thought. The following cases, which have actually occurred under existing arrangements, may be quoted as illustrative of the evils which they apprehend as likely to be augmented:—Lately the coolies of an estate in South Coorg, led by their maistries (gangmen), made an attack upon the European superintendent, and, in order to mislead the authorities, had recourse to the ordinary native stratagem of being the first to lodge a complaint. The European Magistrate dismissed it as false and punished the ringleaders severely, which had an excellent effect in checking a recurrence of similar attacks. In a case of forgery tried at the last Sessions, a determined effort was made by the production of false witnesses to show that an East Indian, who had served 14 years as a superintendent, and who enjoyed the confidence of his employer, had betrayed his trust by authorizing the accused to make use of his name. In a case in which an English lady was the complainant and Europeans were parties, a desirable compromise was effected; whereas, had the Magistrate been a native, the lady would in all probability have refrained from seeking the aid of the Court.

5. I would further urge the desirability of the early withdrawal of the Bill, on the ground that the agitation which it has caused has already been productive of ill-effects in promoting race antagonism, which is especially to be deprecated in a Province like Coorg, where it is essential, for good government and the development of the resources of the country, that friendly relations should subsist between the large number of European planters and their native neighbours, and between the former as employers and the large bodies of coolies who are employed.

6. Copies of letters received from Major Magrath, the District Magistrate, and Mr. Ganapati, Subhadar of the Mercara Taluq, opposing the Bill, and from Mr. C. Soobiah, Assistant Commissioner, Mr. Monappa, Subhadar of the Yedenalknad Taluq, and the Revd. H. A. Kaundinya, in favor of it, are attached, as well as copy of the letter from the Coorg Planters' Association already referred to.

No. 44—12, dated 11th April 1883.

From—MAJOR H. M. S. MAGRATH, District Magistrate, Coorg.

To—The Commissioner of Coorg.

With reference to your docket No. 18—4, dated 4th April 1883, forwarding for opinion a Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to state that I consider the change proposed in the law undesirable on political grounds: it is a privilege of Englishmen to be tried by their peers from ancient times. The Bill has been, and if passed into law will be, mischievous in its results, and tend to increase race antagonism, which it is most desirable to avoid in our Indian Empire; and further, no desire or wish on the part of the Native populations of India has ever been apparently put forward for the change proposed by the Bill. They naturally consider it to be a rightful privilege of Englishmen to be tried by their countrymen, quite as much as many privileges which they (the Natives of India) enjoy under our

For the foregoing reasons I consider it unadvisable to pass the Bill, which is a piece of sentimental legislation, into law.

From—MR. K. GANAPATI, Subahdar, Mercara Taluq.

To—The Commissioner of Coorg.

In acknowledging the receipt of your docket No. 22—16 of the 4th April 1883, I have the honour to submit the following.

I am of opinion that the Bill, however desirable it may be to remove an existing anomaly, will prove in the end very mischievous and create a serious ill-feeling between Natives and Europeans.

As far as my experience goes, I think the amendment is really unnecessary, the time not having come for an Act so liberal in its provisions. Matters now go on well, and no demand has been made for the change by the community at large. As it is, I feel that Native officials have no reason to complain, as we are empowered to dispose of civil cases in which Europeans appear before us; and it will do us no real good if we are called upon to perform the invidious task of punishing Europeans, while it will endanger the kindly feeling which should subsist between the European and the Natives of the country, and which I have endeavoured throughout my long official career to promote.

I must not be misunderstood in my opposition to the Bill. I am proud to say that pure Natives of India have proved themselves, both morally and socially, capable of filling with credit some of the highest and most responsible posts in India, and there is no doubt that there are many others who would do justice to their appointments as Magistrates. What I mean is that the Bill is uncalled for, and has been thrust upon the Europeans contrary to their wishes, and is therefore certainly to be deprecated.

Dated 22nd April, 1883.

From—G. R. EVANS, Esq., Honorary Secretary, Coorg Planters' Association,

To—The Commissioner of Coorg.

I have the honour, on behalf of this Association, to acknowledge the receipt of your docket No. 19—5, dated 4th instant, enclosing a copy of the Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction of Natives over European subjects, and asking for an expression of our opinion on the same for transmission to the Chief Commissioner of Coorg.

2. The large and influential meetings held at Ammatti in the south, and here at Mercara in the north, were unanimous in their protest against the injustice of this Bill, and there is hardly a European, I believe, in the Province who has not signed the Madras memorial protesting against it.

3. Our reasons for the same were given at length in the speeches made at the meeting and printed in the *Madras Mail* of 2nd instant:—

(1) We are of opinion that this Bill, which we consider is unnecessary and uncalled for by either Natives or Europeans, and which the Government have unwisely proposed for the sake of two or three Bengal Native gentlemen, will deprive us of the only right and privilege which we Europeans in India enjoy, and would place our lives and liberties at the mercy of Native Magistrates, who are almost totally ignorant of our ways and habits of life.

(2) There is hardly a single class amongst the Natives of India that has not some particular custom or right preserved to it by law; and why are we to be deprived of the only one that we as Europeans possess, and which we maintain has far more reason for its continuation, at least for many years, than any the Natives have?

(3) There is not another colony or foreign station where Europeans are domiciled that does not maintain its right to have all European subjects tried by their own countrymen, and will not permit their being handed over to Native Courts; and we protest against this just and reasonable law being abolished in our case.

(4) Here in this Province, where there are so many Europeans, this Act, if passed, would bear particularly hard. So long as there is an European Judge who knows our ways and habits, and can sift carefully the false evidence brought forward, the Natives are careful about bringing forward false accusations; but with a Native Judge a fellow countryman to appear before, all this would be changed, and false charges would be multiplied a hundred-fold.

For every little petty spite or trivial blow, supported by any number of false witnesses, we should be had up, and, with only a Native Magistrate to Judge between us, we maintain that our liberties, and perhaps our lives, would often be falsely sworn away.

(5) This Act, if passed, will, we feel assured, be most prejudicial to the good feeling which at present exists between the two classes, and will be the death-blow to the welfare and prosperity of the Province.

Hitherto, although living in a foreign land, we have felt that we were sure of a fair and impartial trial, but with this taken from us, there will be few who care to choose this country for their home when there are so many other lands where an Englishman, though



an alien, may yet feel that he has this much-prized privilege of being tried by his countrymen still preserved to him.

4. We beg, in conclusion, to thank the late Acting Chief Commissioner of Coorg for his earnest and manly protest on behalf of this Province against this proposed Bill, and we trust that Sir James Gordon will also continue to urge on our behalf the inexpediency of this Bill, which is unanimously condemned by the whole Province.

No. 10, dated 17th April, 1883.

From—MR. C. SOOBIAH, Assistant Commissioner, and MR. N. MONAPPA, Subahdār, Yedonalknad Taluq,

To—The Commissioner of Coorg.

We have the honour to acknowledge the receipt of your docket No. 20—6 of the 4th April, 1883, and its enclosure.

We have very carefully considered the provisions of the Bill with Statement of Objects and Reasons, and we beg to submit that the Bill does by its provisions no doubt remove an existing anomaly, and that, all things considered, it is such a measure as should be passed into law.

We cannot see any objection to the Bill, and we cannot conceive what legal and valid reasons can be possibly adduced against the amendment proposed to be effected thereby.

Europeans and Natives of every class and creed are, without distinction of class or race, all equally subjects of Her Majesty the Empress of India.

Under a liberal Government, Natives have qualified themselves to be considered eligible to fill most responsible positions. Indeed, Natives have long been appointed to seats on the Bench of the High Courts in the several Presidencies, and of late they have also been considered eligible for appointments in the much-coveted and jealously-guarded Covenanted Civil Service in India. And further, there are numerous Natives who are called to the Bar, and others who fill most responsible offices under the Government in all parts of India.

In the Presidency towns, Natives as Magistrates have jurisdiction over European British subjects, and hitherto no objection has been urged or exception taken to such powers being exercised by such Native Magistrates.

We are, therefore, of opinion that the Bill should be passed into law, for the Government of India and the several Local Governments in the Judicial Departments would have the remedy, if any, in their own hands in the conferment of the powers on Native Magistrates. We assume that only such Magistrates who are duly qualified as Magistrates empowered as is contemplated by the provisions of the Bill now before the Legislative Council of India. (*Sic.*)

Dated 17th April, 1883.

From—REV. H. A. KATNDINYA,

To—Commissioner of Coorg.

I have the honour to acknowledge the receipt of your communication of the 4th of April, together with a copy of the Bill to amend the Code of Criminal Procedure, &c., forwarded to me for my opinion.

At a time when almost all British-born subjects of Her Majesty the Empress of India consider it their duty to protest against the amendment, it is not a pleasant thing to be found among those that are constrained to approve of the measure. Having been educated in Europe and having married a German, all my children also receiving instruction and education in Europe, I can, though a pure native of India, fully enter into the feelings and understand the fears and apprehensions of my European fellow-subjects. On the other hand, I must not forget that mere sentimentality ought not to be allowed to override calm thought and the demands of justice and equity.

There are, according to the amendment, four classes on whom the exercise of jurisdiction over European British subjects is to be conferred. It is my humble opinion that no exception can be taken to the first, second, and fourth of them; but I doubt whether all the Assistant Commissioners are up to the mark. If, on the other hand, those Assistant Commissioners only are considered eligible for the exercise of the proposed jurisdiction that have been recommended thereto by the Commissioners of such districts, no inconvenience or injustice need be feared.

One thing strikes me as peculiarly anomalous. The Kaffirs and Zulus at the Cape Colony, the Maoris of New Zealand, the Negroes of other Colonies, are to be looked upon as British-born subjects, while the people of British India are not to be considered as such. Any British-born Maori, Kaffir or Negro, may any day become a Judge or Magistrate in India, and exercise such jurisdiction not only over the people of India, but also over all European-born subjects, while such a British-born subject himself must not be under the jurisdiction of a Judge or Magistrate of the first class, if a native of India, though the latter may be a first class nobleman. I here allude to the law as it stands, though in practice this may not happen for a long time yet.

Under the wise laws introduced into India by the British Government, under the vigilant and prudent control exercised by the higher over the lower Courts, and with the great strides



made in education and in the development of administrative capacities, it may now be truly said of the higher grades of educated Natives of India that they can honourably stand comparison with men of European nationalities of similar grades and standing.

But one thing must not be overlooked. The state of morality certainly stands lower in India than in England. I would, therefore, raise my voice and say to our rulers — *festina lente*; let only those have this authority bestowed on them who are really fit for the work.

No. 749, dated 9th July 1883.

From—W. M. YOUNG, Esq., Secretary to Government, Punjab and its Dependencies,

To—The Secretary to the Government of India, Legislative Department.

With reference to your letter No. 27C., dated 17th March, I am desired to submit the opinions on the Bill to amend the Code of Criminal Procedure, which have been received from the officers, gentlemen, and societies noted below, together with a minute on the same by His Honor the Lieutenant-Governor. I am at the same time to forward copies of the opinions which were received by the Lieutenant-Governor with reference to the proposals contained in the letter of the Government of India in the Home Department, No. 7, dated 28th April 1882, which by an inadvertence were not submitted with my confidential letter No. 703, dated 5th August 1882, to that Department.

2. The Bill and Statement received with your letter under reply were published in the *Punjab Government Gazette* in English in the issues of the 22nd and 29th March and 5th April respectively, and in Urdu in the issue of the vernacular Gazette of the 2nd April.

3. Should any further opinions on the Bill be received before the 15th of July, they will be duly communicated.

*List of Opinions submitted.*

Mr. Justice G. R. Elsmie.

Mr. Justice D. G. Barkley.

Colonel W. G. Davies, c.s.i., Officiating Financial Commissioner, Punjab.

J. D. Tremlett, Esquire, Officiating Commissioner and Superintendent, Delhi Division.

Lieut.-Col. L. J. H. Grey, c.s.i., Commissioner and Superintendent, Hissar Division.

J. W. Maenabb, Esquire, Commissioner and Superintendent, Umballa Division.

Colonel Gordon Young, Commissioner and Superintendent, Jullundur Division.

Colonel C. A. McMahon, Commissioner and Superintendent, Amritsar Division.

Colonel C. C. Minchin, Commissioner and Superintendent, Lahore Division.

H. E. Perkins, Esquire, Commissioner and Superintendent, Rawalpindi Division.

Colonel E. P. Gordon, Officiating Commissioner and Superintendent, Mooltan Division.

E. O'Brien, Esquire, Deputy Commissioner, Mooltan.

Major R. Bartholomew, Deputy Commissioner, Jhang.

Major C. McNeil, Deputy Commissioner, Montgomery.

C. E. Gladstone, Esquire, Deputy Commissioner, Muzaffargarh.

Lieut.-Col. E. L. Ommanney, Officiating Commissioner and Superintendent, Derajat Division.

F. W. R. Fryer, Esquire, Deputy Commissioner, Dera Ghazi Khan.

S. S. Thorburn, Esquire, Officiating Deputy Commissioner, Dera Ismail Khan.

H. C. T. Robinson, Esquire, Officiating Deputy Commissioner, Bannu.

The Honorary Secretary to the Planters' Association, Kangra Valley.

Sardar Atar Singh, c.i.e., Chief of Bhadaur.

Sardar Bikrama Singh, Ahluwalia.

Agha Kalbi Abid, Khan Bahadur, Honorary Assistant Commissioner, Amritsar.

Haji Khan Muhammad Shah, Khan Bahadur, Honorary Magistrate, Amritsar.

Pandit Ram Narain, Secretary to the Indian Association, Lahore.

Anjuman-i-Islamiya, Amritsar.

Sri Gobind Singh Sabha Association, Lahore.

Anjuman-i-Mufid-i-Am, Kasur.

*Minute by SIR CHARLES AITCHISON, K.C.S.I., Lieutenant-Governor of the Punjab and its Dependencies, on the Bill to amend the Code of Criminal Procedure, dated 9th June, 1882.*

In replying to the Government of India about the European Jurisdiction Bill, the opinions originally received, which should have formed enclosures of the Punjab Government letter No. 703, dated the 5th August 1882, should be forwarded, as well as those received in answer to the later reference.

2. As was to be expected, opinions have been much influenced by the violent agitation which followed the introduction of the Bill and the strong opposition it has evoked from the European community. These circumstances have necessarily become important factors in the question, and have removed it to a platform altogether different from that on which it was originally discussed. The race antipathies which have unfortunately been aroused have transformed a measure of administrative convenience into a burning political question, of which the withdrawal of the Bill affords no solution, and which must now be settled on its merits, on a

view of the whole situation as it is, and as in its present and future bearings it affects the European and Native community alike.

3. There appear to me to be at least three conditions essential to such a settlement :—

- (1) That the Legislature shall recognise no disqualification for office on grounds only of race, religion or colour ;
- (2) That the Legislature shall impose reasonable checks on the action of the Executive Government, and provide sufficient guarantees that judicial powers over European British subjects shall not be conferred on persons whose qualifications have not been thoroughly tested ;
- (3) That the question be settled once for all on a basis which shall, as far as can be foreseen, prevent the recurrence of lamentable controversies and dangerous agitations.

4. In the course of the last few months it has, I fear, become only too evident that the first of these conditions will be unacceptable to many of our countrymen in India. But however high race feeling may run, this question, as seems to me, has been settled for us by the Parliament of England. In the statute passed in 1833 for the better government of India (3 and 4 William IV, Chapter 85, Section 87), it is enacted that “no native of the said territories, nor any natural born subject of His Majesty therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office or employment under the said Company.” This statute is maintained in force by Section 64 of the Statute 21 and 22 Victoria, Chapter 106, which transferred the Government of India to the Crown ; and I presume the Parliament of England would as soon think of repealing the Catholic Emancipation Act as of reimposing on the natives of India disabilities which were abolished fifty years ago.

5. It has been urged, indeed, by high authority that, in a country where all kinds of personal laws prevail and are prized by those to whom they apply, there is no reason to single out for discontinuance a privilege to which Englishmen attach the highest importance. This is true enough as the statement of a general proposition ; but, in its application to the particular question under consideration, the objection seems to me to ignore cardinal distinctions between various kinds of personal laws and privileges. So long as society exists there must of course be personal laws and privileges. These cannot be abolished, without the destruction of family life, of social order, and of government itself. But there are personal laws and privileges which can be enjoyed without imposing general disabilities and incapacities upon the political status of others ; and there are personal laws and privileges the fundamental idea of which necessarily involves the imposition of such incapacities and disabilities. To the one class belong, among other laws and privileges, those which have their foundation in social peculiarities ; such as, for example, the exemption of native women of rank from appearance in the Civil Courts, of which we have lately heard so much in connection with the Bill ; special laws of marriage ; inheritance ; and so forth. To the same class belong the special provisions of the law relating to the punishments that may be inflicted on Europeans in this country and their right of appeal. The abolition of privileges of this kind may become unavoidable, from change of circumstances and in the course of social and political progress. But there is a general disposition to leave them alone. Occasionally, indeed, they are even now deliberately created. To the other class belong monopolies, sectarian tests, political privileges which depend on religious or political opinion, or on race or place of birth, and the like. To laws and privileges of this kind, which cannot be enjoyed without imposing political disabilities on other sections of the community, the spirit of our laws, both in England and in India, is opposed ; and the history of legislation in both countries is a history of their gradual abolition.

6. Again, an argument has been drawn against the principles of the Bill from the status of Christians in some Muhammadan and heathen countries, where they enjoy the privilege of being tried by consular tribunals. But this argument overlooks the essential reason of the thing. In the countries referred to, the laws and procedure are ordinarily interwoven with the established religion and social habits of the people ; and it is the vital and ineradicable difference between those laws and ours, and not any difference of race, that necessitates a departure from the ordinary jurisdiction.\* British Consular Courts, however, are not always presided over by European British subjects, and there is nothing to prevent a native of India from being Consul. For similar reasons we claim for Englishmen certain ex-territorial rights in the Native States of India ; but this claim is occasionally relaxed when sufficient guarantees are given for the good administration of justice.

The reason for the privilege in both cases lies, not in race, but in the nature of the laws administered, the procedure followed and the punishments, sometimes barbarous, inflicted by the courts of the Native governments. The disqualification of Native Judges in British India also belongs, in its origin, to a time when Natives and Europeans were under radically different laws ; but now the laws and procedure are substantially the same for all, so that the essential reason of the disqualification ceases to be applicable.

7. But whatever force, greater or less, may be in these and similar objections on the score of race, the principle involved in the question has passed beyond the stage of discussion. For,

\* See Phillimore's International Law, I. 362.

as already observed, Parliament has in its wisdom decided that neither religion, nor race, nor colour nor place of birth,\* shall of itself be a disqualification for office.

No doubt, in the course of legislation in India, the Imperial law has occasionally been forgotten, and provisions inconsistent with it have been allowed a place in Indian enactments. Such inadvertences may or may not escape unchallenged; but, when once a distinct issue has been raised in respect to them, it may be questioned whether it is competent to the Indian Legislature either to import into its laws or to retain on its Statute Book a disqualification which the Parliament of England has forbidden.

The Bill under consideration fulfils this condition and recognises no such disqualification.

8. The second condition I have noted raises the whole question of personal fitness and the means by which it is to be tested. The Royal Proclamation of 1858 declares it to be Her Majesty's will that, "so far as may be, Our Subjects, of whatever Race or Creed, be freely and impartially admitted to Offices in Our Service, the Duties of which they may be qualified by their Education, Ability and Integrity duly to discharge." While the outcry for privilege in respect of race, colour and creed deserves, and will I hope receive, no consideration whatsoever, it is impossible not to feel the deepest sympathy with the fears and anxieties of the European community lest powers should be given to persons who are not qualified to exercise them properly. Whether those fears and anxieties are well founded or not, they are thoroughly genuine and sincere, and should command the deepest respect. European British subjects are entitled to demand from the Legislature reasonable guarantees against the evils they anticipate.

9. The objections brought against the Bill in this respect seem to me to err chiefly in confusing the question of individual fitness with the question of race. Probably even the most thorough-going supporter of the Bill would admit that Englishmen as a class are better qualified to be judges of their countrymen than Natives are; and that in their case individual fitness may often be assumed when in the case of the Native it would have to be thoroughly tested. Conversely, in some departments of the administration, Europeans are rightly subjected to tests from which Natives are exempt. But the objections which have been taken to the Bill go far beyond a statement of that kind. Incapacities—moral, intellectual and social—are broadly attributed to Natives, on general grounds sometimes true, sometimes more or less plausible, occasionally entirely false; and it is inferred that all Natives fall under these disqualifications. For my own part, I take it to be not seriously disputable, and I sincerely believe, that most people who consider the matter dispassionately would admit that the gradations of individual capacity and incapacity for the exercise of the powers in question are not less complete and distinguishable among Natives than among Europeans; that there are Natives as competent to exercise judicial powers over European British subjects as any Englishman: and that the question is not to be summarily settled on the assumption of fitness or unfitness inherent in race.

10. The true, practical problem (and it is under present circumstances one of grave and anxious concern), is how to find sufficient and satisfactory tests of individual fitness in respect of education, ability and integrity. In the letter of the Punjab Government, No. 703, dated 5th August 1882, it was assumed that the Executive Government, which has really no interests distinct from those of its European subjects when properly understood, might be trusted, in this as in many other matters of not less importance, to discharge its functions with discretion; and that no one—whether European or Native—would ever be appointed a Justice of the Peace or a Magistrate of the 1st Class, or a Sessions Judge, who did not possess the requisite qualifications. Now, however, in view of the anxiety which recent discussions have evoked, it is plain that, before public confidence can be hoped for, legal checks must be imposed and statutory guarantees must be given that the persons to be invested with powers over European British subjects are duly qualified.

11. What those checks and guarantees should be is a question on which there is room for infinite variety of opinion. As already observed, however, it is not necessary they should be the same in the case of Europeans and of Natives; and, in the case of Natives, I do not suppose that any reasonable objections can be taken to those checks and guarantees at least which are provided in Section 2 of the Bill. It would require exceptionally strong arguments and evidence to produce a rational conviction that educated Natives who have risen to the position of Magistrate and Sessions Judge, who must therefore have exercised high judicial and administrative functions for many years, and who, by virtue of their office, have European officers and gentlemen under their orders, are unfit to be entrusted with judicial powers over European British subjects in such cases as Magistrates and Sessions Judges are ordinarily competent to try. It seems to me that no higher or more effective guarantees for intelligence and integrity can rationally be demanded or could possibly be supplied.

12. Probably, however, it is chiefly in respect to officers of lower standing than District Magistrates that real difficulty is felt; and here I do not think that the provisions of Section 1 of the Bill are satisfactory. That section introduces a purely service qualification which,

\* How largely the status of European British subjects depends on mere place of birth may be seen from the following illustration. A Parsee merchant has three sons, one born in Bombay, one at the Cape of Good Hope, the third in London. The family return to Bombay, where all three are educated. The third son, and his children and children's children, born in Bombay, are European British subjects, and may be made Justices of the Peace. So with the second son, though he has never been in Europe. The eldest is a native, and he and his descendants are disqualified.

whatever may be its value as a criterion of intellectual and moral fitness, operates as an exclusive test to disqualify, by a merely accidental distinction, whole classes who may be duly qualified in all essential respects. Such an arbitrary distinction is, in my opinion, open to all the objections of race disqualification, without any of its justifications.

13. It would, I am inclined to think, be more satisfactory to adopt, with respect to persons who are not European British subjects, some practical test of fitness, such as that which is afforded by the conscientious and efficient discharge of high judicial functions for a given time. Such a principle has already been accepted in determining the qualifications necessary for sundry high judicial offices; and it might, I think, be applied with advantage in the present case. I would therefore venture to suggest that, in place of Section I of the Bill, a section should be substituted to provide that the Governor-General in Council and Local Governments may appoint to be Justices of the Peace such persons as they think fit, who—

- (1) being European British subjects are invested with the powers of a Magistrate of the 1st class;
- (2) being British subjects other than European British subjects:
  - (a) have exercised the powers of a Magistrate of the 1st class for not less than five (or seven) years;
  - (b) are reported by the High Court of the Province to have exercised those powers satisfactorily; and
  - (c) satisfy such other conditions (including a thorough knowledge of English) as the Governor General in Council may, from time to time, prescribe by rules made in that behalf.

14. The proposal to require the High Court to certify the judicial fitness of certain officers, before conferring on them the powers of a Justice of the Peace, might perhaps be considered as throwing on the High Court duties of an invidious kind. But it is in reality nothing more than the actual practice at present followed, at least in the Punjab, in conferring powers under the Criminal Procedure Code. Appointments to purely judicial offices under the Criminal Procedure Code are generally regulated by the recommendation of the Chief Court; and special powers under Section 30 of the Code, the powers detailed in Schedule IV., the powers of a Justice of the Peace, and the like, are never conferred upon any officer except on a report of the Chief Court that he is fit to exercise them.

15. As an additional guarantee and satisfaction to the European community, the jury system might, perhaps, be extended to the trial of all important cases affecting European British subjects. But there are several obvious objections to such a proposal. The question, indeed, belongs to quite a different category from the principle of the Bill, and no special remarks seem called for either in respect to it or to the other sections of the Bill, which appear to depend more or less on Sections 1 and 2.

16. Whatever be the form the Bill may finally assume, and whatever the view taken of this proposed modification or of that, I sincerely trust that the settlement arrived at will be a lasting one. If the question be decided on narrow grounds of prejudice or race disqualification, it is certain again and again to recur, each time probably with race animosities intensified. It is too much, perhaps, to hope that any settlement whatsoever can be effected without further ebullition of race antipathies. But the course which may be adopted will be satisfactory in the degree in which it may be calculated to prevent the re-awakening of such feelings in future; that is, in my opinion, in proportion as it excludes arbitrary disabilities of race, or class, or section of service, and imposes tests of individual fitness and qualification.

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*Opinion of Mr. Justice G. R. ELSMIE, on the Bill to amend the Code of Criminal Procedure, 1882.*

I have little to add to the opinion given by me on the 31st May 1882, when this subject was first raised. I beg to refer to that opinion.

1. So far as the Punjab is concerned, I think I may safely say that no necessity whatever has as yet arisen for making the proposed changes in the law. We have no Native Civilian appointed by competition. We have one Native Assistant Commissioner, Muhammad Hayat Khan, C.S.I., who is not a member of the Civil Service. We have also four young officers appointed within the last two or three years, under the provisions of Chapter 3, Statute 33, Victoria. It will be a long time, presumably, before any of these officers is appointed to be a Magistrate of the District or a Sessions Judge.

2. From a Punjab standpoint, therefore, I should much prefer to wait till we see what style of work these officers turn out, and how they conduct themselves generally, before we make such an important change in the law.

3. As far as other provinces are concerned, their local officers are in a better position than I am to say whether the necessity for a change has arisen or not. I confess I still adhere to the view that all Magistrates of Districts should have equal powers. I think the prestige and authority of Magistrates of Districts should not be lowered, and if Natives are to be appointed to be Magistrates of Districts, I would not deny them the powers proposed to be granted. But this view is based on administrative grounds only, and I have no sympathy at present with the proposal so far as it is founded on a desire to remove so-called anomalies, or to remove disabilities from individual officers, or from a class of officers.

5. I still think that no practical inconvenience whatever is likely to be felt from withholding these powers from Native Sessions Judges.

6. On the general question of the agitation which has been caused throughout India, it is difficult to remain altogether silent, though perhaps opinions are hardly required on this point. Much of the excitement is probably due to an exaggerated idea of the practical effect of the proposed alterations. Nevertheless, the antipathy of non-official, and even of official Europeans, to such a measure, is not unnatural.

7. All persons acquainted with the administration of criminal justice in India are painfully aware how prone the more ignorant portion of the Native community is to bring false charges against persons to whom they bear a grudge, and to add to true charges against guilty persons false charges against the friends and relatives of those persons. False evidence is easily procured, as we all know, and as counsel daily tell us when arguing criminal appeals. In a country where these things prevail, is it to be wondered at if the European community fears the consequences of the removal of a single safeguard? Rightly or wrongly, European Judges are more trusted by their countrymen and even by Indians, than Native Judges.

8. Allegations, true or false, are very commonly made against the trustworthiness of Native Judges, and, in the Punjab, applications are by no means uncommon, by which the Superior Courts are moved to transfer criminal cases from Native to European Courts. I do not know that I have ever heard of an application for a converse transfer, *viz.*, from a European to a Native Court.

9. Under these circumstances, it seems natural enough that, until the European community has had fuller opportunity of judging of the qualifications of the new Native Civilians, the proposed change should be met with strong and perhaps unreasoning opposition. Such changes must probably be eventually accepted. This is the view held by an ex-Punjab official of very high standing, and of great experience, now in England; but that gentleman, in writing to me some months ago, said he regarded the measure as at present premature, as a "child born out of due time."

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*Opinion of Mr. Justice D. G. BARKLEY, on the Bill to amend the Code of Criminal Procedure, 1882,—dated 25th April 1883.*

I doubt the advisability of repealing the last clause of Section 22 of the Code and substituting a new clause. Under the law as it stands, non-officials, if they are European British subjects, may be appointed Justices of the Peace, and Extra Assistant Commissioners, when European British subjects, have frequently been so appointed. The clause proposed to be substituted would render this impossible for the future, and it is not desirable, for the purpose of rendering a small number of persons who cannot now be appointed Justices of the Peace, eligible for that office to narrow the field from which selections can at present be made. One result of this method being adopted is to extend the apparent scope of the legislation now proposed, as was shewn by the discussion which took place in the Legislative Council about Cantonment Magistrates; and much of the excitement to which the Bill has given rise was probably due to an exaggerated notion having been formed of the extent of the changes proposed. It would probably meet all present requirements to add to the power now given by Section 22, power to appoint members of the Covenanted Civil Service, not being European British subjects, who are invested with the powers of a Magistrate of the 1st class, and who are of not less than seven years' standing in the service.

It can scarcely be necessary to deal with the case of members of the Native Civil Service constituted by the rules under Statute 33 Viet., C. 3, until the Criminal Procedure Code next comes under revision, as few of this class are as yet more than probationers, and there has been little opportunity of judging of their fitness for such powers.

What I would propose is, to go back to Section 2 of Act II of 1869, with such additional precautions as are rendered necessary by the extended jurisdiction given to Justices of the Peace who are also first class magistrates by the Criminal Procedure Code of 1872, and by the jealousy which, regret it as we may, is certain to be felt for many years to come of the exercise of criminal jurisdiction over European British subjects by natives of India, unless their qualifications and impartiality are above suspicion.

The proposed addition to Section 25 I do not think open to any reasonable objection, and had it stood alone, it would probably not have provoked any serious opposition. As the time has come when natives of India, who are Covenanted Civilians, have attained, or are about to attain, the position of Sessions Judges and District Magistrates, I would not advocate any compromise as to this part of the Bill. The Sessions Judge would try with a jury or assessors, and a European British subject could claim a mixed jury, or set of assessors under Section 451, as a European, not being a European British subject, or an American could do under Section 460, while the sentence which the Sessions Judge could pass would be much less in the one case than in the other.

Nothing in the remainder of the Bill calls for any comment.

It is perhaps scarcely within my province to refer to the agitation to which the Bill has given rise, but it is not at present possible to put it altogether out of sight in discussing the provisions of the Bill, and I may therefore be excused for suggesting that, as the changes proposed will chiefly affect the European community in Bengal and Assam, many of whom reside far from the head-quarters of districts, and as the speeches of the Hon'ble Mr. Evans



and Sir Steuart Bayley in the Legislative Council shew that much of the opposition to the Bill is due to a not altogether unfounded fear that, in Bengal at least, it would expose Europeans in such positions to the danger of being brought before Native Magistrates on false charges, prompted by unscrupulous and wealthy enemies, the Bill should be carefully revised with a view to remove all reasonable apprehensions of this nature, and to make it clear that what is proposed is not to remove anomalies, in connection with the criminal jurisdiction now exercised over European British subjects, many of which the Bill, as framed, will not touch, but to make such changes in the law as are either now required, or are certain to be required at no distant date, by considerations of administrative convenience, and as can be made without impairing the confidence now entertained in the administration of justice. If this were made clear, much of the present opposition to the Bill would, I believe, be disarmed. Any changes that are resolved upon should, of course, be widely circulated in order to give those interested in the subject an opportunity of expressing their views, before legislation is attempted.

No. 609, dated 14th May, 1883.

From—F. C. CHANNING, Esq., Senior Secretary to Financial Commissioner, Punjab,

To—The Under-Secretary to Government of Punjab.

I am directed to reply to your letter No. 346, dated 27th March, in which you ask for the opinion of the Financial Commissioner on the Bill to amend the Code of Criminal Procedure.

2. On the general question whether Natives belonging to the Covenanted Civil Service should be empowered to exercise jurisdiction over European British subjects, as raised by Sir Ashley Eden last year, Colonel Davies has already expressed a favourable opinion in reply to the inquiry addressed to him as Commissioner of the Jullundur Division (*see* his letter No. 1088 of 22nd May 1882). His grounds for holding this opinion were pretty much the same as those put forward by the supporters of this Bill in the recent discussion in the Legislative Council. It is unnecessary for Colonel Davies to re-state these at any length. They will be found very fully and forcibly set forth in the speeches of the Hon'ble Mr. Quinton and the Hon'ble Mr. Hunter. The main ground on which the proposed change in the law is based is the *administrative inconvenience* that will result from the continuance of the present restriction on the powers of Native Covenanted Civilian, many of whom are now arriving at the positions of Magistrates of Districts and Sessions Judges.

The question is one of practical politics; there are, so far as Colonel Davies can see, *no rights* involved in its decision, and it should be therefore decided on grounds of expediency alone.

3. As to the Bill itself, the question Colonel Davies thinks is whether it does not go beyond the necessities of the case, and, for the sake of asserting a broad principle, is not likely to cause some practical inconvenience.

In the Statement of Objects and Reasons attached to the Bill, it is explained that the Government of India has decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code *at once and completely* every judicial disqualification which is based merely on race distinctions. With reference to this, Colonel Davies would point out that this object is partly secured by taking away from Local Governments the power they have hitherto had, and have largely availed themselves of, of appointing the European members of the Uncovenanted Civil Service to the office of Justice of the Peace. He refers to the Extra Assistant Commissioners of the Punjab, and the Deputy Magistrates of the North-Western Provinces and Bengal. This was a very useful power, and it is very doubtful if, for the sake of symmetry alone, it should have been taken away. In this Province, and probably in the other Provinces named above, this change in the law will cause practical inconvenience in the future.

4. The next question is whether the Bill does not go too far in the opposite direction, and whether the object in view would not be sufficiently obtained by so amending Section 25 of the Code of Criminal Procedure as to make all Sessions Judges and District Magistrates *ex-officio* Justices of the Peace. There is no doubt, Colonel Davies thinks, that so far as the administrative difficulty is concerned, a change in the law to this extent would remove it completely for many years to come; and in the face of the strong opposition made by the European community in this country to the proposed changes in the law, it seems unwise to go any further than is *immediately necessary*.

5. The claim that the proposed changes will lead to the non-efficient administration of justice, is one that cannot, Colonel Davies thinks, be sustained. In the Punjab certainly, and probably throughout India, the general level of judicial ability is, and will for many years be, much higher among the European than among the Native Magistrates, and the number of the latter whom the Bill would invest with powers over European British subjects is, and must for many years to come be, very small. There are no Native members of the *Covenanted Civil Service* in this province, and only four appointments have, as yet, been made to the Native Civil Service under the statutory rules. In regard to these latter the objection might fairly be urged that their knowledge of the habits and mode of thinking and acting of Europeans is not so intimate as to enable them "to put themselves in the place of the accused," and



thus be fully competent to judge of the probability or improbability of his having committed the offence with which he is charged.

6. For these reasons Colonel Davies is of opinion that the Bill, in aiming at symmetry, unnecessarily deprives the Government of the services of a class of men who are peculiarly fitted to try Europeans; and, on the other hand, proposes to give this power to a class who are not so well fitted for this work. On the whole, he thinks that the only change that need now be made in the law is the one he has suggested above—that which is made by Section 2 of this Bill. An alteration of the law to this extent he considers to be absolutely necessary; apart from administrative inconvenience it would, for obvious reasons, be quite intolerable if the Native Magistrate of the District or Sessions Judge were not to have powers which were possessed by men serving under his orders.

No. 1014, dated 20th April, 1883.

From—J. D. TREMLETT, Esq., Officiating Commissioner and Superintendent, Delhi Division,

To—The Secretary to the Government of the Punjab.

In reply to your No. 846, dated 27th March 1883, calling for a report on the Bill for amending the Criminal Procedure Code, I have the honour to submit the following remarks.

2. The public press has lately been so saturated with writing on the matter, that I can say nothing which will not have come under your notice already, and my observations will, therefore, only have so much value as showing the impression all this agitation of the question has made on my own mind, and I think, I may assume, I belong to a very large class of Anglo-Indian officials, whose great desire is that the Government may be conducted on such lines as will best promote the dignity and security of the Queen's rule in India. Believing, as I do, in the maxim that "righteousness exalteth a nation," if I considered the Bill called for in the interests of fairness and justice towards Her Majesty's Native subjects, I should, I presume, regard it desirable in the true interests of the Crown to persevere, trusting that, in the long run, all sides would come round to see the desirability and honesty of the measure.

3. To the best of my judgment, however, the Bill, if it have any effect at all, will injure the European community by changing the *personnel* of the Courts having jurisdiction for the worse, instead of for the better, while conferring on the Native community at large absolutely no advantage at all. I consider it will injure the European community, because the most that can be said for the Native officials on whom it is proposed to confer this jurisdiction is, that it may be hoped or anticipated, that they will display the patient fairness and love of justice with which the long growth of Christianity and British national life has animated nearly every English Judge and Magistrate. But, surely, it is not wise to risk depraving the character of a tribunal by adding to its number members who can only be hoped not to be inferior to those already comprised in it, especially when what is known of the class from which these new members are to come scarcely favours the probability of their possessing these particular excellencies. If it could be said that, owing to the scarcity of European Magistrates, unless Native ones were qualified, there would be a difficulty in repressing crime by Europeans, it would be different; but if this time ever comes at all, it is not likely to be in our lifetime, and the next generation can, and will, I suppose, legislate for themselves. It is, I believe, the experience of all controlling Courts that Natives themselves constantly wish their cases withdrawn from Native Judges and sent to European ones, and never, so far as I know, the other way: thus showing clearly their opinion of the relative worth of the two classes of officers: especially is this the case in race matters. How seldom does a Hindu think he will get fair unbiased justice from a Muhammadan officer in any point in which Hindus and Muhammadans are opposed to each other as such, and *vice versa*? While the Anglo-Bengali press has shown the animosity against Europeans which animates the class from which, unfortunately, most Native Civilians come, is not less than that which divides Hindus and Mussulmans. For my own part, did the Bill restrict the powers proposed to be given to Sikh or frontier Muhammadan gentlemen, I do not think the evil would be nearly so great; but it seems to me that it is to be over-sanguine to anticipate that Natives of India at large, just because they have spent a few years in England, or belong to distinguished families, may be trusted to judge Europeans fairly and dispassionately as English Magistrates at least strive to do.

4. As to the claims of the Bill as removing anomalies, were it true that the passing of this Act left absolutely no difference between one class and another, it would certainly have the not inconsiderable merit of finality. But the very Act leaves the European triable still only by a limited number of Courts, and those mostly with more limited powers than they possess over Natives; so that the privilege of the prisoner to be tried only by special Courts would remain just as before, and it would only be the privilege of the official to sit in that Court which would be modified. But it seems to me public servants are employed, not out of regard to their own feelings, but for the discharge of such duties as the Government thinks they are most fitted for; and Native officials, I think, may be employed more usefully by their employers than in being set to try foreigners. I do not think, too, we ought to lose sight of the risk of scenes occurring in Court very discreditably to us as rulers, should European roughs be brought before Native officers from the Lower Provinces.

5. Holding, therefore, as I do, that the Bill is not called for in the interests of justice, it

seems to me highly unwise to persevere with it in face of the bitter opposition it has met with from the European community in all parts of India. Even assuming they are prejudiced and mistaken, their feelings are entitled to attention. Races cannot *suddenly* be made equal by legislation, and mistaken attempts to do so are certain to stir up that very race animosity and ill-will which it is most desirable, in the interests of Europeans and Natives alike, should abate and gradually die out.

No. 76, dated 16th April, 1883.

From—LIEUT.-COLONEL L. J. H. GREY, C.S.I., Commissioner and Superintendent, Hissar Division,  
To—The Officiating Under-Secretary to the Government of the Punjab.

Your No. 346, dated 27th March 1883, calls for my opinion on the question of the exercise of jurisdiction by Native Magistrates over European British subjects.

2. I am averse to the proposal, on the grounds stated in a recent letter to the *Times* by Sir FitzJames Stephen, which are doubtless sufficiently notorious not to require recapitulation.

3. The course I should recommend is that suggested by the *Anjuman-i-Punjab* in its issues of the 7th, 14th and 21st March, *viz.*, that an accused person, whether a Native of the United Kingdom or of India, should have the right to claim trial by a Judge of his own country.

No. 200, dated 14th April, 1883.

From—J. W. MACNABB, Esq., Commissioner and Superintendent, Umballa Division,  
To—The Secretary to Government, Punjab.

I have the honour to reply to your No. 346, dated 27th ultimo.

2. There can be, I think, no doubt that the great majority of the Muhammadans in Hindustan would be glad if the English left the country.

3. So also would the Sikhs as a body. Kuka-ism is a standing witness of this feeling. The hope of a Khalsa Raj is what attracts to Kuka-ism and binds the converts together.

4. A similar feeling doubtless exists wherever in Hindustan there are strong nationalities.

5. The restless classes are distinctly disloyal all over the country. It is not that they want a larger share in managing their own affairs;—they want to get rid of us altogether.

6. To judge from the native newspapers, a large class of those who read them must be disloyal also.

7. The money-lenders and shop-keepers I believe to be loyal from self-interest.

8. So are the more intelligent of minor chiefs, who fear their stronger neighbours.

9. The facts being, to the best of my belief, as above stated, it seems to me quite wrong to ignore the further fact that we are conquerors in a conquered country—placed here by Providence for the good of that country; but none the less bound to maintain ourselves in the country till it is made clear to us that we are doing evil to the country, and not only so, but that that evil is greater than the good to the British nation at large.

10. And we can only maintain ourselves in the country, for the next 50 years at least, by acting as conquerors always have to do,—by acting as a ruling race, maintaining the prestige of the same, and keeping the executive strictly in our own hands.

11. I always deplored greatly the opening of the Covenanted Civil Service to Natives, and I maintain that having made this one great mistake is not the least ground for making the second mistake of making Natives Justices of the Peace, merely because it is the logical sequence of the first mistake.

12. I think there is great benefit to be derived from nominating Natives to the Civil Service, or giving them commissions in the army, provided it be formally laid down and thoroughly understood that they are never to hold charge of Districts or Divisions, or to command regiments.

13. When it comes to their turn for such office, let them retire if they dislike staying, or look for promotion in the judicial line only.

14. Some few may be fitted for High Court Judges; sitting on the same Bench with English Judges, who should be in a large majority, will keep them honest; but I very much doubt for many a year to come, if any but a few exceptional Natives are fit to sit alone as Sessions Judges. I am sure their fellow-countrymen will not think so.

15. If the Natives prefer, as we know they do, to have their cases sent to the court of the youngest "sahib" six months out from England, to having them tried by grey-bearded Native Judicial Assistants, can we suppose that the people of the country will have the same confidence in a Native Sessions Judge as in an English one?

16. But to return to the more immediate question, and to look at it from a different point of view, I do not believe that there has been the slightest desire on the part of the Magistrates of the Punjab to have the powers of a Justice of the Peace. Such an idea would never enter into their heads: many of them would distinctly shrink from the responsibility of using such powers.

17. The dignity of the title, however, would have great attractions, and pressure and importunity would always be at work to extend the numbers of those selected for the honour.

18. Further, I think, that men would eventually get the power to whom it would be distinctly dangerous to entrust it in out-lying parts of the country.

19. Even with men of the best intentions, the feeling of caste is very strong (one sees it frequently in cases where Brahmins are concerned). It is not easy even for the educated European gentleman to hold the balance in an utterly dispassionate manner. A desire to be impartial often leads to injustice to men of one's own race.

20. If this is so, how much more difficult for the unaccustomed Native, surrounded by Native opinion, which is his life, or, if of a weak disposition, fearful of his European superiors, to be absolutely impartial in trying an accused who is, and whom he feels to be, however our legislation may deny it, of a ruling as well as an alien race.

21. Holding the above views, I have no hesitation in recording my opinion against giving Natives criminal jurisdiction over European British subjects.

No. 867, dated 19th April, 1883.

From—COLONEL G. GORDON YOUNG, Commissioner and Superintendent, Jullundur Division,

To—The Secretary to Government, Punjab.

In reply to your No. 346, dated 27th March, enclosing, for opinion, a copy of a Bill to amend the Code of Criminal Procedure, I have the honour to remark that, had this question been put three months ago before the excitement arose on this subject, I might have been disposed to concur in the reasons given for amending the Code as logical and sufficient; and it is possible, I think, that I should not have foreseen that the grant of the powers proposed to be conferred on a very small and select number of civil servants at the present moment would be likely to call forth the strong feeling and animosities which have been displayed since the introduction of the Bill into Council.

2. But, in regarding the legislation proposed now, I think it is impossible to overlook what has passed, or to ignore the spirit it has evoked; nor am I prepared to say that the spirit of antagonism to the Bill has not in my opinion a certain measure of reason in it.

3. I will not attempt to repeat or to epitomise what has been said over and over again by the Press, or at meetings of indignant Englishmen, and which has often, in the heat of the moment, exceeded all legitimate bounds; but content myself with saying that I think no sufficient reason has been adduced for introducing the measure. I do not think our Native fellow-subjects desired the concessions proposed, or felt they had any grievance on the score of absence of jurisdiction over European British subjects; though now that it has, so to speak, been offered them, and the vernacular press have taken up the question as a burning one, on the one hand indicating it as a wrong that the jurisdiction has not hitherto been conferred, while on the other it has been declared at indignation meetings that Natives are not fit to exercise such powers,—they are no doubt beginning to desire what the non-official English community have shown themselves as greatly opposed to. This may be human nature, but it is not an argument for granting the powers proposed.

4. A very intelligent Native Judge to whom I spoke on the subject assured me that he and his confrères were very averse from having anything to do with even civil cases in which Europeans are mixed up; as, whatever decision was come to, one class or the other would always impute unworthy motives: the European, if worsted, thinking he had been dealt with unfairly because the Judge was a Native; while, if the contrary were the result, the Natives would certainly consider the Judge had given way to fear of European displeasure and its possible influence on his own prospects.

5. In criminal cases there will always be a double risk of this feeling affecting the mind of the Native Judge, and in most cases there will be danger of his passing inadequate sentences.

6. Nor can I think there is any immediate probability of the efficiency of the administration being impaired, for want of a sufficient number of Justices of the Peace who are European British subjects to deal with cases in which their countrymen may be involved in the Criminal Court.

7. In my opinion, then, though the objections which have been put forward have been overstated, and the argument that it is an anomaly that while natives of India are held competent to discharge the highest judicial functions, they should not be permitted to exercise jurisdiction on the criminal side over Europeans, is difficult to meet or to deny, except by arguments founded on sentiments and race prejudices, I consider the proposed legislation to have been a mistake, and deplore that it was ever projected.

8. I do not understand that my opinion is invited on the delicate and difficult question of whether, on grounds of general policy, any modifications are desirable tending to allay the feeling of irritation which the Bill has produced; but I may perhaps be allowed to state that, in my humble judgment, the proposal I have somewhere seen, that the right might be conceded to Europeans to claim to be tried by one of their own countrymen, if they desired, is worth consideration, and would go far towards reconciling both parties in what has now become a really formidably acrimonious dispute.

From—COLONEL C. A. McMAHON, Commissioner and Superintendent, Amritsar Division,  
To—The Secretary to Government, Punjab.

I have the honour to reply to your No. 316, dated the 27th March.

2. When the Draft Bill was originally sent to me for an opinion, under cover of your No. 441, dated the 12th May 1882, my reply was to the effect that, looking at the matter from a *purely theoretical point of view*, I saw "no reason why a native of India who, by his education and personal qualifications, had been considered a suitable person for appointment to the Covenanted Civil Service, should not be invested with all the magisterial powers with which an English member of the Covenanted Civil Service, holding a similar official position, would be invested."

3. I went on to point out that I did not think the members of the Punjab Uncovenanted Service were prepared for any alteration of the existing rule. "There are some," I added, "who, were they invested with jurisdiction over Europeans, would, with the idea of courting popularity, be unduly lenient in cases of Europeans; and there are others who might be glad of the opportunity of being harsh and severe where Europeans were concerned."

4. The latter element, which undoubtedly exists, and in some quarters where Government might perhaps least expect to find it, is the side of the question which has taken so powerful a hold on the non-official English residents in the country, in connection with the known proneness of Natives to institute, or to instigate the institution of, false suits and prosecutions against persons for whom they bear ill-will or spite.

5. It may be said that the proposed change in the law would not lead to any greater facilities for the institution of false and malicious complaints against Europeans than at present. Undoubtedly it would not do so at first; but if, hereafter, the investment of Native Magistrates with jurisdiction over Europeans became at all general, Natives would probably have as little hesitation in bringing, or in instigating the institution of false charges against Europeans as they at present have in bringing them against the natives of India, and the matter thus has a serious practical aspect from the non-official Englishman's point of view, and for Government, if we regard the ulterior political consequences.

6. I think it is desirable that Natives, when raised to the position of District Magistrates and Sessions Judges, should have the same power as Englishmen filling those offices; and I would therefore retain section 2 of the Bill; but, considering the agitation which is going on and the extreme undesirableness of aggravating the race prejudices which have increased so much since the subject has been under public discussion, I seriously advocate the omission of the provisions contained in section 1 from the Bill.

7. Probably this compromise would be accepted by all, and the heated feelings now prevailing would quiet down.

8. Were section 2 to become law, the principle contended for would be asserted, and its extension hereafter, if thought desirable, would be comparatively easy; whilst the provisions of section 2 are in themselves so reasonable that no great cry would be raised over them.

9. If the propriety of appointing natives of the country to the position of District Officers be admitted, it would be difficult to raise an objection to their being invested with the full powers of a Magistrate over all classes.

10. On the other hand, the provisions of section 1 are of doubtful expediency, and, at any rate, the benefits to be gained by their becoming law are not sufficiently great to make it worth while to incur the political inconveniences arising from the present agitation and the growth of race animosity.

11. Section 1, it must be remembered, embraces a number of men who have not been out of India, and who have little real knowledge of English character, and who, consequently, would be in a very bad position for estimating aright the probabilities of a case in which an Englishman is concerned. Having regard to the general character of Native evidence, a Magistrate has to qualify the evidence a good deal by the probabilities of the case, if he wishes to avoid doing great injustice in some cases.

12. It is this principle that lies at the root of our jury system. If we go back to the origin of that system, we find that men were summoned from the neighbourhood of the parties, not so much to come to a judgment on the evidence formally put before them as to bring their local knowledge to bear on the probabilities of the case.

13. This element will be wanting in Native Magistrates, especially in those who have not received an education in England. The state of morality in India is much lower than in England, and, as men judge of others by themselves, Natives believe readily imputations against Europeans that we ourselves would only credit on extremely strong evidence.

14. Another point seems to me deserving of consideration. In times of political excitement, it might be inconvenient to Government to find Englishmen here and there over the country "run in" before Native Magistrates on false charges of rape, abduction, and the like. Whatever the result of the trials might be, the general Native public would believe the charges to be true, and a prejudice against the ruling class would be created.

15. Our prestige and the knowledge that false charges against Europeans would be tried by English gentlemen, and might lead to unpleasant results to those who brought them, keep all such cases out of Court at present; but, were the number of Natives invested with jurisdiction over Europeans to become great, I am not sure that this immunity would continue.

No. 1175, dated 20th April, 1883.

From—COLONEL C. C. MINCHIN, Commissioner and Superintendent, Lahore Division,  
To—The Secretary to Government, Punjab.

In acknowledging the receipt of your letter No. 346, dated 27th ultimo, forwarding, for opinion, copy of a Bill to amend the Code of Criminal Procedure of 1882, I have the honour to state that in my opinion it is not so much the Bill as the Statement of Objects and Reasons which has given rise to the opposition to this measure, as there is but little in the Bill itself to object to.

2. In the abstract no one would object to the very reasonable proposal that Sessions Judges and District Magistrates should be *ex-officio* Justices of the Peace, or even that members of the Native Civil Service should be so appointed, any more than they object to a Parsee Magistrate trying members of the Salvation Army in Bombay.

3. But the use of the term "anomalous," and the statement "that the Government of India has decided to settle the question of jurisdiction over European British subjects in such a way as to remove from the Code at once and completely every judicial disqualification which is based on race distinction," was so framed as needlessly to provoke the fears of the entire European population throughout India.

4. If Mr. Ilbert had known how to gild his pill, the Bill would have been passed almost unnoticed; but in the face of the strong opposition that has been roused I think it would be wise to alter the Bill by striking out of the first section clause *b*—members of the Native Civil Service constituted by the rules under the Statute 33, Vic. Cap. 3—and amending the Statement of Objects and Reasons so as to represent the views of the Government without wounding the susceptibilities of so influential a section of the public, if it is not now too late.

No. 1554, dated 14th April, 1883.

From—H. E. PERKINS, Esq., Commissioner and Superintendent, Rawalpindi Division,  
To—The Secretary to Government, Punjab.

I have the honour to reply to your No. 346, dated 27th ultimo, requesting an expression of my opinion on the proposed Bill for amending the Code of Criminal Procedure.

2. It is difficult to add any new argument to the many which have been brought forward on one or the other side regarding this measure; but I fear I must express my agreement with the opponents of it. I think that the large majority of Natives do not desire it, and that, if passed, it will bring about unseemly scenes in Courts, and discreditable outbursts of wrath from the English loafer, who is the person chiefly likely in the Punjab to come before the Native Magistrates. I have seen such persons barely able to restrain their tempers even when fined, or otherwise dealt with, by an English Deputy Commissioner; and in the presence of a Native Magistrate they would certainly make no attempts to keep within bounds. I see not why we should run the risk of collision, when there is really no need to incur that risk.

3. It is unfortunately impossible to say that this is not a question of race against race. We should not have heard of it, unless a Native Member of the Viceroy's Legislative Council had stirred up the subject, and obtained a promise that it should be reconsidered. This reconsideration would not have taken place so soon as it has occurred, but for the memorandum written by a Native Civil Servant and forwarded by the late Lieutenant-Governor of Bengal. It is, and must essentially remain, a race question.

4. Another fallacy which I think needs exposure is, that only picked men will be entrusted with powers over English men and English women. I regret to demur to this proposition. The men who will be the first to receive the powers, if the Bill be passed, will be certainly those who have passed examinations, but I deny that they are truly picked men: many of them come from the lower orders of society, and are ignorant of true gentlemanly feeling, having all the disqualifications of European sycophants, and *nouveau riches*, without the counter-balancing knowledge of English life and feeling possessed by the humblest Englishman. I should not myself object to be tried by many a Native—*e.g.*, Agha Kalbiabid, lately of Amritsar, Rai Bahadar Hukim Chand, or others who could be named. Their long official experience, coupled with a high natural tone of thought, would command always respect: but to take a smart youngster from a college, and in a couple of years to make him rule over Englishmen, will simply flatter that uninstructed pride which he already suffers from, and must, I think, end in political disaster.

5. I would wish to warn Government against the exasperation which must animate our Native friends if a number of them receive these powers only to have them withdrawn, and that they will have to be so withdrawn is, to my mind, quite certain, in no small number of instances, unless Magistrates of Districts contrive to outwit the law by keeping such "exceptionally difficult cases" as the Law Member admits them to be, in their own hands for many a year yet, till we have really succeeded in training our Native fellow-subjects into a less offensive style of thinking and writing than they now affect.



No. 537, dated 7th May, 1883.

From—COLONEL E. P. GURDON, Officiating Commissioner and Superintendent, Mooltan Division,  
To—The Secretary to Government, Punjab.

I have the honour to reply to your No. 346 of the 27th March 1883, calling for opinion on the proposed amendment of the Criminal Procedure Code, Act X of 1882, as set forth in the Bill introduced into the Legislative Council by the Hon'ble Mr. Ilbert.

2. Under the Bill in question, all Native Covenanted Civilians appointed by the competitive system in England, members of the new Native Civil Service appointed under 33 Victoria, cap. 3, Uncovenanted District Judges who may happen to be Natives, Native Uncovenanted Assistant Commissioners in the Non-Regulation Provinces, and Native Cantonment Magistrates, if any are hereafter appointed, will become eligible for appointment as Justices of the Peace.

3. The Bill, if passed into law, will also disqualify, on the other hand, all Europeans not of the Covenanted Civil Service of India, or who are not Assistant Commissioners or Cantonment Magistrates, from being eligible for the office of Justice of the Peace and from trying or committing for trial European British subjects.

4. The proposed Bill will no doubt remove some manifest anomalies and apparently unsymmetrical features in the present existing legislative enactment. *The question*, however, arises whether the removal of the apparent anomaly is actually necessary, required by the people themselves, and desirable both in a judicial and a political point of view; and in judging of this question the rights and interests of Her Majesty's European, equally with her Native, subjects must be borne in mind.

5. Hitherto the European British subjects' privileges or quasi-privileges have been most jealously protected.

Indeed, prior to the enactment of 53 George III, criminal acts on the part of European British subjects were cognizable alone by Her Majesty's Supreme Courts established by Royal Charter at the three presidency towns of Calcutta, Madras and Bombay.

As, however, our territories increased, such circumscribed powers were found obviously most inconvenient, if not fraught with actual injustice to the people of the country, who could not be expected for petty offences to undertake long and expensive journeys to the Presidency capitals.

Enactment 53 of George III enabled the appointment of Justices of the Peace from among the Covenanted Civil Service of India "*or other British*" inhabitants, and from that time to the present, in practice, all members of the Covenanted Civil Service, European Military Officers in Civil employ in the newly acquired, or so termed "Non-Regulation Provinces," and Uncovenanted Civil Officers, being themselves Europeans, have been generally appointed Justices of the Peace, wherever such officials have been considered necessary.

6. In addition to the above exclusion of the Native element "*punct simple*," from the classes from which Justices of the Peace (save and except in the presidency towns) could be selected, the European British subject has enjoyed other and important distinctive race privileges, *e. g.*, in the Mofussil a Magistrate of the 1st class, himself a European British subject, can only sentence a European to three months' imprisonment or to a fine of 1,000 rupees, while the Sessions Judge's Court can only sentence a European to a year's imprisonment and fine.

The same officials, Magistrate of the 1st class and Sessions Judge, respectively, can, on the other hand, sentence a native of India to two years' imprisonment and fine and to transportation for life, including imprisonment for any term and fine, and may even, subject to confirmation by the High Court, sentence to the extreme penalty that the law permits.

7. The new Bill, while therefore removing an important anomaly in the shape of an unsymmetrical and "theoretically" unjust race distinction (proceeding on the generally approved and received axiom that "all men are equal before the law"), will not remove still greater anomalies, savouring far more largely of race privileges and distinctions, such as the inequality of punishments which can be meted out to the European and Native respectively, and which *prima facie* would seem to be far greater grievances to the Native community, naturally jealous of all favours or exceptions towards an alien and governing race.

8. We English are not here in India by the will or pleasure of the people of the country,—unpleasant though it may be to say so,—we virtually have acquired our territory by the sword, and hold it partly by that and partly by that prestige which the conquering race more or less must possess and retain, until the foundations of our power are sapped and destroyed either by internal treason and revolt, or by the action of a foreign power. This power and prestige necessarily carry with them certain privileges which cannot be abdicated without weakening the political, which is largely maintained by prestige and tradition rather than by actual force of arms.

9. The representatives of all conquering races have ever enjoyed some distinctive race or class privileges, as the governing power, especially where rule has been exercised over nations differing so essentially (taking them in an ethnical point of view) as regards moral character.

10. It is not strange or inconsistent, therefore, I think, that the European should retain certain privileges as belonging to the governing race.



11. As a Christian people we are distasteful to both Hindu and Muhammadan, and certainly cannot in any way be said to rule by the will and affections of the people. India has ever been held by conquerors more or less, and our rule is acquiesced in as yet because internal dissensions and want of power to combine prevents the people from turning us out; but to believe that our rule and presence among them is loved is a most absurd fallacy. We officials do not see the Natives in their true guise, nor can we gauge their real feelings, as they generally appear before us with more or less interested motives, and the large amount of flattery and sycophancy that one meets with requires to have a great deal of chaff separated from it before the real amount of loyalty can be gauged.

12. Then, again, there is the great and all powerful factor in the matter, difference of religion, which can never be set aside in judging of a Native's feeling towards us. There is the proud and unsympathetic nature of our race again which keeps us apart.

13. The fact of our belonging to the conquering race, or national peculiarities of character so diametrically opposite in every possible sense to the oriental temperament, added to differences of religion, all combine to prevent any real love for us or genuine heart loyalty, however much lip homage we may receive.

14. Holding the above opinions strongly, and having seen and mixed a great deal with Natives during some 31 years and more of varied experience throughout India, I cannot bring myself to look with unconcern on the proposed change in the Procedure Code.

15. The very great anxiety shown by the Native community for this favour about to be bestowed upon them makes one all the more suspicious that the privilege is valued more to be able to gratify race jealousy and to enable the Native to wipe off a long score of natural grievances, and vent their spite in lording it over the white man, rather than for the sake of an anomaly or deprivation of a "privilege," which *ought not really* to "benefit" the Native, unless to gratify spite.

16. Then, again, it has to be considered whether the Native, be he however well educated, can ever delicately and impartially administer justice towards the white man and the Christian, where his own fellow-countryman is the complaining party? Can he estimate fairly and appreciate all his motives and make allowances for peculiar idiosyncrasies?

17. True, there is the Appellate Sessions or High Court, as the case may be, not far distant, but an immense amount of injustice in the mean while might be done.

An Englishman's liberty is his birthright, and it may almost be held that it is the birthright of the European to be tried by his "peers" or his fellow-countrymen and co-religionists rather than by the Hindu and Muhammadan, from whom few Englishmen out of the narrow official pale would ever confidently look for strict and impartial justice, especially in a country where perjury and false evidence reigns so uncontrolled as it does in India.

18. To enable justice to be done to an European arraigned before a Criminal Court, his character and feelings, foibles, temptations, want of acquaintance with the language or with the manners of the people, require to be understood. A mere pass examination test, secured perhaps by a system of cramming, and two or three years' residence in Europe by natives of India, who must always remain foreigners to us, actuated as they are by religious and race prejudice, can hardly qualify them to judge delicate questions as to criminal intentions on the part of the white man and the Christian, especially where the Native Judge's fellow-countryman is the accusing party and the *same* Native Judge's fellow-countrymen, who so seldom even on oath speak the truth, the witnesses against the European.

19. There can be no doubt further that much European capital has been embarked in the country (such as tea planting, indigo factories, coffee planting, jute works, and numerous other industries) useful to both India and to England on the faith, and, almost it may be said implied, promise of protection by the laws and Government of the country.

20. An Englishman has always regarded it as his birthright to be tried by his own countrymen, and this feeling has been fostered by the Legislature throughout a long series of years, stretching back almost 90 years (I go back to 33 George III, Chapter 52). During this long series of years English capital and enterprise has slowly, but surely, been poured into the country. Railways traverse the length and breadth of the land, industries tending to develop largely the resources of the country have been set a-going and brought to success. All these works have brought about or produced a large non-official European community resident in the interior of the country and often far removed from English legal assistance, or from the eyes of the Press, which an Englishman also justly regards as one of the most able guardians of his liberty and right; to make over therefore large bodies of English settlers to the possible jurisdiction of non-Christian Judges and Magistrates being *ex-officio* Justices of the Peace, as proposed by the new Bill, would be, I think, a measure almost amounting to a breach of faith, or of that guarantee for protection virtually given by our very laws themselves in consideration for which an enormous amount of European capital and industrial enterprise has been sunk in the country.

22. Anomaly although it be, I maintain politically it is expedient, nay, I may almost say, imperatively necessary, for our political interests in India, that the privilege of being tried by his fellow-countrymen and co-religionists should be retained by European British subjects, and I feel confident that if a contrary course be pursued the consequences will be disastrous, set aside alone the amount of bad feeling that this measure has provoked almost to a degree that existed in 1857.

23. I beg to submit copies of opinion of all the Deputy Commissioners in this Division, who, it will be perceived, are all strongly against the Bill, and I would commend to attention especially Mr. Gladstone's letter which puts the whole case very forcibly and temperately.

24. Having been asked for my opinion, I trust I shall be pardoned for expressing myself according to my honest heart-left conviction.

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No. 280, dated 17th April, 1883.

From—E. O'BRIEN, Esq., Deputy Commissioner, Mooltan,

To—The Commissioner and Superintendent, Mooltan Division.

In reply to your Circular 87, dated 13th April, I have the honour to say that I am entirely opposed to the principle of the Bill for the amendment of the Criminal Procedure. The arguments for and against the Bill have been so thoroughly discussed, that it is not necessary for me to give any general reason for my opinion.

2. As regards the parts of the Punjab which I know, I am convinced that there is no wish even among Natives for the proposed amendment, and that the powers if conferred would be irksome to the recipients. It is in the experience of every Punjab European officer, who distributes the daily judicial work, that numerous petitioners ask him to hear their cases himself rather than send them to a Native Magistrate, and if he does not hear them himself to send them to another *sâhib*.

Some of these applications doubtless arise from flattery, and some from a wish to remove the case from a local officer, such as a *Tahsildâr*, who knows the facts of the case too well to suit the applicant. Still by far the greater number come from the greater confidence in the European; and I do not think that a Punjabi would have more confidence in the Native Magistrate, because he came within any of the four classes to whom under the Bill powers can be given. I admit that European Judicial Officers often make mistakes from their ignorance of the people, still they have the confidence of the people in a manner which the Native officers have not.

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No. 109, dated 19th April, 1883.

From—MAJOR R. BARTHOLOMEW, Deputy Commissioner, Jhang.

To—The Commissioner and Superintendent, Mooltan Division.

In reply to your No. 87 of 13th instant, I would beg to state that in my opinion the benefit to be derived from a change in the law would be infinitesimal, while the evil would be very great.

The European unofficial community have shewn clearly enough what they think of the change, and my sympathies have been from the first mention of the proposed change with them.

Europeans out here are a privileged race, the race which has conquered India, and to subject them in up-country stations, where Europeans are few, to Native Magistrates, would, in my opinion, lower the estimation in which our race is at present held by the Native population. I do not think that Native Judges have the sympathy with Europeans or the knowledge of their character and motives, which would make it safe, away from the great cities, to entrust them with the power of judging them, while that Native Judges should judge our ladies and women would be nothing less than a scandal.

The sole motive for the change seems to be the injured *amour propre* of Mr. Gupta, and others like him, and is certainly not sufficient to warrant a change in the law which is bitterly hated by the whole European community.

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No. 253, dated 16th April, 1883.

From—MAJOR C. McNEIL, Deputy Commissioner, Montgomery.

To—The Commissioner and Superintendent, Mooltan Division.

In reply to his Circular No. 87, dated 13th instant, has the honour to give the opinion that the amendment referred to is one of the greatest mistakes the Government of India ever contemplated, indeed about the greatest it could contemplate. Even were it absolutely certain that the power would never be entrusted to any one not entirely fitted to exercise it, and were it also equally certain that it would never be abused by any one so entrusted with it, still it is a great political mistake to do anything which tends to increase the want of cordiality which exists between the two races on the one hand and to decrease the moral ascendancy of the European on the other. That there is no real good feeling between the races is certain, however little it may appear to the casual observer, and no one, who sees below the surface, can be ignorant of it, and the new amendment will not only intensify this ill-will enormously, but will greatly encourage the Natives to give it expression, while it will render the European quicker to retaliate.

If Government wishes to have to reconquer the country again, it could not well find a better way to begin going about it. Government and its advisers never see the Natives as

they really are. They see nothing but obsequious sycophants: civil officers seldom see them in their real colours. Let Government enquire from non-official Europeans what the Native spirit really is towards Europeans, and it will soon cease to believe in the cant that is talked about Native loyalty. We hold the country by force and prestige, but chiefly by the latter, and unless we are ready to substitute force for prestige, it is simply suicidal to decrease that prestige, yet the proposed amendment is better calculated to decrease it than anything else which could be devised. But if the outcry which the proposal has raised among the non-official European population in India does not open the eyes of the Government to the madness of the contemplated measure, no advice will be of any avail. The proverb is a true one *quem Deus.*

No. 145, dated 26th April, 1883.

From—C. E. GLADSTONE, Esq., Deputy Commissioner, Muzaffargarh,  
To—The Commissioner and Superintendent, Mooltan Division.

With reference to your Circular No. 87, dated 13th April 1883, I have the honour to reply that the only knowledge I have on the subject is that obtained by my stay in the Kangra District, from September 1881 till the end of May 1882. During that time I saw a great deal of the planters of the valley, in fact, contemplating a longer stay in the district, I made a point of learning all I could of them. My opinion is that the non-official Englishman must be accepted with all his faults, if English capital is to be induced to stay in the country, and that if Kangra is a specimen of the Punjab, it would be impracticable to act on Mr. Ilbert's Bill. Of course if English capital is not required, there would be no great objection to the planters being given to understand that they must submit or leave the country. But my opinion is that as long as the non-official Englishman is a fact that we must accept in the mofussil, the Bill is not practicable. My opinion about the non-official Englishmen in Kangra was that most of them were men who never came into a court at all, civil or criminal. There was a very small minority who were often in the civil courts, the reasons being various. In the cases of two of them I consider the reason probably was unjust treatment of the Natives by Europeans, in one or two more simple ignorance of Native habits which made a few planters victims to Native fraud, or made them listen to the fraudulent representations of an intriguing jamadar. These plantation jamadars were a great evil. I found that in the Kangra District, when at annexation it was declared that the people always spoke the truth, it was most common for the Natives to use fraud in their dealings with Englishmen, and if they could get a hot-tempered Englishman to deal with they seemed the better pleased. Some of the cases were disgraceful and showed that some of the Natives stuck at nothing in their disputes with Europeans. My experience as to the Native Courts, which often had to deal with cases where the civil interests of the planters were concerned, was that the conduct of the European planters towards the Native Courts was most improper. Their conduct was bullying and over-bearing, and being ignorant of law, they often offered as evidence what was not evidence at all. If it was not taken they were angry. The Native Magistrates hated European cases, and very often I am afraid gave such cases in favor of the planters to appease them. My opinion was that a European would have a much better chance of getting his suit in a Native Court than in an English one.

If criminal powers were given to Native Courts, the consequence would be disastrous. There are no European constables in Kangra District certainly to carry out orders of confinement, and though a planter would be mad to resist such an order emanating from a Native, I am not sure that he might not. Of course a planter might dispute with violence the order of an English Magistrate, but I do not think it likely. Their demeanour in European Courts was always, as far as I saw, correct, and as respectful as it was disrespectful in Native Courts. I should say that as far as such a small body of men could create a mutiny, there would be a mutiny in Kangra if a Native Magistrate sent a European planter to jail. This may be improper; but I think we must at present take the planters as what they are, not what we would wish them to be. There are two kinds of men whom we might expect to be endowed with powers under the Bill:—1st, the educated Bengali who has passed the open competition; 2nd, the Punjab Rais. For the educated Bengali the planter has a hearty contempt as one of a nation of cowards. Moreover, the Bengali Babu, though he has a certain amount of educational knowledge, has no knowledge of English manners and customs. It is not likely that he should have, for a passed candidate for the Indian Civil Service has no opportunity of getting into society by reason of his being a passed candidate. He must have friends of his own if he wants to see society. The Bengali Babu comes out knowing something about English literature, but nothing about the manners of Englishmen. I have noticed in Kangra that a hot-headed blundering Englishman gives so very injudicious an account of his case and appears so vindictive that at first sight one is inclined to be prejudiced against him.

Sir Walter Scott's Scotch Advocate declared that he often felt inclined to kick his clients downstairs, their own account of themselves made them appear so mean. But he said he found out that they were only angry and therefore unreasonable. A Magistrate not knowing English ways, and seeing before him on the one hand an Englishman intensely excited and making the worst of his case in consequence, and on the other hand a meek individual (who has probably been intensely insolent outside) with the air of a suffering martyr, would naturally become indignant at the idea of the brutal Saxon trampling on a poor inoffensive

ryot; and yet it often turns out that the swaggering Englishman has simply been made a victim of by the meek villager, and I know as a fact that the villager who salaams to an official down to the ground cannot only cheat a non-official European, but be insolent to him to a degree outside the court. Of this a Bengali Babu would know nothing. He meets the Anglo-Indian's contempt with hatred, and however honestly he might wish to decide the case, he would certainly be biassed against the Englishman and give full weight to his indiscreet manner and utterances. As for the Punjab Raïs, my experience is that they would thoroughly dislike to have European cases made over to them. The experiment has as yet to be tried, I believe, of introducing Bengali Magistrates among the mainly Punjabi people. The Magistrates who would be invested would probably be Raïses. The Punjab Raïs, as far as I have seen, has a great respect for Englishmen, and I should greatly doubt whether an Englishman who richly deserved fining or imprisonment would ever get it. There are black sheep among English planters as I have seen, who are capable of every kind of meanness, and on whose statement I would not rely for a moment. The other planters would probably delight to see a European Magistrate punish such a one, but his punishment by a Bengali Babu would probably be resented by them as a body. This perhaps should not influence us, but then it does not appear what use there would be in trying a Bengali in the Punjab and raising the question. Further, there would be the real fear on the planters that a foreigner who did not understand them would convict them on what was really false evidence. The worst fear they would have would be that their wives might be dragged into court on a false charge before a foreigner who would not understand their ways. A proper-minded Englishwoman dislikes going into court as much as any *pardah nashin* can do, and should not be exposed to it, if possible. As present she is not much exposed to it; under the contemplated arrangement she would be. I think the Punjab Raïs would be as much annoyed at having an Englishwoman of respectability in court before him as an English Magistrate would be, and that he would consider it no privilege at all. Moreover, the Raïs would not be able, as an English Magistrate could do, to distinguish between a modest English lady and a masculine and over-bearing woman. They would to him be all *Mem-Sahibs* entitled to respect, whose word was beyond suspicion. Though he might be able to distinguish between an English gentleman of honourable feeling and an unworthy Englishman with good clothes, he would not be able to distinguish in the case of ladies. He has met gentlemen and *pseudo-gentlemen*: of ladies he knows nothing. It may be answered that if natives, and educated ones to boot, should not try English men and women, because of their ignorance of their ways and manners, a native should not be liable to be tried by an Englishman. I would reply that, in cases triable by a 1st class Magistrate, I would always allow a native to be tried by a Native Magistrate, if he wished it.

In conclusion, I would say that I doubt if legally an Englishman can be tried by a Native. It is his birthright to be tried by his peers. By coming to India he does not cease to be a subject of Her Majesty. It may be said that Englishmen should not have invested their capital in the country till they were assured that they would not be tried by natives. But their capital was often locked up in the country long before there was any idea of taking any such steps as is now contemplated, and that had the present Bill been foreseen, much capital would have been kept out of the country. It is the birthright of certain native ladies to be *pardah nashins*, of certain Râjas and others to be exempt from attendance in court; of Mussalmans to marry four wives. The Englishman does not ask that his wife should be considered *pardah nashin*; he does not object to go to court; and he does not want four wives. His birthright is to be tried by his peers. We do not interfere with birthright of the natives, and there is no reason to interfere with the birthright of the Englishmen. The natives have so many privileges of their own that to try to make everybody equal by taking away the Englishman's sole birthright, appears like giving to him that hath, by taking away from him that hath not even that he hath.

No. 231, dated 10th May 1883.

From—LIEUT.-COL. E. L. OMMANNEY, Offg. Commissioner and Supdt., Derajat Division,  
To—The Secretary to the Government of the Punjab.

With reference to your letter No. 346, dated 27th March last, asking for my opinion

Deputy Commissioner, Dera Ghazi Khan, No. 338, dated 24th April 1883.  
Deputy Commissioner, Dera Ismail Khan, No. 296, dated 2nd May 1883.  
Deputy Commissioner, Bannu, No. O, dated 4th May 1883.

on the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to submit copies of letters on the subject from the Deputy Commissioners of this Division.

2. Considering the position occupied by us in this country, the barrier of caste and prejudice that prevents any real social intercourse between us and the various races in this land, and the low estimation in which the women of this country are held, I am of opinion that the proposed amendment is inexpedient, and there has been nothing advanced to show that any such change is necessary or was desired by the native community.

No. 338, dated 24th April 1883.

From—F. W. R. FRYER, Esq., Deputy Commissioner, Dera Ghazi Khan,  
To—The Officiating Commissioner and Superintendent, Derajat Division.

With reference to your Circular No. 77, dated the 20th instant, asking my opinion on the Bill to amend the Code of Criminal Procedure, 1882, as far as it relates to the exercise of jurisdiction over European British subjects, I have the honour to state that I have conversed with the higher Native officials and other educated Natives of this district on the subject, and that whilst they approve the object with which the Bill was introduced, still they state that they see no advantage which will accrue to their countrymen, if allowed to try European British subjects for criminal offences, and they would sooner see the Bill abandoned than risk a break in the good relations which have always existed between Europeans and Natives in the Province to which they belong. The chiefs and people of this district view the introduction of the Bill with indifference. My own view coincides generally with that of the Native gentlemen as given above. I consider that the class for whose benefit the Bill is introduced will practically gain nothing by it, whilst the opposition that the Bill has aroused is so considerable that it is not worth while to excite so much discontent to gain so little.

No. 296, dated 2nd May 1883.

From—S. S. THORBURN, Esq., Offg. Deputy Commissioner, Dera Ismail Khan,  
To—The Officiating Commissioner and Superintendent, Derajat Division.

I beg to return enclosures to your Circular No. 77, dated 20th ultimo, marginally noted, and to say that in my opinion Mr. Ilbert's Bill for amending

Under-Secretary to Government,  
Punjab's No. 346, dated 27th March  
1883, with a Bill to amend Criminal  
Procedure Code.

the Criminal Procedure Code, 1882, is both unnecessary and politically dangerous.

I do not think that the time has come, or is yet even within measureable distance, when European British subjects in up-country stations will believe that a Native Magistrate is capable of giving them a fair trial. This feeling alone ought, I think, to condemn the Bill.

That there is no necessity for it was, I think, demonstrated in the debate on the Bill published in the Supplement to the *Gazette of India* of April 21st, 1883, and that such a Bill is politically dangerous, is proved by the agitation which it has created throughout India.

I do not wish to say a word against the ability and impartiality of the Native Magistrates on whom it would confer jurisdiction over Englishmen, but I will say that it is probable that the strongest supporter of the measure, of a man of practical Indian experience, would, were he himself or one near and dear to him to be tried in an up-country station by a Native on a criminal charge of which he was innocent, feel a profound distrust in his judge and endeavour to have his case tried by a fellow-countryman.

No. O., dated 4th May 1883.

From—H. C. THORPE ROBINSON, Esq., Offg. Deputy Commissioner, Bannu,  
To—The Officiating Commissioner and Superintendent, Derajat Division.

With reference to your Circular No. 77, dated 20th ultimo, and its enclosures, I have the honor to report as follows.

2. I consider the proposed amendment of the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects, most unnecessary and likely to be injurious in more ways than one.

3. The object of the Procedure Code is to secure the efficient administration of justice. The class of Englishmen who come before the Criminal Courts in the mofussil consist in most cases of men like engine-drivers, soldiers, &c., who cannot talk good English, and most of whom use such provincialisms and slang and elliptical expressions that even European British subjects reared in Britain have some difficulty in understanding their whole meaning. I have felt this difficulty myself in my short experience, and am sure that even a few years' education in London, or any other large city in Britain, would not enable a Native of India to master our various provincial dialects sufficiently to do justice in many cases; and it is not desirable that justice should miscarry in any one case. The grievance would be particularly felt in the Punjab, where our Native Assistant Commissioners are men who have had no training whatever in England.

4. Again, we have to consider the violent animosity that there is against Englishmen as unbelievers in the heart of every true Musalman. I have little personal knowledge of Hindus and Parsis. It is perhaps possible that they could without danger be entrusted with power to arrest and try Englishmen, but I am quite certain that no such power ought to be confided to Musalmans, and yet, in working the proposed law, how could Musalmans be excluded? No such invidious distinction would be tolerated by them, and the fact of their exclusion would at once intensify the venom of class hatred and religious antipathy, which it should be our object to let slumber on until it expires through *inertia* and *comæ*.



5. But I hold that the exclusion of Musalmans is none the less necessary: many of them are as loyal as Musalmans can be, yet at a time of trial and mutiny such men could not resist the pressure of their surroundings. When their relations and friends were hounding them on, our Native Assistant Commissioners could not stand forward and disregard public opinion. Their properties, their families, "their all," would be at stake, and it would be impossible for them, however well educated and sensible, to stem the tide even if they wished to do so. Such a rising will take place only when our English garrisons are dangerously weak or when we have experienced heavy reverses; that such misfortunes may befall nations is, as history proves, not impossible, and we ought not to put into the hands of our subjects the formal power to cripple by sudden arrests at a critical time our scattered English representatives in the mofussil.

6. It may be said that I am imagining an impossible danger, but it is not so; I have resided for over six years in the Hazara and Peshawar Districts and have mixed with the people on terms of friendship and intimacy. I have thus learnt how the Musalmans as a body hate us, and how unceasing is the stream of seditious sympathy with the disaffected in Hindustan and in the independent States and tribes on our North-West Frontier.

A loyal Musalman in the Peshawar District is regarded by all his fanatical surroundings with antipathy; when he dies in our service, or as our pensioner, many a mullah will refuse to bury him; and a dying jagirdar will at times resign his allowances so as not to imperil his soul by dying as our dependant.

7. An Extra Assistant Commissioner, a Musalman, with whom I have had constant intercourse, is, I suppose, one of our most loyal subjects, but he has admitted to me that if a "jihad" were proclaimed, and if, owing to British weakness, he thought it would be successful, then he could not be on our side any longer, and that we should see him in the van of the attack. He likes and respects our power, and he hoped we shall never let ourselves get sufficiently weak to invite a successful Musalman rising; for he had large estates and family interests which, apart from his religion, would oblige him to declare for the winning side. Here were admissions made in private friendly intercourse, and an English critic might say that the judgment of a man of experience would secure him from being led to join a rising which could end only with disaster for the mutineers; but here I join issue with the critic. That Extra Assistant Commissioner's judgment is human and liable to error; he is a sound Musalman, and is as likely as others of his belief to be carried away by ardour for the glory of Islam at a season of religious revivalism. He would perhaps give us some underhand information or help, but that would of course depend on the temporary strength or weakness of his bigotry. Similar admissions have been made to me in private conversation by other loyal Musalmans who were not in service, and I urge that the existence of such a persuasion is a fact that cannot be safely ignored.

8. Of other reasons that occur to me I will mention one only, and that is the disastrous effect, not only on our national prestige, but also on our self-respect, that would result for allowing the enforced appearance of Englishwomen, our wives and sisters, before the Court of a Native Magistrate, either Hindu or Musalman. The subject is one from which my experience of native morality and modes of working spite makes my mind recoil.

9. To recapitulate, my arguments are (1), that the administration of justice to low-class European British subjects would be not bettered but weakened by giving the proposed powers to Indians, however well educated, who had only acquired scholastic English; (2), that the powers, if given to Hindus and Parsis, must also be given to Musalmans, and that in the hands of the latter they would form a means of administrative weakness and constitutional danger; (3), that to oblige our womenkind to appear before Criminal Courts presided over by natives would be a grave scandal.

10. The Bill could not be withdrawn now without causing a great outcry among certain classes who make themselves heard, but who form in fact an insignificant minority among the millions of this land. Still the majority of educated and reflecting natives would, I believe, be glad if the measure could be abandoned. The few whose opinions I have been able to enquire welcomed the Bill at first, but when they saw what violent animosities the discussion was raising, and how it threatened to break off the *rapprochement* that had been lately progressing so favourably between the races, they wished, and still wish, that the agitation and excitement could be smoothened without delay.

The best plan would, in my opinion, be to admit that mutual sympathy and knowledge are not yet sufficiently strong and ripe to warrant passing the Bill into law,—the newspapers, English and Native, both prove this every day.

The time has not come yet, and precipitation would be fatal.



Dated 3rd May 1883.

From—The Honorary Secretary to the Planters' Association, Kangra Valley,

To—The Under-Secretary to the Government of the Punjab.

With reference to your No. 346, asking for our opinion on Mr. Ilbert's Bill, as sent by you to me, receipt of which I acknowledged on 24th ultimo, I have the honour to inform you that I read your letter at a general meeting of the Association yesterday, Wednesday, May 2nd, and am requested to inform you that the feeling of the meeting was a strong one against such proposed change, and that I should forward through you to His Honour the Lieutenant-Governor the text of the protest as passed by a special meeting to consider the subject on Wednesday, March 21st, which has attached to it upwards of 70 signatures.

Text of Resolution passed at a Meeting specially called to discuss the matter on Wednesday, March 21st:—

“That this meeting records its strongest protest against any amendment to the Criminal Procedure Code which will invest natives with jurisdiction in criminal matters over British and European subjects.”

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Dated 8th May 1883.

From—SARDAR ATAR SINGH, C.I.E., Chief of Bhadaur,

To—The Under-Secretary to the Government of the Punjab.

In reply to your letter No. 346, dated 27th March 1883, forwarding for opinion a copy of the Bill to amend the Criminal Procedure Code of 1882, so far as it relates to the exercise of jurisdiction of native officers over European British subjects, I beg to state that I have very carefully read it, and also the opinions of the native and European gentlemen as they appear in newspapers.

2. The provisions of the Bill appear to be very proper, as the power is not to be conferred on native officers generally, but only on those select few whose fitness has been proved. But it is with great regret I notice that the matter has been placed in a very delicate position. Taking that into consideration, I would advise that the Bill may be allowed to stand over for a time, to enable the Government to judge how far the apprehensions now entertained are based on facts.

Even after that, when the Bill is passed, it should be provisionally for some time, to show how it suits practically.

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Dated 10th May, 1882.

From—SARDAR BIKERAM SINGH, Ahluwalia,

To—The Under-Secretary to Government, Punjab.

In reply to your letter No. 346, dated the 27th March last, with which you sent me a copy of the Bill to amend the Code of Criminal Procedure, 1882, for my opinion, I have the honour to state that I have perused the Bill carefully, and do not find a single clause or sentence in it which needs amendment or alteration.

The proposed amendment of law does not introduce any abrupt change into the present system of legal administration. Since it is not the object to raise all Native Magistrates to the rank of Justices of the Peace, but such of them only who have stood the test of stiff examination, and have thus proved themselves to be possessed of merit, and who have satisfied the Government they serve under as to their fitness for the rank by serving long and faithfully, I cannot help regretting that the opponents of the Bill have produced so much agitation in the country, which is calculated to induce a breach of the good understanding which exists between the English and Native communities whom Providence has thrown together in social and political union, which union will increase in strength by the continuance of good feeling between them.

In my humble opinion, the apprehensions of the opponents are not well founded. Experience shows that the Native Judges of the High Courts and the Native Magistrates of the presidency towns have acquitted themselves honourably and ably of their responsibilities, and that the removal of the existing restrictions on the judicial powers of Native Magistrates, as regards trial of European British subjects, based as those restrictions are mainly on race distinctions, will in no way be inexpedient and injurious to the rights of the European British subjects. On the other hand, in a political point of view, the results will be most satisfactory: the Natives will be impressed with a sense of the broad policy and liberal intentions of the British Government towards them, when they find that it is willing to remove the invidious race distinction, and amicable feelings, respect for each other's thoughts and actions, and mutual sympathy will spread extensively between the ruling community and the subject classes.

*Opinion of AGHA KALBI ABID, Khan Bahadur, Honorary Assistant Commissioner, Amritsar, on the Bill to Amend the Code of Criminal Procedure, 1882.*

On the question whether the natives of India who are admitted to the Civil Service and exercise highest powers be held incompetent outside the Presidency towns to try European British subjects, a disability based on race distinction, my opinion is against it.

To give natives such powers is to realize in practice that which is yet in words. Her Majesty's Proclamation of 1858 lays down that all subjects will be eligible to be appointed to offices to which their education and ability entitle them, without any distinction of race or creed.

It is strange that natives should pass through all ordeals and tests of education and hold high offices such as those of Civil and Sessions Judges, and yet be incompetent to try a European British subject.

When natives of India are competent by reason of their education and abilities to hold such offices, and there being no natural distinction between the two races, I do not see where the disability lies.

The distinction of conquerors and conquered is sufficiently maintained (to the advantage of the former) in other important matters. All high offices, Civil and Military, are reserved for them. They become Volunteers, and can keep arms under the Arms Act.

The proposed law is simply intended, by removing the disability existing under the Criminal Procedure Code, to cure the following defects:—(1), that a native may hold such a high office as that of a Civil and Sessions Judge and yet be incompetent to try a European; (2), a native should be incompetent to try a European while his subordinate may; (3), that a native in the Presidency towns may try a European, but not in the mofussil; (4), a native, by the existing state of the law, may pass a decree against a European affecting his property and person (he being as liable to arrest and imprisonment as any other), and yet the soundness of a Native Judge's judgment and honesty be doubted while passing a sentence on the criminal side similarly affecting his property and person.

The Government is bound to remove the above-mentioned defects which exist in the administration, a state of things against equity and equality, and thus remove one of the causes which keep the two races separated.

When Providence has decreed that two natives of different countries should meet, and in course of time form a mixed society, it is natural that one of them should concede some privileges to the other as a compensation for intruding upon the rights of the other. The British Government, a political name for the British nation, have, in making common and just laws, according to their own views (views which are in some cases based on their own national convictions), snatched from the natives the privileges of satti, baldan, human sacrifice, &c., and in some cases, as in that of exclusion from inheritance by reason of loss of caste, have also encroached upon our religious feelings.

Why then the so-called privilege of Europeans, "to be tried by their own peers," which strictly speaking applies only to England?

(The circumstances under which the privilege was obtained, *viz.*, when the Saxons had lost their confidence in the Norman King and his hired judges, should not suffer in India.)

Europeans have the option to come to, and reside in, India for gain, and thereby subject themselves to the proposed jurisdiction of strangers just as *ex necessitate* they have to submit to the jurisdiction of Turks, Egyptians, Chinese, Japanese and natives of other countries of the world, where they happen to go for their gain. The jurisdiction of strangers is not forced upon them in their home (Great Britain), which may perhaps be against their privilege. In the present state of India the right of a free nation (natives of India also being a free people) to be tried by its own members cannot be conveniently observed. The right must undergo some modification, which it has already wholly undergone in the case of natives, and is intended very partially to be effected in the case of Europeans. This seems to have been the construction put upon the words which secure the privilege to Europeans when making them subject to the jurisdiction of strangers in Ceylon and other countries. If it is a necessity with Europeans that they should be tried by their own countrymen, the same necessity exists with stronger reasons in the case of natives that they should be tried by natives. A Judge should

The natives that are to be invested under the proposed law have received a high English education, and their sojourn in England has given them a knowledge of the manners and customs of Europeans and an insight into their character. Therefore the natives can also justly demand that they should be tried only by natives, a demand which, if conceded, will deprive Europeans of many lucrative posts, while the powers proposed to be conferred upon natives will put nothing substantial into their pockets.

I agree not only to the amendments proposed by the Bill, but also agree to the proposal of Sir Charles Aitchison, the Lieutenant-Governor, that all 1st class Magistrates should have the power of trying Europeans.

The introduction of different Departments—such as Revenue, Canal, Saltpetre and Customs—in the country necessitates the residence of Europeans in the mofussil. It will thus be necessary to keep Judges ready at hand competent to try a European on the spot, and not compel the complainant and witnesses, mostly natives, to go to a station where a Justice of the Peace resides. Such general investiture with power will tend not only to make the trial of those offences easy which a Justice of the Peace alone can try, but will indirectly lead to the suppression of crime.

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*Opinion of HAJI KHAN MUHAMMAD SHAH, Khan Bahadur, Honorary Magistrate, Amritsar, on the Bill to amend the Code of Criminal Procedure, 1882,—dated 6th May 1883.*

I am in receipt of your letter dated 27th March 1883, giving cover to a copy of the Criminal Procedure Code Amendment Bill, and inviting my opinion thereon.

As far as possible, I have carefully gone through every section of the Bill, and have considered the grounds which have been advanced in support of, or against it, in the Legislative Council, and those advanced by newspapers and at public meetings held in the different towns in India. I have patiently deliberated upon the results which would ensue on the Bill being passed into law. For the reasons detailed below, I think that the amendment of that portion of the Criminal Procedure Code of 1882 which relates to jurisdiction over European British subjects is necessary and expedient according to the feelings of the people of the country, and on account of administrative necessity.

It is altogether opposed to the policy of the British Government that any law based on race distinction should be allowed to remain in force.

On looking over the legislative history of India, as connected with the judicial business, it appears that, previous to the year 1833, not only cases relating to inheritance and adoption, but all kinds of cases also, in which Hindus and Muhammadans were concerned, were decided according to the Hindu and Muhammadan laws, and that Maulvis and Pandits were invited to the Courts to expound the laws. Before that year no native held a judicial post. The civil and criminal cases in which Europeans were concerned were heard by Europeans only (who were Company's servants). In 1836, the Company desired to improve the form of their government in the mofussil, when they increased the powers of native Judges and conferred judicial posts on natives.

A law was then passed providing that no person whatever could on account of race, sect or religion be exempted from the jurisdiction of the Civil Courts of the Company in civil suits. At that time Europeans raised a great clamour, and showed great opposition to the native Judges being vested with the powers for deciding civil suits in which Europeans were concerned, and they styled this Act by the name of "Black Act," i.e., the act of black men (natives).

The ground put forward against the Act was that it endangered European property and capital. But during the 50 years that have passed since this law came into force, no loss has ever occurred to European property and capital. On the contrary, they have received full justice from native Judges, as is clearly proved from the fact that in no civil suit in which Europeans were concerned has any complaint been ever made about the native Judges having done injustice to them.

The party opposed to the present Bill allege that there was no objection to the native Judges being invested with civil powers, as this involved only a property question, while in the case of criminal powers honour and reputation are at stake. As far as I can think, I am against this view. In civil cases too a person can at once be reduced to sheer poverty; can be punished with fine, &c., for disobedience of orders or contempt of Court; and in case of default of payment of the amount of a decree, the Judge can issue a warrant for his arrest, and can send him to jail as a civil prisoner.

When the native Judge has been considered, without consideration of race or creed, as qualified to decide civil suits impartially, it is not understood why he should be unable to decide petty criminal cases in which Europeans may be concerned.

Great changes have occurred in the procedure followed in deciding criminal suits since the last 50 years. At first no Magistrates (European or native), except those of the Judges of the Supreme Court, could punish Europeans. When the number of European residents of India increased, great inconvenience was felt in bringing European offenders charged with petty offences from the mofussil to the Supreme Court. In 1849, during the time of Lord Dalhousie, a Bill was drafted providing that Magistrates holding courts in the mofussil districts, or outside the Presidency towns, should be vested with the powers of Justices of the

Peace; but as the Indian Penal Code had not yet been framed, the measure was, at the instance of Lord Dalhousie himself, postponed.

From this it is clearly evident that only a few years after the investment of Native Judges with powers for trying civil suits in which Europeans were concerned, the Government of India had proposed to invest them with criminal powers also. In 1872, when the question of amendment of the Criminal Procedure Code came on, the Legislative Council, with the majority of one vote only, decided that the Covenanted Civil Servants (provided they be Europeans) should be appointed Justices of the Peace outside the Presidency towns. But it is remarkable that the minority consisted of His Excellency the Governor General, His Excellency the Commander-in-Chief, the Lieutenant-Governor of Bengal, Sir Richard Temple, and other honourable and experienced gentlemen well acquainted with the state of the country and responsible Counsellors of the Empress of India, whose positive opinion was that Native Covenanted Civil Servants should also be made Justices of the Peace.

This amendment, which was looked upon by the high officers of Her Majesty's Government as opposed to the policy of Government, did, at the time, injustice to a few Native Covenanted Servants only. But during the succeeding ten years many other natives have been, and are being admitted to the Covenanted Service, and some of them have been raised to the posts of District Magistrate and Sessions Judge. It is therefore desirable for reasons of administrative necessity that such a distinction (which has had its origin in race feelings) should be done away with.

If a native be appointed a District Magistrate in a district, and a European commits an offence in that district, and though the offence be punishable by the District Magistrate, but the officer, being a native, be not able to try the case, the result would be that either the District Magistrate would have to transfer the case to the court of a subordinate European Magistrate possessing the powers of a Justice of the Peace, or that he would have to forward the case to the court of some other European Magistrate. In the first case, the procedure is disgraceful to the native District Magistrate, and he would experience a great loss in his influence and respect (which it is a duty of Government to preserve) in the eyes of the people of the district. In the second case, the European offender would be compelled to travel from one place to another under custody, to answer a petty charge, perhaps punishable with fine only.

The opponents of the Bill lay a great stress on the fact that, among other privileges, they are entitled to their being tried by officers of their own nationality. As far as I have been able to consider this matter, I do not think this view can be accepted. Had it been really a recognized birthright of Europeans, how could the Native Magistrates in the Presidency towns of Calcutta, Bombay and Madras have been invested with powers of sentencing Europeans to imprisonment, the term of which might extend to two years, including solitary confinement, to fine up to Rs. 1,000 in amount, and to whipping; and how could Native Judges in the High Court have unlimited powers of punishment over Europeans? In my opinion, such laws, which are based on race distinction, are relics of olden times, when the natives were generally devoid of high education and good training. At that time, indeed, it was as inexpedient to bestow powers on Native Judges, as it is now inexpedient, impolitic and unjust to withhold these powers from them.

In criminal cases, in which the complainant may be a European and the accused a native, the Native Magistrates have had jurisdiction for a long time past. During this period, evidently, no complaint has been made of any Native Magistrate having exercised any partiality on account of race feelings in such cases. Hence it can be hardly believed that they would exercise improper severity towards European offenders. Especially the classes of Magistrates, whom it is proposed to give jurisdiction (over European British subjects), subject to certain rules, are very trustworthy, they having received high education and good training and being men of experience. It is not expected that they would knowingly commit an illegal act. I, who have seen a good deal of the Sikh days, can make a just estimate of the many advantages that have accrued to this country from the British rule; and, in my opinion, the prosperity and well-being of the country depends on the existence and daily increase of friendly relations between the conquering and the conquered races. Had I the assurance that the legislative change likely to be brought about by the Bill would prove destructive to the progress of friendship between the two nations, I would surely have been altogether against the amendment; but my impressions are not such. I strongly believe that the more the race distinctions are (not?) made to interfere with the general legislation of the country, the more strongly would friendly feelings and sympathy be preserved intact between the conquerors and the conquered. On this ground I endorse every section of the Bill; nay, I cordially agree with the just opinion of the Hon'ble Sir C. Aitchison, Lieutenant-Governor of the Punjab (who has observed) that every 1st Class Magistrate, be he a Covenanted or Uncovenanted Servant, whether a Native or European, should be appointed a Justice of the Peace, provided his qualifications, experience and impartiality are recognized by the Local Government.

Dated 19th May 1883.

From—PANDIT RAM NARAIN, Secretary to the Indian Association, Lahore,  
To—The Secretary to Government, Punjab.

In reply to your letter No. 316, dated the 27th March 1883, I have the honour to forward the following opinion of the Indian Association on the Bill for the amendment of the Code of Criminal Procedure.

2. The Association purposely abstains from much comment on the principle of the Bill. It is scarcely necessary to say that they warmly approve of it, and consider that the heartfelt gratitude of the people of India is due to the government of His Excellency the Viceroy for the high-minded and statesman like proposal to remove the existing invidious distinction between native and European Criminal Judges. The Association only deem it proper to observe here that if the change is ever to be made, and the disqualification of native Judges removed, it is better to make a beginning now, so that the course of reform may be gradual and its action carefully watched, than to introduce a sweeping measure under the pressure of extreme necessity. The Association have no reason to think that the opposition to the Bill on the part of the Anglo-Indian community will be less bitter at any subsequent time than it is now. Indeed, the objections now put forward are directed against the very principle of the Bill, *viz.*, the obliteration of all distinction between them and the natives of the country, and there can be no reasonable doubt that this measure, if it were to be dropped now, would meet with still more violent opposition when re-introduced on some future occasion under more pressing administrative necessity.

3. The Association are of opinion that the provisions of Section 1 of the Draft Bill are sufficient to meet the purpose of the amendment, *viz.*, to remove from the Code at once, and completely, every judicial disqualification based merely on race distinctions (paragraph 2 of the Statement of Objects and Reasons). The effect of it will necessarily be to disqualify members of the Uncovenanted Service, European and native, from being made Justices of the Peace. Some European British subjects in that service are already Justices of the Peace; but it is apprehended that, under the saving provisions of Section 7, their existing power will not be affected. The disqualification will only be for the future. The Association regret this effect of the Bill on European Uncovenanted Magistrates, and they notice that this is made one of the grounds of objection to the Bill. But they are unable to see how an effective remedy can be provided under the existing circumstances. Bearing in mind the object of the Bill, the only remedy can be the insertion of an additional 5th clause in the first section making members of the Uncovenanted Service eligible as well. But, as this amendment would necessarily qualify natives as well as Europeans, therefore it is apprehended that this suggestion will not meet with the approval of the opponents of the Bill, but rather intensify their opposition.

4. With reference to this section, the Association would recommend the insertion of a *proviso*, to the effect that the Magistrates invested with jurisdiction to try European British subjects should possess a competent knowledge of English. It would be a rational grievance to an English, or Anglo-Indian, accused, if the Magistrate were quite unable to understand him or his English-speaking witnesses. This is now used as an argument against the Bill, and, being founded on reason, should, in the opinion of the Association, be effectually provided for. They consider that European prisoners are entitled to be placed on a footing of equality in this respect with native prisoners whose European Judges are expected to be conversant to some extent with their vernacular.

5. The Association would here, briefly, advert to the principal objections made against the Bill, notably in the memorial of the Anglo-Indian community. They are mainly these:—

- (1) That the natives of India are a heterogenous race with numerous personal rights and privileges founded on conquest, tradition and prescription, and that therefore the privileges claimed by European British subjects are neither anomalous nor unreasonable.
- (2) That natives know nothing of the inner life of Europeans, and their modes of thought and springs of actions, and are hence disqualified to sit in judgment over Europeans accused.
- (3) That the natives of India hold the female sex in utter contempt and keep them in a state of degradation, and hence it would be extremely humiliating for an Englishwoman to appear as a criminal at the bar of a native Court of Justice.
- (4) That the members of the Native Civil Service do not command the confidence of the European community.

6. The first argument simply ignores the tendency of all civilized communities to minimize the points of difference between their component sections, and to blend them into one harmonious whole. The past history of all European countries abounds in examples of the abolition of individual or class privileges for the benefit of the commonwealth; so do the records of British rule in India. Natives have had to surrender many of their cherished customs and rights because they were deemed incompatible with the existence of enlightened government in the country. The existence of class rights and privileges is generally an index of a low state of civilization, and by itself is not a thing desirable. What examples are quoted by the objectors are not in the least apposite. The Indian law recognises no exemption of natives of rank,



and purda-nashin ladies, from appearance in *Criminal Courts*, and makes no distinction between them and the natives of the lowest class.

7. The second argument is a vague, general proposition, incapable, in the opinion of the Association, of being illustrated by concrete examples. It is really a bold assumption of the facts in issue. The memorialists, however, seem to forget that, in bringing it forward as a Ground of objection to the Bill, they pronounce a sentence of unfitness on the whole body of European Judicial officers. Europeans in India live in comparative publicity, and the Association think they would be justified in saying that in India natives come to know more of the ways of life and the manners and customs of Europeans than Europeans do of the natives. If the native is disqualified to judge the European on this ground, the Europeans would be doubly unfitted to judge the natives. As a matter of fact, however, most European Judges are found well able to decide cases affecting natives. *A fortiori*, there is every reason to believe that natives would be found at least equally efficient in European cases—an inference which is strengthened by Native Judges having been found competent to dispose of civil cases in which Europeans are concerned.

8. The third argument is absolutely unfounded on fact. The Association repudiate the imputation cast on the natives of India that they despise their females and ill-treat them. The Association are pained and surprised to see such an argument used at all. So far from the imputation being true, it is a matter of every-day experience that native purda-nashin ladies, if they ever have the misfortune to be dragged into a Criminal Court, are very considerably treated by native Magistrates; and there is really no reason whatever to suppose that their conduct would be different when an Englishwoman is brought up before them as an accused person. No complaints have yet been made against their behaviour in civil cases wherein European women have appeared before them either as witnesses or as parties to actions.

9. The last objection as to the *personnel* of the Native Civil Service does not require detailed comment; on this head the Association would content themselves with observing that Government may be trusted to secure the most competent officers for the service; and it is scarcely necessary to say that the local Governments will exercise their powers under Section 1 of the Bill with discretion, taking care to confer jurisdiction to try European British subjects on the most competent officers.

10. The opponents of the Bill have suggested that native civilians who are so qualified should be placed in charge of districts where no Europeans are to be found. The memorialists seem to be unconscious of the injustice this proposal entails on the native civilians, by banishing them perpetually, as a reward for their services, to such undesirable localities as are avoided by Europeans. The measure, moreover, is impracticable, as there is hardly a district in India where some Europeans do not reside; and even if there be any such now, it is against reason to reckon upon its so continuing in future, unless prohibition be imposed on Europeans against settling in districts placed under Native Civilians. The absurdity and unfairness of such a proposal need no further comment.

*Opinion of the Anjuman-i-Islamiya, Amritsar, on a Bill to amend the Criminal Procedure Code, 18-2,—dated 15th May 1883.*

This Association has most carefully considered the reasons advanced both for and against this Bill, and the members are unanimously of opinion that the provisions contained in the Code should be modified, as they are merely based on an invidious class distinction.

From the Statement of Objects and Reasons of this Bill as stated, it would appear that it is intended to remove the judicial disqualification of some Native Magistrates in criminal proceedings over European British subjects.

It is indeed unjust and anomalous that while natives of India are admitted to the Covenant Civil Service, and held competent to discharge the highest judicial duties, they should be deemed incompetent to be Justices of the Peace.

Though there are some upright, learned, just and experienced European gentlemen who are in favour of this Bill, yet a large majority of the European and Eurasian non-official community is opposed to it, and they allege that as some personal rights and privileges of natives are still protected by law, such as the exemption of ladies of distinction, and of some native gentlemen, specially allowed by Local Government, from personal appearance in Civil Courts, there is no reason why their privileges and rights should not likewise be protected. The Association most respectfully submit that this privilege, which is set forth as an example, is the only one recognized in the administration of some proceedings of the Civil law, and it involves no injury to, or entails no disability upon, any other class of Her Majesty's subjects.

Moreover, in the opinion of the Association, the argument upon which the opponents of the Bill seem to lay so much stress is altogether *irrelevant*, because the Bill does not propose to curtail any of the rights and privileges enjoyed by different classes of Her Majesty's subjects in this country; it only aims at removing the disqualification of a Judge or Magistrate, which is based merely on race distinction. For this one single privilege which is enjoyed by the natives of this country, there are many privileges enjoyed by the European British subjects in the administration of criminal law in India. The jurisdiction of Criminal Courts over a European British subject in awarding punishment is very limited. He can appeal against small sentences of fine or imprisonment, from which there is no right of appeal in ordinary cases. He may claim to be tried by a mixed jury, or a mixed set of assessors,



being either Europeans or Americans, or both Europeans and Americans, whose decision is final.

The Association most respectfully submit that, to the best of their knowledge and belief, native officers have no special jurisdiction over their native fellow-subjects such as is conceded to their European brother officers over their countrymen; and therefore on an occasion like the present, when the object simply is to remove certain judicial disqualifications based on class distinctions from native officers of tried ability and integrity, it is unjust and out of place to draw arguments from the privileges respectively enjoyed by the Europeans and natives of this country.

It is unnecessary to give here the long list of those cherished rights of the natives which have been curtailed. The Association would rather beg to invite the attention of Government to the speech of the Hon'ble Dr. Hunter, who has very ably and minutely discussed the subject. There is, however, one important point which that Hon'ble gentleman seems to have overlooked. Formerly the Mahomedan law of evidence prevailed in all the Courts of Justice. But it has slowly and gradually been done away with, and a law founded on the principles of English jurisprudence has been introduced, which has totally infringed some of our best rights and privileges.

In 1836, when the Hon'ble East India Company ruled that no person should, by reason of place, birth, or descent, be in any civil proceedings exempted from any jurisdiction of any of the Company's Courts, and admitted natives to a large share of posts in the Civil administration, the Europeans resented the measure very much and protested against their being placed under the jurisdiction of the country tribunals, on the ground that their capital would not be safe. But their allegations have all proved unfounded.

The opponents of the Bill urge that civil jurisdiction is a different thing from a criminal one. The former affects property, and the latter both personal character and liberty. But, in the opinion of the Association, such is not the case. A Civil Court can give judgment against any person in a suit for fraud or libel; can send him to prison for debt; can punish him for contempt of court; and can issue a warrant for his arrest in case of his non-attendance as a witness. When the exercise of civil jurisdiction with all these powers by Native Judges over Europeans has not given rise to any injustice, it is unreasonable to suppose that they, especially those to whom the Bill proposes to invest with powers, and whose ability and integrity are admitted on all hands, will be swayed by race prejudices, when trying Europeans in criminal cases.

In all those cases in which Europeans have complaints against natives, they freely resort to Native Magistrates' Courts for redress, and, as far as the Association is aware, the Native Officers presiding at these Courts have not been swayed by any race prejudices. What ground then is there for apprehension that when trying charges brought by natives against Europeans they will be actuated by any such feelings?

The scope of this Bill is narrower than that of the one brought forward under Lord Dalhousie's Government in 1849, which provided that, outside the Presidency towns, all Magistrates of whatever class should be competent to pass all sentences, but that of death, on every British subject, and the measure was postponed only till the amending of the criminal law was effected by the Penal Code. From this it would appear to be evident that when Europeans were subjected to the civil jurisdiction of Native Courts, it was really in contemplation that this measure should at no distant date be followed by that of giving criminal jurisdiction to Native Magistrates over Europeans. In 1872, when the Criminal Procedure Code was under revision, this question came up for discussion before the Council, but was lost by a majority of only a single vote. It is, however, to be remembered that the minority consisted of the Governor General, the Commander-in-Chief, and all other high and responsible advisers of the Government of India, who were strongly of opinion that Native Magistrates, at least those of them who had been admitted to the Civil Service, should also be invested with the powers conferred upon their European brother officers. There have been great changes within the last 10 years; some of these native Civilians, who were then young and untried officers, have by their ability and integrity risen to the position of District Magistrates and Sessions Judges.

If, therefore, they are not invested with powers to try European British subjects, they will not, to all intents and purposes, be District Magistrates and Sessions Judges, and will of necessity have to be relegated to backward and out-of-the-way districts, where their abilities will not have full scope, and where, therefore, there will be no avenue to official distinction for them. They will thus be shut out from many of the large, important, healthy and coveted districts. It is asserted that the work of trying European subjects the Native Civilians can delegate to their European Assistants; but the Association beg leave to point out that the delegation of a work to his European subordinate, by a Native Magistrate, which by law he himself cannot take up, is certainly calculated to destroy his prestige and to discredit his office, and this cannot but have an injurious effect upon his position as the chief executive functionary of a district.

Her Imperial Majesty, on her assumption of the Government of India in 1858, issued a proclamation in which it is distinctly laid down that all classes of Her Majesty, of whatever race or creed, shall be freely admitted to all offices in her service, the duties of which they may be qualified by their education, ability and integrity to duly discharge. Such being the declared policy of Her Majesty's Government, and the fitness of the Native Civilians being proved to

the satisfaction of all, their not being invested with jurisdiction over European subjects cannot be attributed to any other motives than those of race distinctions, which, as Sir Charles Aitchison has pointed out, are invidious and unnecessary.

Under these circumstances we not only give our adhesion to the provisions of the Bill, but would also recommend, as Sir Charles Aitchison has already done, that every first class Magistrate, whether European or Native, Covenanted or Uncovenanted, be appointed a Justice of the Peace at the discretion of the Local Government.

*Opinion of the Sri Gobind Singh Sabha Association, Lahore, on the Bill to amend the Code of Criminal Procedure, 1882.*

The Bill proposed to amend the Criminal Procedure Code in connection with the exercise of jurisdiction over the European British subjects, has marked a new era in the annals of Indian Legislature.

It has pulled down the thin curtain of race distinction long hung before between the two races (Europeans and Indians) and has, as if, brought the continent of India to lie side by side with the Islands of Great Britain.

Besides being so wonderful, it is also unprecedented in itself, for, in the histories of those nations that have subjugated this country, no such instance can be found whereby both the races (the conquerors and the conquered) might have been placed upon the same level with regard to their criminal jurisdiction.

The people of India are therefore greatly indebted to the British Government for this blessing and are fully alive to understand that the heaviest debt under which they are placed shall never be repaid by them or their posterity. The two illustrious names Lord Ripon and Sir Charles Aitchison, K.C.S.I., C.I.E., during whose time and by whose efforts such blessings were conferred, and such honour bestowed upon the people of this country, shall never be forgotten from off their minds, but shall always be remembered like sacred names of antiquity.

Although there may be some temporary agitation on the one side, and joy on the other, the ultimate result of this amendment would be to unite them both into one people living in harmony with each other, and looking upon themselves as real brethren descended from the same Anglo-Aryan forefathers, but differing only on account of long separation.

Need of such an amendment is acknowledged on all hands, although one party overlooking the great principle that "equality of both the races is always a good level for the basis of an empire" may, for their own private advantages, produce any argument they can to prove the untimely introduction or unnecessary of the measure.

As the Civil Service is thrown open to the natives, and as they already exercise criminal jurisdiction over European British subjects in the presidency towns, there seems no reason to make objection as to extend their powers beyond the limits of those towns.

But supposing the amendment be delayed for some years more, and then all at once may be introduced in its full vigour and power; it would not be so much beneficial then as now, when its introduction would, through its gradual progress, secure all advantages and produce desired-for results.

The Seikh National Association therefore beg to represent, on the part of the Seikhs in general, that they concur with the object of the Bill and agree with its several sections proposed.

The copy of the Nabha paper, in the original, is herewith appended for the information of Your Honour.

*Opinion of the Anjuman-i-Musfid-i-Am, Kasur, on the Criminal Procedure Code Amendment Bill of 1882,—dated 28th May 1883.*

This *Anjuman* has bestowed full consideration on the Criminal Procedure Code Amendment Bill of 1882, and has carefully looked into the question of amendment, and has considered the grounds advanced for or against the Bill.

The *Anjuman* humbly supports the amendment by which higher classes of Native Magistrates are to be vested with the powers of trying European offenders even outside the Presidency towns, and believes that this amendment is based on sound principles and good grounds.

2. The *Anjuman* would not repeat the common reasons and grounds which have hitherto been advanced, or are likely to be brought forward in support of the Bill, as it believes that the civilized Government, specially the present Government of the Punjab, has sufficient means to know such grounds and reasons. It is evident and clear that the administrative policy of the members of the British Government has always been founded on the principles of equity, justice, liberty, and humanity, which are the general principles of every civilized Government.

3. This Society does not repeat the common reasons in support of the Bill on several grounds—

(I).—These grounds have been duly stated by the originators of the Bill, and the enlightened Government has them in view.

(II).—Europeans, Eurasians and Natives are treated with full regard to the age they live in, and to their Native locality.

(III).—Limited privileges, which it was necessary to reserve for Europeans, owing to the existence of certain circumstances, were so reserved for them for a certain time, but when the time came for their abolition, they were cancelled.

It has been admitted by all Legislators that only that law can be true and just which is compatible with the laws of Nature. Hence it follows, that in the whole world, the law relating to the well-being and prosperity of mankind should be one and the same; and that such a law is the only one which can be depended upon for the true welfare and amelioration of the condition of the people. It should therefore be the first duty of every just law-giver that he should try to make laws compatible with the rules of Nature. Of course, it cannot be denied that while adopting and enforcing this good principle, he should not overlook the circumstances of time and place in framing laws. Local or special laws would certainly somewhat differ from the natural law; yet it is true that till the proper time arrives for adoption of the natural laws, the local or special laws should be obeyed. The enforcement of local or special laws, which may, at the first view, appear to be somewhat conflicting with the natural law, is but a right means of arriving at the period of adopting the natural law. Of course, it would be a mistake to consider temporary laws as permanent ones, or to confuse those of one kind with those of the other. Hence it follows, that as the natural laws are useful and worth obedience at all times, local or special laws should be thrown away when the time comes for their abolition. Sometimes people have been misled to consider temporary laws as permanent ones. The *Anjuman* is of opinion that no other error has given rise to so many political and moral evils than this mistaken idea. Evils which encroach on the morals of the people on their ever rejecting natural and permanent laws, are equally demoralizing when temporary laws are considered ever worthy of obedience. The true and natural law, which can be but one and the same for the whole of mankind, is like nourishing food, the use of which is indispensable for healthy people for the development and expansion of their bodily powers; while the temporary laws, which are framed in accordance with the circumstances of time and place, are like sparing diet and medicine (for the indisposed). As the use of substantial food and tonics is injurious to the sick, so the healthy person loses his strength and is rendered infirm by the use of medicines and sparing diet. As it is necessary for the sick to abstain from the use of substantial food, so is it necessary for the healthy person not to live upon sparing diet. Temporary laws are like sparing diet, the use of which should be given up as soon as people become able-bodied. It is true that sparing diet is meant to restore the weak to health, but the use of sparing diet is harmful to the healthy. It has been stated above that temporary laws are the means of arriving at the point when the permanent and natural laws should be adopted, and it is a great political mistake to consider these *means* as the object itself, *i. e.* the permanent and natural laws.

It is, therefore, the first duty of those versed in law to keep in view the minute difference which exists between the laws of the two kinds; and, while trying to confirm and establish the permanent and natural laws, they should be equally anxious for the repeal of the temporary laws at the proper time.

4. In the opinion of this *Anjuman*, the views advanced in the preceding paragraph entirely apply to the case of the Criminal Procedure Code Amendment Bill, the portion of the Code which it is proposed to amend being of the nature of temporary law.

Hence, when the policy of every civilized Government, and especially of the British Government in India, has been such as is described in the preceding paragraphs, it would be but superfluous to explain and detail the consequences resulting from those principles.

5. It would be useless to explain to Government itself the wise policy of Government, to which allusion has been made above. But it would not be devoid of some advantage to mention that ever since the establishment of the British rule in India, the laws of a temporary nature have always been amended. For example, under the Statute of 1853, all actions arising in India were removed from the jurisdiction of British Courts, then called Mayors' Courts. In 1782, the Governor General allowed special laws of the Natives to continue to govern cases in which Natives were concerned, and ordered that *Maulvis* and *Pandits* should be called to help Courts in expounding the laws in such cases. By the Regulation of 1782, the British Parliament did not only preserve in force the Hindu and Muhammadan laws relating to Wills and Inheritance, but also those relating to Contracts and other such transactions between the Natives. By this Regulation their private laws, by which the elders of the families were even authorized to punish offenders charged with murder, were allowed to remain in force, though such punishment might be considered illegal according to the principles of British laws. Many other privileges of this nature were allowed to Natives, but most of them were latterly amended with due discretion, while some still exist. Likewise privileges of a similar nature were conferred by law upon Europeans, which are not unknown to the Historians of Legislation; but these were also reduced in number by degrees. For instance, Native Judges could not at first hear civil suits in which Europeans were concerned, but they were eventually invested with powers to hear such cases by an Act of the Legislature, which Act was styled by the nick-name of "*Black Act*" in England. Subsequently, Native Magistrates were invested with powers to try Europeans in criminal cases within the Presidency towns. The question of granting them similar powers outside the Presidency towns is now under discussion. Personal privileges, which have been classed by the *Anjuman* under the head of "temporary laws," were granted to Europeans as well as to Natives; but they were reduced in number, or amended, when the time came for their reduction or amendment.

6. The history of the Criminal Procedure Code Amendment Bill displays several grounds which have been adduced by the members of the British Government, and which very strongly support the views expressed in the preceding paragraphs. In the letter sent by Sir Ashley Eden, late Lieutenant-Governor of Bengal, to the address of His Excellency the Viceroy, in support of the present Bill, he clearly stated that the time had now arrived when all the Native members of the Covenanted Civil Service should be freed of all restrictions imposed upon their powers by Chapter XXXIII of the new Criminal Procedure Code. Many other high officers of the same class have given their opinions in favour of the Bill, from which it appears that the law requiring amendment is of the temporary nature, explained above. Especially the expression, "*the time has now arrived*," contained in Sir Ashley's letter, indicates that the law, which it is proposed to amend, is unquestionably of such a nature that its speedy amendment is necessary.

7. What has been said above amounts only to this, that it is unnecessary to give unimportant and summary reasons in support of the Bill, as it is a question which it is a duty of Government to attend to at once without any outside pressure. To make any hesitation in the amendment of this law is to disregard the true and natural law.

8. It is admitted on all hands that every enlightened Government has, for political reasons, to frame special and general, and temporary and permanent laws; and the grounds on which they are based, *viz.*, those explained in the above paragraphs, are just and proper. But it would not be expedient for any enlightened and civilized Power to frame two kinds of laws for the people living under the same Government, merely for reasons of race distinctions, or for reasons other than those mentioned above.

It is admitted that a distinction should be maintained in laws for reasons of time and place; but the existence of such distinctions, merely for the sake of differences in race and creed, is not only productive of many terrible social dangers, but also gives rise to many political blunders.

The object of the establishment of a government is to secure peace and tranquillity to the public, and this object is only realized when the rulers and the ruled are satisfied with each other. The absence of uniformity and impartiality in laws framed by Government causes extreme discontent and engenders differences, which prove disadvantageous to the country, to the people, and to the Government.

It is proved by history, that there is nothing more destructive of the welfare and prosperity of a country than the existence of improper differences between the rulers and the ruled. Progress in all things appertaining to the human kind depends on political tranquillity. The pleasures of life cannot be enjoyed without it.

Men, whether they are rulers or the ruled when living at one place and not observing the duties and obligations of sociality, cannot inherit political tranquillity and social pleasures.

Nature has united the two nations (Europeans and Natives) in a social relation in India. As union, unity and true love between the two nations increases, social and even political ties will be rendered stronger. Hence to frame any law from consideration of race distinctions only, is to break the social tie; and the absence of uniformity in Imperial laws is a terrible current for the stronghold of social union (between the two nations). There is nothing which so speedily and certainly creates social differences as distinctions in legislative enactments; and when the social ties existing between nations are once broken by such distinctions their pernicious effect does not disappear for centuries, even if all possible efforts be made to remove that effect. Had not the defunct Hindu and Muhammadan Governments in India committed this terrible mistake, they would not have been reduced to the miserable plight of non-existence; nor would improper prejudices of caste and religion have so much interfered with the social life of the people. The social pleasures of life are secured by being subject to one and the same laws and by living under the same Government. Hence, when the Criminal Law in its own nature requires to be amended, when strong reasons of justice, humanity and liberty are in favour of the amendment, and when its amendment is at the disposal of a benign and enlightened Government, which prizes the above-mentioned principles more than all other nations, and which was foremost in suppressing slavery in Europe and in introducing constitutional laws in its realms, under such conditions our only duty is to leave the question on its own merits in the hands of the Government and to respectfully wait for the result.

9. The *Anjuman* believes with great certainty that as the Criminal Procedure Code Amendment Bill requires no arguments to support and to defend it, it is equally safe from the attacks of its opponents. The *Anjuman*, however, cannot but express its regret at the attitude taken by its opponents. The reason of this regret is not only that the opponents of the Bill have differed in opinion on such an important question, but also as such opposition engenders feelings which are destructive to the pleasures of social life in India.

What is taught by example produces a far greater effect than verbal instructions. It is universally admitted by the distinguished statesmen throughout the world that there is no human *act* or *word* which does not produce unlimited effect. The good and evil acts of mankind are always alive, and produce their result. Of course it is possible that we may not see those results. Even the most insignificant and undistinguished persons cannot say that their words and acts do not produce any effect whatever on any person. In this world no person is independent of social ties, all being fastened in one social chain, and being in need of help from one another. Every person considers that every one else commits more evils and less

virtues than himself. The words and acts of our ancestors have had an effect upon us; and so our words and acts would have effect on the coming generations. Man is the fruit of the manipulations of many centuries. For thousands of years past the successive generations have depended for knowledge upon their predecessors, and the present generation would likewise magnetically impart the effect of its words and acts to their successors. The work of no person perishes; indeed it may happen that his body may become dust and fly in the air, and no trace of it may be found; but the evil or good acts would always take their effect. If man may ponder over this deep subject, he would know what a great responsibility devolves upon him. Upon such deliberations he is pleased at his virtuous acts and is terrified at the terrible consequences of evil actions. Mr. Babbage writes to the following effect:—"Every atom in this world retains the effect of man's virtues and evils; and would always continue to retain this effect. Air is a library in which every man's words are preserved in a written form."

All promises which have not been fulfilled, all harsh words which have been uttered, and all the insults which have been pronounced, exist in it. Not only the air, but the earth, sea, and all other things are histories of the actions and feelings of man. The modern sciences clearly shew that no movement ever perishes. The science of mechanics proves that there are thousands of witnesses to each act of murder. Whatever movement issues from the body of the murderer at the time when he commits the murder, *i. e.*, the movement of his hand, would ever exist. In short, whatever we do, whatever we speak, whatever we see, and whatever we hear, all these have their effects, which go on spreading for ever. These effects do not only affect ourselves, but affect the whole nation. It is possible, however, that we may not perceive the way in which they affect us. Hence it is greatly necessary to set good examples; to entertain only such ideas as may be useful; to speak only such words as may produce good; and to do only such acts as may afford good examples to others.

10. It has been clearly proved in paragraph 9, and by the words of Mr. Babbage included in it, that the human acts have an imperishable effect which exist for ever, and that practical instruction is a better preceptor than verbal instruction, the former being far superior to the latter. We learn more by the eye than by the ear. What we see by the eyes has a far greater effect than what we merely hear by the ears, or read in books; for example takes a spontaneous effect on man without his desiring that effect. Sir Peter Lessley, who was a distinguished painter, says: "I do not possibly cast my eyes on bad paints, as by seeing them my pen imperceptibly learns to imitate to draw such paints." In short, man is affected by every sort of company imperceptibly.

The faculty of imitation naturally exists in every person; but the weak, the uneducated, and the children have greater susceptibility for it. A gentleman observes that children are like certain insects, which assume the colour of the tree they climb. Hence, what is learnt in childhood is mostly learnt by observation.

From these remarks it is evident that practical conduct is a great preceptor for human instruction. Although every human being possesses a faculty to imitate, yet the weak and infirm naturally are more apt to imitate the actions of the robust and the strong, as all the principles of sociality are based on this very law. Little children learn the habits, customs and morals of their parents, but not the parents of their children. In short, the conquered generally imitate the actions of the conquerors. "*People follow the creed of their sovereigns*" supports this natural principle.

11. The *Anjuman* expresses its regret at the attitude taken by the opponents (Europeans, who belong to the same nationality as the Government) of the Criminal Procedure Code Amendment Bill, for the reason that through their sincere fidelity the native subjects of the Government consider the authorities as occupying a superior position than their own parents, and that in consequence, like little children they take pride in imitating their actions.

The people belonging to the conquering nation, irrespective of the fact whether they are or are not connected with any departments of Government service, are considered as the ruling race, and their words and actions are not considered distinct from those of Government.

The Criminal Procedure Code Amendment Bill, independently of the fact that it is founded on sound principles, is a Bill introduced by Government into the Legislative Council for consideration. Government itself is considering the expediency of bringing about a uniformity in the laws by removing defects in them. Government itself desires to free the courts of its loyal and able servants from certain disabilities. Under these circumstances, the opposition shown by Europeans against the Bill is in reality an opposition against Government itself, not against the Native subjects of the State.

12. The lesson which the Natives would take from such practical conduct of Europeans is evident; and the terrible social, nay political, dangers, which may be expected to arise from such lessons, are also evident. This Society has, for these considerations, been obliged to express its regret at the attitude taken by certain silly members of the civilised and enlightened European nation.

13. In conclusion, the *Anjuman* sincerely believes that the far-seeing Government of the Punjab, and the enlightened Government of India, and especially His Excellency Lord Ripon, would bestow due consideration upon the views herein expressed; and, while trying with due foresight to evade any possibility of the establishment of such a dangerous example, would assert that the opposition alluded to was not capable of producing any effect whatever, so that the Natives may not even entertain a thought of being affected by it in any way.



No. 1778, dated 6th June 1882.

From—G. W. RIVAZ, Esq. Registrar, Chief Court, Punjab,

To—The Secretary to the Government of the Punjab.

I am directed to submit the opinions asked for in your No. 441, dated 12th ultimo.

*Memoranda by the Judges of the Chief Court of the Punjab on the proposal to invest Native Covenanted Civilians with powers to try European British subjects.*

I concur in the views of the Lieutenant-Governor of Bengal as expressed in paragraph 3 of his Secretary's letter. A Native Covenanted Civilian who has attained the position of District Magistrate or Sessions Judge should, in my opinion, not be disqualified from exercising the same powers over European British subjects as are exercised by English Covenanted Civilians in the same position. And I would go further and declare that any Native Covenanted Civilian is eligible to be made a Justice of the Peace beyond the limits of the Presidency towns as if he were a European British subject, and when so made is competent to try European British subjects as if he were himself a European British subject.

J. W. SMYTH,  
Judge.

29th May 1882.

It appears to me rather premature to alter a law which has just been passed on such an important point. I am willing to admit, however, that it would be very anomalous to appoint a Native Covenanted Civilian to the charge of a district, and to deny him jurisdiction over European British subjects. I think that serious practical difficulties might arise if such jurisdiction were not given. I would therefore amend the law to this extent, if it is in contemplation to appoint Natives to the charge of districts.

But I would not go further in the meanwhile. I do not think any practical difficulty is likely to arise for some time to come from not giving Native Sessions Judges powers to pass the high sentences on European British subjects contemplated by Section 449 of the Code of Criminal Procedure.

Cases of the kind are not very common, and I think no practical difficulty will arise from sending them to the nearest Sessions Judge who is qualified under the Act as it now stands. The course recommended by Mr. Justice Smyth is perhaps the logical sequence of the policy now in force regarding the employment of Natives in the Civil Service; but as I have had no practical experience of the result of the working of that policy, I am not yet prepared to say that every logical sequence of that policy must be accepted and acted upon. In a matter of this kind, I think it is well not to forget the saying '*festina lente*.'

G. R. ELSMIE,  
Judge.

31st May 1882.

I concur with Mr. Justice Smyth. The question would be one of the fitness of each individual proposed for appointment as Justice of the Peace to be invested with that office, and not one of the fitness of the members of a class, some of whom might be holding charge of a district or acting as a Sessions Judge. I can see no reason why an officer selected for appointment as Sessions Judge, who, in the case of Europeans not being European British subjects or Americans, could, on conviction of an offence, pass any sentence authorized by law, should not be given the same jurisdiction over European British subjects as other Sessions Judges.

D. G. BARKLEY,  
Judge.

31st May 1882.

I would certainly alter the law so far as to permit Native Civilians who had risen to the post of District Magistrates or Sessions Judges to exercise all the powers over European British subjects as the European members of the same service holding the like appointments now exercise. But I would hesitate to recommend that all Native Civilians should be appointed Justices of the Peace. Selected members might be so appointed, but in the first instance I would confine the appointment to those Native Civilians who had not had less than ten years' service.

W. H. RATTIGAN,  
Judge.

6th June 1882.

No. 561, dated 9th June 1882.

From—J. M. DOVE, Esq., Secretary to Financial Commissioner, Punjab,

To—The Secretary to the Government of the Punjab.

I am directed to acknowledge the receipt of your endorsement No. 441, dated 12th May, forwarding, for opinion by Mr. Lyall, a copy of Government of India's No. 7—589, dated



28th April, on the question whether jurisdiction over European British subjects should be granted to Native Covenanted Civilians, or at least to such of them as have reached the position of District Magistrate or Sessions Judge.

2. In reply, I am to say that Mr. Lyall considers that it is decidedly necessary and advisable that Native members of the Covenanted Civil Service, who have attained the rank of District Magistrate or Sessions Judge, should be given jurisdiction over European British subjects. It may confidently be expected that they are fit to be entrusted with this power; and there are also strong administrative reasons for giving them such authority.

3. But he does not, on the whole, think it at present advisable to give other Native Covenanted Civilians the power. No administrative necessity for the measure is apparent, and though it is true that their jurisdiction would be contingent on their being appointed Justices of the Peace by some Local Government, yet, looking to the class of men who are likely for some time to come to be appointed in India as Native members of the Covenanted Civil Service, Mr. Lyall thinks that even with this safeguard the change is not desirable.

No. 1487, dated 22nd May 1882.

From—COLONEL C. A. McMAHON, Commissioner and Superintendent, Amritsar Division,  
To—The Secretary to the Government of the Punjab.

Jurisdiction over European British subjects.

In reply to your No. 441 of the 12th instant, I have the honour to offer the following remarks.

2. I have never yet met a Native member of the Covenanted Civil Service, but, looking at the question raised in the correspondence forwarded with your letter under reply from a theoretical point of view, I see no reason why a native of India who, by his education and personal qualifications, has been considered a suitable person for appointment to the Covenanted Civil Service, should not be invested with all those magisterial powers with which an English member of the Covenanted Civil Service, holding a similar official position, would be invested. I think it would be creating an invidious distinction between the Native and English members of the Civil Service to proceed on the assumption that whereas the English Covenanted Civilians may be expected, as Magistrates and Judges, to impartially try all cases in which the Natives of India are concerned, the Native Covenanted Civilian cannot be expected to impartially try criminal cases in which Englishmen are concerned.

3. The above remarks must, however, be understood to apply to the members of the Covenanted Civil Service only, and not to the Native members of the Uncovenanted Civil Service generally. As far as the Uncovenanted Service of the Punjab is concerned, I do not think the members of it, as a body, are prepared for any alteration of the existing rule. There are some, I think, who, were they invested with jurisdiction over Europeans, would, with the idea of courting popularity, be unduly lenient in the case of Europeans; and there are others who might, I fear, be glad of the opportunity of being harsh and severe where an Englishman was concerned.

No. 1083, dated 22nd May 1882.

From—COLONEL W. G. DAVIES, C.S.I., Commissioner and Superintendent, Jullundur Division,  
To—The Secretary to the Government of the Punjab.

I have the honour to furnish herewith the opinion called for in your endorsement No. 441 of 12th instant, forwarding copy of a letter and its enclosures from the Secretary to Government of India, Home Department, No. 7-589 of 28th April 1882.

2. The question referred for opinion is, whether the restriction placed by the Criminal Procedure Code on the powers of Native members of the Civil Service, whereby they are debarred from exercising the limited jurisdiction over Europeans given to members of their service, who are also European British subjects, should be removed or not.

3. I have carefully considered this question, and I am most distinctly of opinion that the restriction should be removed. I am unable to perceive any sound argument in favour of its retention, while there are many such in favour of its removal. The latter are to be found fully set forth in the letter from the Bengal Government, and its enclosures, which form part of the documents received with your endorsement under reply, and I have little to add to them.

4. The maintenance of the distinction in this respect between European and Native members of the Civil Service is invidious, and in time would lead to administrative inconvenience. It is invidious, because it undoubtedly casts a slur on a body of Native gentlemen which has been carefully selected and trained for judicial and administrative duties of a high order, and in effect imputes to its members the want of sufficient moral courage and impartiality to deal with Europeans charged with the pettiest offences for which the maximum punishment is three months' imprisonment or a fine. So stated, the imputation appears to me to have absurdity on the face of it, and, so far as experience of many years in the Presidency towns enables us to judge, it has been shown to be groundless. If educated Native gentlemen there can be safely trusted to try Europeans for petty offences, why should not the same class of men be relied on to exercise similar authority in the mofussil? Then as to administrative inconvenience, it is not difficult to foresee how this might arise, as the employment of Natives in the ranks of the Covenanted Civil Service increases, and they

gradually rise to the higher judicial and administrative posts, if the restriction on their powers, which we have been considering, be continued. Instances of such inconvenience, and of the anomalous positions in which Native Covenanted Civilians might be placed by the maintenance of the restriction under discussion, are given in paragraph 3 of the letter from the Bengal Government referred to above.

5. Objections against giving to Native Civilian Judges and Magistrates the same jurisdiction over Europeans as that possessed by their European brethren had their origin in, and are still to some extent kept alive by, *prejudice and pride of race*. But these feelings, which were naturally very strong when we first established ourselves as a conquering race in this country, have been gradually losing much of their force as education has advanced and has diffused among the Natives of this country a knowledge of our language, and, through it, of Western arts and civilization, and is slowly promoting a closer intercourse between us Europeans and the better educated classes of the Native community; and the time seems to me to have arrived when we ought to remove from the Statute Book a provision like this, which rests only on the weak remains of an old class prejudice, which is likely to be administratively inconvenient, and which places an undeserved stigma on a class of men in our service who have a special claim to fair and generous treatment at our hands.

No. 86 C., dated 24th May 1882.

From—J. G. CORDERY, Esq., Commissioner and Superintendent, Peshawar Division,  
To—The Secretary to the Government of the Punjab.

In reply to No. 441, dated 12th instant, I have the honour to state that I should be in favour of investing any native of the country, who was a Covenanted Civil Servant, and who had also risen to the post of a Magistrate of the district, or Sessions Judge, with the same jurisdiction over European British subjects as are conferred upon European Justices of the Peace.

2. In the face of a Civil officer who is a native of the country being raised to positions of such responsibility and trust in the administration as those involved in the charge of a district and of a Sessions Court, I conceive that no distinction between them and the European members of the same service, with regard to jurisdiction over Europeans, is any longer maintainable.

No. 301, dated 13th July 1883.

From—J. G. CORDERY, Esq., Resident, Haidarabad,  
To—The Secy. to Govt. of India, Legislative Department.

In reply to your letter No. 33C. of the 17th March 1883, I have the honour to submit the opinions called for from the Commissioner and other officers of the Haidarabad Assigned Districts, concerning the proposed Bill for the amendment of the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects.

2. The Bill as it now stands would allow to the Governor General in Council and Local Governments the power of conferring upon Native members of the covenanted civil service or upon Natives selected for the civil service under 33 Vic., cap. 3, or upon Native Assistant Commissioners in non-regulation provinces or upon Native Cantonment Magistrates the powers hitherto reserved to European British subjects as Justice of the Peace. These consist in hearing criminal charges brought against European British subjects and Americans, and in disposing of them according to the powers defined in sections 446-449 of the Code. The European would thus become liable to a sentence of three months' imprisonment and 1,000 rupees fine, or to be committed to the Court of Sessions or the High Court, by a Native Judge. By a further provision, section 450 is abrogated, and he would therefore be also liable to a sentence of one year and unlimited fine at the hands of a Native Sessions Judge; but in this last case, the aid of assessors, not less than half of whom must on his requisition be Europeans, would be required.

3. The Bill also limits the appointment of Justice of the Peace to certain classes, and thus has the effect of disenfranchising all European Extra Assistant Commissioners and others who have been hitherto not unfrequently gazetted to these functions. This has probably been done in order to place the Native Extra Assistant Commissioner or Deputy Collector in the same position as the European officer of the same grade in the service, both being equally disqualified.

4. The object of the Bill is stated to be the settlement of this particular "question of jurisdiction in such a way as to remove from the Code, at once and completely, every judicial disqualification which is based merely on race-distinctions." I would express my full sympathy with this object so far as the distinctions alluded to are based on ignorant prejudice against blood, creed or colour. But, if differences that are the result of national characteristics, special training and varying opportunities for obtaining knowledge of particular subjects are included in the term, it is obvious that such disqualifications as may be held naturally to follow from these differences are recognized in the daily life of men all over the world, and that it is impossible to abolish them except on paper. It would be most unjust to

ascribe the opposition which this proposal has encountered solely or even generally to any blind or unreasoning assertion of a race-superiority. It is due to a profound sense that, large as the acquirements of many Native gentlemen have become, our experience has not yet proved them to be endowed with the qualities most essential for the administration of criminal justice between European and European, or between Europeans on one side and Natives on the other.

5. The knowledge of law and subtlety in its application, and a colloquial command of the English tongue, are accomplishments in which many Indian Magistrates are acknowledged masters. But it is felt, and truly felt, that these are not the main requisites needed for the disposal of cases likely to be brought before them under the provisions of the new Bill. The qualities most necessary for this purpose are (1) a sufficient knowledge of the temper, habits and character of both the parties in the case; and (2) the possession of that *nerve* which comes from a feeling that the Judge possesses the confidence of both parties, and from holding a position which precludes any tendency either to arrogant self-assertion in one class of character or timidity in another.

6. It is hardly maintainable in argument that the Native gentlemen who are affected by this Bill can be gifted with the first of these attributes. It is no disparagement upon their ability to say this, because they cannot possibly have had any opportunity of gaining the only experience that could confer it. Cases are happily too few in the interior for the proposed jurisdiction ever to furnish them with the means for its acquirements. The only manner in which this objection can be met is that which I have seen adopted in a very temperate speech by Sir Jamsetji Jeejeebhoy at a Bombay meeting in favour of the Bill. He urged—and I have seen it elsewhere urged—that in this respect the Englishman before a Native Judge is not worse off than the Native before a European. But this comparison leaves wholly out of sight one most important distinction. The Englishman, both before and after these powers are granted to him, is devoting the best part of his life-time, and the whole of his working hours, towards the attainment of some degree of the requisite knowledge of the Native classes under his rule; whereas the Native officer will probably not have more than a dozen cases before him in his whole career by which he can be helped towards the attainment of the same knowledge of the European. In the Presidency-towns, where such offences are common, the Native Magistrate may perhaps gain the necessary knowledge with comparative ease, just as the Englishman gains it by his work in the interior. But there is no such practice to enable the Native Magistrate to acquire experience of the European in the Mufassal; and his previous training is not such as to supply the want.

7. As the degree of criminality attaching to an act is generally dependent on the intention or malice from which it has originated, I cannot wonder at the sensation which the proposal to place the power of drawing this inference in the hands of men who are ignorant of European character has caused in the European community.

8. Hardly less necessary than special knowledge is the possession of *nerve* in dealing with members of what is in fact, and must long appear, the dominant race in India to the Native mind. There is probably no officer of old standing in the civil service who has not at some short period in his career been compelled to incur severe odium from his own countrymen in dealing justice between influential Englishmen and Native complainants. Knowing little of Bengal proper, the arguments against the Bill, which are derived apparently from the chance of connivance on the part of the Judge, with false charges, speak to me with no force, nor do I believe that Native Justices of the Peace would err, except through ignorance, in the entertainment of such charges. But, in those parts of India which I have known, the risks and responsibility of dealing with criminal charges against Englishmen in India would have the strongest tendency to impair the soundness of their judgment.

9. The present agitation alone suffices to show how entirely destitute such officers would be of that power of inspiring confidence which is an essential condition of success in a Court of Justice. And, until it can be shown that this feeling is grounded on a false estimate of Native character in these two important points, or that this estimate is contradicted by our daily experience and by the probabilities of the case, I cannot think that the time has come for investing our Native officers with jurisdiction of this exceptional description.

10. How bitterly the withdrawal of what is deemed a British privilege will be resented is known to Government. If that privilege were based on nothing but the desire to uphold the prestige of the Englishman in the country, I should still hesitate to withdraw it, unless its revocation were demanded by administrative necessities, or by justice towards our Native subjects. But since, in the first place, I believe it to be founded on distinctions, not of race, but of aptitudes and qualifications resulting from the training and characteristics of different races; since, secondly, no practical inconvenience of any magnitude arises from its maintenance; and since, in the third place, no injustice to others (who were perfectly aware of the existing restriction when they entered their appointments) is involved, I can see no reason whatever for the introduction of the change.

11. It must be allowed, however, that the question of abandoning the Bill altogether, in the face of a public agitation against it, and as a piece of policy at the present moment, is beset with some difficulties. It is certain that to impose the Bill in its present shape on the English portion of the population would be a violation of the most ordinary principles of liberal government. They have pronounced their opinion unmistakeably against it, and the mass of the people is unconcerned and uninterested in the matter, which only affects a small

class desirous of a theoretical equalization. On the other hand, it may be said that the Government of India should not take any course that gives them the aspect of yielding to demonstrations against their measures; and it may also be urged that the principle of ultimate and potential advancement of Natives to these powers is one of too much importance to be sacrificed even in appearance and for a time.

12. On the whole, the most straightforward course appears to me to be the best. If the Government of India is now convinced that they were misled into the belief that "the time had come" for the measure, a frank admission of this error, if coupled with a strong assertion that the truth of the principle was still amply recognized, and that the time would come for its embodiment in a legislative Act, would be more likely to conciliate both sides to the quarrel and to allay irritation than the enactment of any piece of *prospective* legislation, which would in itself be one of the worst of precedents and which would satisfy neither party.

No. 2934, dated 11th June 1883.

From—S. O. B. RIDSDALE, Esq., Commissioner, Haidarābād Assigned Districts,  
To—The Secretary for Bīrār to Resident, Haidarābād.

I have the honour to submit my opinion on the Bill to amend the Code of Criminal Procedure, 1852, so far as it relates to the exercise of jurisdiction over European British subjects, which was invited in your endorsement No. 165 of 4th April, and to enclose therewith the opinions of the Deputy Commissioners of Amraoti and Buldānā, whom I consulted on the matter.

2. I purposely delayed submitting my observations on an earlier date (as the Government of India do not require a reply till the 13th July), in order to give myself the fullest opportunity of careful deliberation on the measure which has given rise to so much acrimonious discussion, and to profit by such expressions of calmer public opinion as might be elicited after the violence which characterized the early stages of the discussion had somewhat subsided.

3. The arguments put forward in support of the Bill appear to me to be briefly the following :—

- (1) that it is expedient to remove the anomaly in the law which, while professing to treat all races and creeds impartially, excludes Europeans to a large extent from the jurisdiction of the ordinary Courts of the country;
- (2) that it is unfair to, and implies a slur on, the Native members of the covenanted civil service to prohibit them from exercising a jurisdiction which all the European members of the service, even when their juniors, are qualified to exercise;
- (3) that administrative inconvenience may be, and has been, experienced in consequence of this prohibition when Native Civilians are or may be appointed as Magistrates or Judges to districts where there are many Europeans.

4. Of these three arguments, the two first appear to me to be principally, if not wholly, of a theoretic or sentimental nature; the latter only has a practical bearing.

The first or "anomaly" argument is, to my mind, sufficiently disposed of by the circumstance that a large number of other anomalies or special privileges in regard to practical exemption from certain general provisions of the law are still maintained in and recognized by, the Code, which, if we regard only uniformity, would be as little defensible as the one now under discussion, and further that, even if the Code is amended as proposed, Europeans will still enjoy certain remaining privileges in regard to their treatment by Criminal Courts which are as anomalous as the particular privilege now proposed to be curtailed.

It appears to me to be obviously illogical to raise an objection to any specific exemption on the general ground of its being an anomaly, unless it be proposed simultaneously to abolish all distinctions and exemptions of all kinds and degrees.

5. The second or "want of confidence" argument does not appear to me to carry much weight or to bear very close investigation.

I am totally unable to see how the exemption of certain persons or classes from any particular tribunal can be held to be a grievance to that tribunal; neither can I see how a member of any service can say that a slur is cast upon him by the operation of rules which were in existence, and thoroughly well known, when he entered its ranks. Every Native who competed for an appointment in the Indian civil service was thoroughly aware that if he joined it he would not be competent to try Europeans except as a Presidency Magistrate or a High Court Judge.

Having accepted this condition, he cannot now complain of it as a grievance or as lowering him in the esteem of his fellow-countrymen. If he thought such a limitation a slur and an indignity, he need not have subjected himself to the reproach.

6. I am, moreover, quite unable to sympathize with the sentiment that, if under the present provisions of the law a Native Magistrate of a district shall be obliged to refer a charge against a European to the Joint Magistrate for trial, as being himself incompetent by his nationality to entertain it, he should consider himself placed thereby in a derogatory position. It appears to me that, as a matter of procedure prescribed by law, the selection of the tribunal before which any particular class of offender should be tried must be as much a matter of absolute indifference to the person administering that law as any other item of procedure prescribed therein.

7. The third argument based on "convenience of administration" is alone, in my opinion, worthy of consideration ; and although I do not think a sufficiently strong case has been made out to show that on this ground a change in the law is urgently and immediately required, still I think that it is manifest to any one taking a dispassionate view of the position that, by the admission of Natives into the covenanted civil service and their consequent rise therein to become Magistrates of districts and Sessions Judges, a change has clearly been brought about which must necessarily affect in an increasing degree the number of officials qualified to try offences by Europeans under the present law.

8. The question, therefore, which to my mind demanded a clear solution before any action towards amending the law could safely be recommended, was whether such an amount of administrative inconvenience had actually been felt hitherto, or was immediately to be apprehended, in regard to dealing with offences by Europeans, owing to such offences not being triable by Native officials, as to require some amendment of the law on this point.

9. I cannot find that the actual present existence of such a difficulty has been complained of, or represented by, any of the Local Governments, neither have any instances been adduced, as far as I can gather, in any of the speeches in support of this Bill establishing that such difficulty has been felt.

The two instances quoted, those of Messrs. Dutt and Tagore, do not seem to me to establish an administrative difficulty of much magnitude.

In the case of Mr. Dutt, it is urged that he could not be sent to Dacca as Magistrate, on account of the probable influx of Europeans consequent on the construction of the new railway in the neighbourhood.

And the case of Mr. Tagore is very similar, it being urged that, owing to the possible construction of a railway to the station where he is at present posted as Judge, cases may arise which he cannot deal with.

The administrative difficulty in each case is easily solved, as it was in the case of Mr. Dutt, by sending the officer in question to some other station. It has not been asserted, as far as I am aware, that any Local Government has not, at present at least, an abundant supply of qualified officers available for employment in places where offences by Europeans are likely to occur ; and I totally deny that Mr. Dutt has any inherent right to be sent to Dacca as Magistrate, or Mr. Tagore to remain as Judge at Kārwar, if it appears to the Local Government that their services can be more usefully employed elsewhere.

10. Still I admit that as more of the Natives now in the covenanted service attain these higher posts, the difficulty may occasionally, though rarely, arise. It seems, indeed, almost absolutely impossible for the difficulty to be felt anywhere except in Bengal, where six out of the total number of nine covenanted civilians now in the service are posted. There is only one such officer (a very junior one) in the North-West, and there are two in the Bombay Presidency. There are none anywhere else.

It seems, therefore, very questionable whether any measures of this kind are now required at all. I think, however, the circumstances fully justify a discussion of the alteration in the law, which it might be possible and advisable to introduce should the difficulty appear to warrant such alteration.

11. Some such alteration may indeed be advisable in the interests of Europeans themselves, as it would in some cases be conceivably a considerable hardship to a European charged with some petty offence to be sent off to a distant station with his witnesses when he might be quite willing that the charge should be disposed of by the resident Native Magistrate.

12. But in discussing such proposals I should attach the fullest weight to the fact that the present exemptions accorded by the law to Europeans in regard to their subjection to the Criminal Courts are esteemed by them, whether reasonably or not, as the most highly valued privileges and safeguards, and should hold that, unless some special reasons of the gravest political or administrative importance can be established for such a course, it would be altogether unfair, as well as impolitic, to curtail or interfere with them.

Moreover, I think it distinctly advisable on political grounds to retain, at any rate for the present, these exemptions and limitations as the special privilege of the ruling race.

13. In devising, therefore, any means of meeting the difficulty of dealing with offences by Europeans at places where there may be no resident official qualified for the purpose, I should be most careful to preserve the spirit of these privileges as far as practicable.

In this view I do not see that there could be much objection in allowing a Sessions Judge, when a Native, to preside over the trial of a European, provided that the jury or assessors consisted exclusively of Europeans, or if a mixed body of jurors or assessors were retained, then one or more European officers should be associated with the Native Judge on the bench.

Similarly, in cases of trial before a Magistrate, I would allow a bench to be formed, over which the Native Magistrate might preside, provided the majority of the bench consisted of Europeans.

And I would further, if circumstances did not admit of the formation of a jury, body of assessors or bench constituted as above, allow the European accused to have the option of waiving his privilege and accepting the unaided jurisdiction of the Native officer.

14. I do not at all proffer these suggestions as the best possible solution of the difficulty, but merely as indicating the direction in which, in my opinion, the law might with advantage be amended should circumstances be found to require it.



15. There is also, in my opinion, another serious defect in the present Bill, namely, that, while circumstances seem to indicate the necessity of providing more officials qualified to deal with European offenders, it rejects the services of that valuable class of experienced unconvicted officers who have been hitherto entrusted with the commission of the peace, and who have discharged their duties in that capacity, as far as I am aware, most satisfactorily.

16. Altogether, I think the Bill as at present drawn is open to many most serious objections, and should be withdrawn, a measure being substituted framed on the lines indicated above, if it be sufficiently shown that the "time has come" for such alteration of the law on the grounds of administrative convenience.

The storm of opposition which the Bill has excited is due, in my opinion, principally to its being based on theoretic and sentimental grounds, rather than on the necessities of practical administration. A reasonable measure framed only to provide for these necessities would, I have little doubt, meet with ready acceptance and approbation.

No. 1070, dated 2nd May 1883.

From—COLONEL R. C. MENZIES, Deputy Commissioner, Buldāná District,  
To—The Commissioner, Haidarābād Assigned Districts.

I have the honour to return the papers, alluded to in your letter No. 1833, dated 12th April 1883, on the subject of the exercise of jurisdiction over European British subjects by Natives.

2. When I first had before me the proposal which this Bill embodies, it was in a very different shape. A Native gentleman of the civil service had brought to notice that there was an anomaly in his non-possession of the jurisdiction over European British subjects which pertained to the European members of his service. I expressed the opinion that there was an anomaly and that it should be remedied, or that an understanding should be arrived at under which Native members of the civil service should not hold office as Sessions Judges or District Magistrates. I was further of opinion that any experimental alteration of the law should apply alone to Native members of the civil service who had received a training in England.

3. I was scarcely prepared for the determination of the Government of India to remove from the Code, at once and completely, every judicial disqualification which is based merely on race-distinctions, and thereby withdraw from Europeans in India one of their most cherished privileges.

4. I was not prepared to be told that to withdraw this privilege would be an amendment of the Code in so far as it relates to the exercise of jurisdiction over Europeans. I cannot admit that the Bill will improve the existing law in any particular. I am convinced that, if it becomes law, it will work serious mischief.

5. In the course of a service in India which has now extended over a third of a century, and which has for by far the greater part been spent in the performance of civil duties, I have never heard a Native Magistrate complain that the law did not give him jurisdiction over Europeans. I will go further and assert that I have never heard of a Native Magistrate so complaining until Mr. Gupta brought himself to notice in that way.

6. I am nauseated with the arguments *pro* and *con.* the Bill contained in speeches and newspaper articles. I wish to add none to those which were so ably laid before the Council of the Governor General of India by official and non-official gentlemen who take the same view of the Bill as I do.

7. I consider the Bill unnecessary, and a great mistake. It has already worked incalculable mischief; it has set race against race; it will take years to undo what has been done. We shall have Europeans running atilt against every exclusive privilege held by Natives; the peace of the country will be disturbed.

8. Is it not rather an anomaly to ask the European to submit to the jurisdiction of Native Magistrates when we all know that the Hindu hates to be tried by the Muhammadan (or *vice versa*) if his accuser is of the same race as the Magistrate; and when we all know that this hatred is begotten of a distrust that the Magistrate will be strong enough to do justice, although a just decision may give offence to the local community of his own race. It is not enough in India to be just; one must be believed to be just at all risks. Is it not well known that District Magistrates are constantly asked to transfer cases to their own files from those of Native Magistrates for reasons which are not flattering to those Magistrates? Do District Magistrates never receive from Native gentlemen, who are special or honorary Magistrates, requests to be spared the trial of particular cases lest they should incur the enmity of the accused or accuser, or a caste? Do Natives ever place implicit confidence in one another? Is there not that wretched word "adawut" perpetually being rung in our ears? Is it not freely used to account for a decision which a Native judicial officer may rightly have made, and which some of his caste may not approve of? Is the Native Magistrate strong enough to face all this in a quiet place in the Mufassal, where he has no backers in the shape of counsel, or newspaper editors or an educated Native public to take his part? The pettiest magisterial case in which a European may be involved will become a question taken up by a whole caste, and, if the Magistrate belongs to that caste, no one will believe in the honesty of the decision he may give. There are disqualifications for certain judicial duties which



legislation cannot remove, though it may be good policy to ignore their existence when arguing on this Bill. It has been said that this Bill is a final measure; does any European forget that Governments are not bound by the declared policy of preceding Governments? Is not this Bill now looked on generally as the introduction of the thin end of the wedge?

9. I humbly hope that the Viceroy, who has committed himself to no decided opinion as yet, will, when he receives the opinions of those who have been consulted, see his way to the withdrawal of the Bill, and thus restore quiet to India, though I fear that to do this will be a work of time.

No. 266, dated 27th April, 1883.

From—MAJOR R. BULLOCK, Esq., Deputy Commissioner, Amraoti District,  
To—The Commissioner, Haidarābād Assigned Districts.

With reference to your No. 1833, dated 12th April, I have the honour to state that I believe that I have already expressed my opinion on the subject referred to.

2. My opinion was, I think, that I could see no objection to Native members of the co-venanted civil service being appointed Justices of the Peace, nor in the abstract do I see any such objection now; but the recent agitation which has taken place has, I think, raised the question whether it is worth while to make the alteration proposed in the law in the face of such a very strong opposition as has been developed.

3. It has been admitted, I think, by very high authorities that there is a real danger for Europeans living alone in remote districts and parts of districts of having their cases tried by persons not conversant with their modes of life, and cases might often occur where a Native Magistrate would have to try a European for an offence against a European, in which case the danger of the Judge misunderstanding the case would be greater than in cases between Europeans and Natives.

4. Altogether, I am inclined to doubt the policy of making the alteration.

No. 1871, dated 20th June 1883.

From—COLONEL J. G. BELL, Judicial Commissioner, Haidarābād Assigned Districts,  
To—The Secretary for Birar to Resident, Haidarābād.

I have the honour to acknowledge the receipt of your No. 166 J., dated the 4th April last, and to report as follows.

2. I have been absent from India while the discussion in regard to this Bill has been going on, and since my return I have not been able to ascertain the feelings of the non-official European British subjects in Berar on the contemplated legislation. There are, however, compared with other parts in India, very few Europeans in Birar, and a portion of these only are British subjects. I am therefore only able to give my own personal thoughts on the subject for what they may be thought worth.

3. The object of the proposed Bill is (1) to remedy an admitted anomaly, and (2) to remove an invidious distinction which might cause practical inconvenience in the administration of justice.

4. In regard to the first point, it is true that there is an anomaly; but is this the only anomaly in our rule in India? Is not our presence here at all, a mere handful of foreigners ruling millions of the Natives of India, an anomaly which we cannot account for and cannot remedy? And as we are here, is it to be wondered at that our countrymen, whose lot is cast in the East not as rulers but dwellers under our Government, should wish to be tried by their own countrymen and not by Natives?

5. I have in the course of my long service had opportunities of hearing the opinions of Europeans (British and others), as well as of Natives, on the administration of justice by both European and Native Judges. I am bound to say that I have heard remarks not altogether complimentary to the European, but I have never heard but one desire on the part of European merchants; and that is, that any criminal cases in which they might be concerned might be tried by the British Magistrates. Similarly, I have been requested, not once nor twice, but frequently, by Natives to transfer cases, civil and criminal, from Courts presided over by Natives to Courts in which justice was administered by European officers. Asked the reason for their application, the usual reply has been that they can trust the European officer to do his best, and what he honestly believes to be right and proper; though, with all the difficulties with which he is surrounded as a foreigner, differing in creed and colour from the Natives, it must, I think, be admitted that many errors are committed; still, the Natives have confidence in the European, which they have not in the Native officials.

6. I hope it will not be considered that these are my sentiments. I am merely stating sentiments expressed to me by Natives. I am not considering whether the Natives have good grounds for their sentiments, or whether they have made their statements to me merely with a view to flattering me as an official set in authority over them. I do not forget either that the Native officials, the subject of the above remarks, were not of the enlightened class which it is proposed to invest with jurisdiction over European British-born subjects.

If, however, the Natives have this preference for trial by Europeans, can we be astonished at the excitement which has been aroused among the European British-born population which may be located in various outlying stations of British India at the bare prospect of being tried by Natives, however distinguished a position these may hold in the civil service of India?

7. I do not mean to say that this agitation on the part of Europeans is altogether reasonable, but it is evidently very real, and, as such, is worthy of very careful consideration before it is determined to subject British European-born subjects to the jurisdiction of Native Magistrates. I have seen it stated that the number of Natives who would be qualified to exercise the jurisdiction which it is proposed to confer on them would for many years to come be extremely limited; and this is no doubt true. But if, as I believe it to be, the excitement is very real, it must be the principle involved in the proposed measure which has aroused it, and nothing else.

8. As to any practical inconvenience which may be felt from leaving matters as they are, I would ask whether in past years since Act X of 1872 became law, any practical inconvenience has ever been experienced from the existing state of things. I have never heard that it has, and, if so, why legislate to remedy what may be, and is, an undoubted anomaly, but which in every-day life does not interfere with the comfort and well-being of the Native population generally. Section 445 of Act X of 1882 provides, I think, for the disposal of any complaints made by Natives against Europeans in which immediate action is necessary.

My *locum tenens* called for the opinions of certain officers which I forward in original.

My opinion is that, if Government can find any way of receding from the position it has taken up in regard to the Bill, it would be advisable, at all events for a time, to abstain from proceeding with the Bill.

No. 581C.D., dated 21st April 1883.

From—LIEUT.-COLONEL J. FITZGERALD, Deputy Commissioner, Akola District,

To—The Judicial Commissioner, Haidarabad Assigned Districts.

I have been requested to record my opinion on the Bill for the amendment of the Code of Criminal Procedure of 1882, &c., and, in reply, have the honour to state as follows.

2. The general opinion among the Europeans of this district is very strongly against the Bill.

3. Few of those with whom I have talked over the subject have thought over the matter carefully; nevertheless, their opinions against the Bill are very strong, and all the more difficult to convince or argue with, because their objections to it are unreasonable.

4. Analysing, however, their feelings for them, it seems to them that the English Government are giving up, point after point, without a proportionate improvement on the part of the people of India as a whole to understand or appreciate, much less benefit by, what has been already conceded to them.

5. Such hurried concessions they consider dangerous to our rule, and I am not prepared to say that they are wrong.

6. This feeling of fear as to the result of such concessions naturally cannot be understood either by the English people or Parliament; therefore, the idea prevails that referring such a question to Parliament was but a farce, as the Government of India could almost as a certainty count on the result.

7. Unless the British Government is prepared to eat its words and gainsay its promises, such a Bill as the present must sooner or later be introduced, and it was most unfortunate that the advisers of Government did not subject the Bill to public criticism before bringing it before the Council.

8. The Bill can still be introduced and passed, provided a clause be appended that it is not to become law in any particular province or district unless made specially applicable by a notification in the *Gazette of India*.

9. I think, further, that Native Magistrates, before being invested with powers of Justice of the Peace, should have experience given them by acting for one or more years as Police Magistrates of the Presidency-towns.

10. Such experience would show them the style of offence which the British subject is most likely to commit.

11. The present Bill proves but too clearly that the Government of India have in this instance wholly misapprehended public feeling, and lost touch, as it were, not only of the peoples of India but also of their own countrymen.

12. I recommend that the Bill be persevered in and passed, but that it be left to Local Governments to make it applicable to portions of their territory as they may consider it advisable.

13. In conclusion, I would urge the necessity which exists for going slower than at present.

If our system of government were adopted by several European nations, as Spain, &c., revolutions would be the result. What, then, can we expect from the Natives of Hindustan, the bulk of whom know nothing and are careless for our liberal laws and institutions.

No. 1465, dated 23rd April, 1883.

From—COLONEL D. W. LAUGHTON, Deputy Commissioner, Basim District,  
To—The Judicial Commissioner, Haidarabad Assigned Districts.

In reply to your endorsement No. 1197, dated 17th April 1883, I beg to observe that the object of the Bill appears to be to introduce certain changes in order to reduce certain anomalies in the law. The Natives enjoy many privileges which would not be accorded to Europeans. A Native lady of a certain class would be exempted from appearance in Court as a witness, whereas her European sister, of whatever rank, would not enjoy a similar privilege. Some time ago a Magistrate considered that it was absolutely necessary for the ends of justice that a Native lady should appear and be examined as a witness, but the High Court overruled the Magistrate's order, and directed that the Native lady should be examined by commission (*vide* case in matter of petition of Hurro Soondery Chowdrain, Indian Law Reports, Calcutta series, Volume IV, page 20).

2. It is necessary that a Native soldier be tried by a first-class Magistrate, however petty his offence may be.

3. These and such like anomalies do exist, and it is not considered desirable to remove them.

4. Taking the Natives generally, the great majority do not consider it a matter of pride to be considered British subjects, and there can be no doubt that there is still a great gulf between the races. It should, in my opinion, be the object of Government to reduce this gulf and minimise all tendencies to antagonism. The proposed Bill appears to be rather widening this gulf and exciting this antagonism; and, under the circumstances, it would appear advisable to postpone the passing of the proposed amendment, and after due consideration, I am inclined to agree with Mr. Howell's views on this subject as published in the papers. As quoted by him—"The privilege as to jurisdiction is the privilege of the prisoner, not the privilege of the Judge. The European had an objection to be tried by the Native. Considering the position in which he stood, the question was, whether you would put him in a position in which he did not at present stand. You placed no slight upon the Native by saying that he could only try a man of his own race. What was there against the feelings of the Native in saying that? Why should any one feel a slight because he was told that this particular man was to be tried in a particular way? On the other hand, it was a feeling, and not an unnatural one, that a man should wish to be tried by his own countrymen."

5. I do not ever remember an application having been made by a Native to transfer a case from a Court presided over by a European to one presided over by a Native; but I have known of applications by Natives to get cases transferred from Courts presided over by Natives to Courts presided over by Europeans.

6. Under the present Code, section 445, provision is made for emergencies, and any Native Magistrate can take cognizance of an offence committed by any European British subject in any case in which he could take cognizance of a like offence committed by another person, the process to be returnable before a Magistrate having jurisdiction to enquire into or try the case. Consequently, no inconvenience is likely to occur even after an increase in the number of members of the Civil Service who may be Natives of India. Some of these may have been educated in England and might be cultivated gentlemen and quite worthy of the powers in question; still, as it is likely to increase race antagonism if these powers are so granted, it appears hardly advisable at present to remove this particular race distinction.

7. At present, as stated above, there is no reason why a Native should look upon this distinction as a slight; but, if the Bill is passed, there would sure to be urgent appeals on the part of European accused to get cases transferred from Courts presided over by Native Magistrates, and this would the raise a slight.

8. It appears to me ~~last~~ it would be much wiser to allow a little time for the European public to become accustomed to the Native Magistrates who will enter the service after a thorough European education, and who will probably have become accustomed to European modes of thought, and show themselves to be cultivated gentlemen with undoubted principles of honour. It is probable that after a time the intense prejudice which clearly exists will wear away, and later on it will be easier to clear away not only this but other race distinctions.

9. If, however, it should be considered absolutely necessary to pass the Bill, I certainly agree with Colonel Menzies, Deputy Commissioner, Buldana, that "the experiment should be made under restricted conditions, and the exercise of jurisdiction over Europeans confined to Native civilians who have been trained in England."

No. 819-108, dated 25th April 1883.

From—A. ELLIOT, Esq., Officiating Deputy Commissioner, Wun District,  
To—The Judicial Commissioner, Hyderabad Assigned Districts.

I have the honour, in accordance with your endorsement No. 1199 of 17th April 1883, to forward my opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. It has been said in favour of the Bill that its object is to do away with an anomaly. Yet, of all the privileges which European British subjects possess, the limitations on the sen-

tences which may be inflicted by the Judge, the right to trial by a mixed jury or by mixed assessors, all the special rights of appeal, have been left untouched, whilst the privilege of being tried by a European British subject is alone attacked. And why? Has it ever been found that this privilege has caused any failure of justice? Has there been any outcry against the injustice or inexpediency of this privilege? Has any necessity been shewn for altering the law on this point? Not at all; but because one Native has risen to the rank of Judge in the Bengal Civil Service, and he does not like to feel that he has no criminal jurisdiction over European British subjects whilst his equals in the service have the power. For one man who has, and on the chance of four or five other Natives in the Civil Service reaching, the same position; from a mistaken sentiment of justice and equality; to please the platform cry of India for the Indians; to acquire a cheap popularity with the Natives, the most ancient and most highly-prized privilege of the ruling race is to be taken away.

3. Again, it is urged in favour of the Bill that Presidency Magistrates, whether Natives of India or not, can try and commit for trial any European British subject, and, if Native Magistrates are fit to exercise such powers in the Presidency towns, then they are equally fit to exercise them in the Mofussil. But the circumstances of the two cases are not similar. In the Presidency-towns, public opinion and the reports of cases in the daily papers are safeguards. An accused can always find European professional assistance, and an appeal or interim application to the High Court can be made at once, and, above all, there are proper and suitable buildings for European prisoners; whereas in the Mofussil, an English lady or gentleman might suffer imprisonment in a common Native jail for many days, perhaps weeks, before an appeal could be carried to the High Court, heard and the orders of the High Court brought back. Meantime, the prisoner may have died, and, if only injured in health and reputation, what compensation can he get?

4. Again, it has been said in favour of the Bill that no person is exempt from the jurisdiction of a Civil Court presided over by a Native Judge by reason of his being a European British subject. Why therefore should a European British subject be exempt from the jurisdiction of Native Judges' Criminal Courts? But here again the comparison is not fair; because, whatever the judgment of the Civil Court may be, execution can be stayed pending appeal, and, even during the continuance of the suit, the personal liberty of the subject is not affected. It is a very different matter for the European British subject whether his personal liberty is in question, or whether it is only his pocket and purse which are likely to suffer.

5. I do not say that there are not many Native Judges from whom a European British subject would receive justice; but no Native criminal tribunal does command the confidence of the non-official Europeans in this country.

False evidence is so easily obtained, and false complaints are so common, that the safeguard provided by the privilege which it is proposed to take away is not so much a privilege as a necessity.

6. I consider that if the proposed amendment be passed, the greatest injury to English interests in India will be caused, and most lamentable results will arise. There is no necessity whatever for the alteration, and, if the only object of the introduction of this Bill is to provide for the impartial and effectual administration of justice, the sooner it is withdrawn the better.

Dated 15th May, 1883.

From—R. D. HARE, Esq., Assistant Commissioner, Buldana,

To—The Judicial Commissioner, Hyderabad Assigned Districts.

With reference to your memorandum No. 1201 of the 17th ultimo, forwarding a copy of the Bill for the amendment of the Code of Criminal Procedure, 1882, and asking for an opinion on its provisions, I have the honour to state that I am of opinion that the Bill should not be proceeded with. It is not necessary for me to repeat again all the arguments that have so often been repeated by the opponents of the Bill; but, in a few words, I think that a measure so exceedingly unpopular with a large section of the community, as this one is, should not be passed except under pressure of necessity; and there seems to be no urgent necessity for the proposed alteration of the law at present, even on the score of administrative inconvenience.

Our Native fellow-subjects generally have not called out for the change; they are contented, I believe, with the present state of things as being the natural outcome of our position in the country; they see no anomalies in race-distinctions, and they prefer being tried by Europeans themselves, and I do not believe that they will feel any real gratitude for the extension of the jurisdiction over Europeans to Magistrates of Native race.

On the other hand, there is no question of the reality of the feelings of dislike and dismay with which the Bill has inspired the European community, and I believe there is reason for some of the fears they so freely express; for instance, that false accusations will be much more largely employed than before as weapons of offence against the lonely planter in the far Mofussil and will be harder to combat; and that, where liberty is supposed to be less secure, European capital and enterprise may possibly be to some extent diverted from the country, to its great loss.

There is, unfortunately, no doubt that the introduction of the Bill has done great harm in giving rise to bitter feelings of race-hostility, and there is every reason to fear that, if passed, it will do infinitely more in the same direction. And, this being the case, and the

benefits expected for the Native community being so very small, and the disadvantages to the European community so great, I think, with deference, that it would be advisable and politic to abandon the Bill.

No. 1125, dated 17th July, 1883.

From—W. C. MACPHERSON, Esq., Assistant Secretary to Chief Commissioner, Assam,  
To—The Secretary to the Government of India, Legislative Department.

I am directed to submit the accompanying memorial from the European residents of the Lakhimpur District against the passing of the Bill to amend the Criminal Procedure Code.

Dated 4th July, 1883.

From—J. A. H. JACKSON, Esq., Joint Honourary Secretary, Indian Tea Association, Dibrugarh,  
To—The Deputy Commissioner, Dibrugarh.

I have the honour to request that you will kindly forward to the Chief Commissioner of Assam the enclosed petition (with original signatures attached) regarding the Criminal Procedure Amendment Bill.

*Memorial of European British subjects of Dibrugarh, to the Chief Commissioner of Assam,—  
(dated 16th April, 1883).*

The humble petition of Her Majesty's European subjects, residents of the Dibrugarh and neighbouring districts.

SHEWETH,—That at a public meeting held at Dibrugarh on the 21st February, 1883, to consider the amendment proposed by the Government of India to the Criminal Procedure Code as far as it relates to the exercise of jurisdiction over European British subjects, the following resolution was carried unanimously :—

That this meeting indignantly protests against the most ancient privilege of a Briton being sacrificed merely for a political sentiment, and are strongly convinced that, especially in Assam, which differs greatly from other parts of India, both in being so isolated from the influence of public opinion, and owing everything to European enterprise and capital, such legislation as proposed will not only vitally injure European interests, but, by debarring future capitalists and alienating existing ones, will stop the progress of the province, and is even now aggravating, and will certainly revive, that antagonism and friction of races, which has of late years remained dormant.

That at a subsequent meeting held at Dibrugarh on the 26th March, 1883, both of which meetings were attended by a large majority of your memorialists, either personally or by proxies, it was unanimously decided that a statement of the opinions and feelings thereat expressed be submitted to the Chief Commissioner, and that he be memorialized to embody them in his final report to the Supreme Legislative Council on the said amendment, for the information of the Government of India, as being the mature and deliberate opinions of a community vitally interested in the welfare of the province of Assam.

It would be an act of supererogation to recapitulate here the numerous able and conclusive arguments advanced by many of the most eminent statesmen and lawyers of the day, both in England and in India, against this proposed Bill, or to do more than cordially acknowledge the strong and daily increasing expressions of sympathy now being generally given vent to from one end of England to the other with the opponents in India of this dangerous measure—the sympathy of those who will be the final judges of the policy of the Government.

Your memorialists at present desire only to submit a few of the more special claims which the province of Assam possesses over and above the rest of India, and which should entitle it to be excluded from the action of the proposed Bill :—

I.—The topography of Assam, with its vast extent of frontier, vividly displays the natural insecurity of the province. On the north, the south, the east, and even parts of the west, it is surrounded by hostile and warlike savage tribes.

The existing military force would be numerically inadequate to protect the province from either external feuds or internal disaffections, were it not for the assistance of an organized and efficient civil magistracy acting in concert with them, and supplying them with all possible information.

It is a matter for grave consideration whether, in a critical position, on which the lives of thousands might depend, a Native Magistrate, however efficient, would possess the confidence of his European coadjutors, and it is certain that he could not be endowed with a sense of that *esprit de corps* so strong amongst all Englishmen when placed in positions of danger in a foreign country.

II.—The isolated positions occupied by the planters of Assam render them quite helpless and defenceless, as compared even with the European inhabitants of sadr stations, against the insidious attacks of irresponsible and unscrupulous Natives, who would have countless opportunities offered them in the Court of a Native Magistrate for fabricating false charges; and



thus be enabled to harass the existence, derogate from character, waste the time, and thus cause great pecuniary loss to the planters. The fabrication of false charges is a far from uncommon mode of revenge with Natives even under the present *régime*.

To an ordinary person, unaccustomed to life on a plantation, it is inconceivable what a very serious pecuniary loss can be entailed on a tea-plantation at certain periods of the year by the withdrawal of the manager even for a few days. This would be placed in the power of every coolie able to pay a few rupees, and thus gratify his spite by instituting a false case against his employer. There is no check to a recurrence of such cases, which might remain buried in oblivion, for there is no outlet to public opinion in Assam; the planting interests have no representatives with the Government; and a recent case has shown that, where a most serious injustice was committed by an incompetent Government official on a European, no redress was obtainable. It is a fallacy to argue that a Native gentleman would have acquired sufficient knowledge of European character and discernment to be capable of judging fairly in cases of this kind through having resided and studied for a few years in England, for "*cælum, non animum mutant, qui trans mare currunt*."

III.—In the minutes of the various Local Governments, issued in May, 1882, and in all the speeches and letters since published in favour of this Bill, it has been invariably admitted that it would be most regrettable and greatly to be deprecated should anything be done likely to lead to a revival of the race-prejudices and antagonistic feelings which have of late years been moribund. You, Sir, have forcibly expressed yourself on this point, and stated your belief that these feelings have abated since 1872. Such also was the opinion held by Sir Steuart Bayley; but he has since admitted that he had reckoned as dead feelings which were in reality only dormant.

Your memorialists are in duty compelled to bear witness to existing facts; and they reluctantly state that these feelings of race-antagonism have not only been revived, but are at present most bitter and intense, and daily increasing in a most deplorable manner. The cause is not difficult to discover. A feeling of insecurity has been created by the action of the Government, and these are but the natural consequences.

This province is held merely by the prestige enjoyed by the European inhabitants; the planters are virtually at the mercy of their coolies, leaving out of the question the aborigines; the few police in the districts, such as they are, are quite incapable of quelling even the smallest and most insignificant riots. It is by his prestige alone the planter keeps his labour-force docile, obedient and contented. Deprived of this, as he undoubtedly would be in the eyes of an ignorant and bigoted race were he to be tried by one of their own countrymen and on a footing with themselves, not only his safety, but that of his wife and family and property, is done away with. Your memorialists do not speak from sentimental theories, nor from even a casual or imperfect insight into Native character, but many of them from a lifelong intimacy with the daily habits, customs and feelings, both in times of contentment and in times of excitement, of their labour-population. It can be no cause for wonder that, under these circumstances, arousing, as they do, the strongest, deepest and most sacred feelings of humanity—for what is more sacred to a man than the safety of his own family?—that a firm and unalterable desire has been evinced to endeavour to uphold the existing law, and to enlist the sympathy and assistance of the Chief Commissioner on our behalf in so doing.

Your memorialists may state that they deprecate the action of those gentlemen who have refused to act in concert with the local self-government boards, and also the action of those volunteers who have stated their wish to lay down their arms, as only tending to increase existing dangers and embarrass the action of the Government.

IV.—Your memorialists, who are private investors of capital, shareholders and managers of tea-companies around Dibrugarh, alone represent a capital of 125 lakhs of rupees invested in this comparatively small extent of country, and which entail an annual influx and efflux of 30 lakhs of rupees.

And they are, on mature deliberation, most thoroughly convinced that, should the Amendment Bill be passed into law, the sense of insecurity to property thereby created will be of itself sufficient to prohibit any further investment of capital in the province.

Existing interests must be upheld and continued; but as no industry can remain stationary, and what does not progress must by nature's own laws retrocede, the inevitable conclusion is that the tea-industry of Assam will, with the lapse of years, gradually disappear. This opinion has not been formed rashly, nor without serious and anxious deliberations, by those who have themselves invested capital. It is not difficult to foresee what the result will be to the province and to the many thousands of labourers exported from lives of poverty and starvation in their own country to comparative wealth and ease here. Swamps, poverty and death will take the place of opulence, health and increasing population.

Such are a few of the more salient points which your memorialists wish to bring under your notice, and which show the special claims of Assam to be excluded from the action of the proposed Bill.

And your memorialists pray that you will represent these views to the Supreme Legislative Council of India.

And, as in duty bound, your memorialists will ever pray.



No. 1267, dated 19th July, 1883.

From—J. R. REID, Esq., Secretary to Government, North-Western Provinces and Oudh,  
To—The Secretary to the Government of India, Legislative Department.

In continuation of the letter from this office, No. 1169, dated 3rd July, 1883, I am directed to forward, for the information of His Excellency the Governor General in Council, the accompanying copy of a letter, No. <sup>5415</sup><sub>XIII</sub>, dated 7th July, 1883, from Mr. J. J. F. Lumsden, Officiating Commissioner of the Banáras Division, and of a letter No. 5124, dated 6th July, 1883, from Mr. W. Lane, Officiating Commissioner of Agra, submitting their opinions on the Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects.

2. I am to remark that, as paragraph 5 of Mr. Lumsden's letter, and paragraph 11 of Mr. Smith's letter, which forms an enclosure of the letter of the Agra Commissioner, take up a point not within the scope of the Bill, namely, the fitness of Natives to become District Magistrates, the Lieutenant-Governor and Chief Commissioner doubt whether these letters merit publication.

No. <sup>5415</sup><sub>XIII</sub>, dated 7th July, 1883.

From—The Commissioner, Banáras Division.  
To—The Secretary to Government, North-Western Provinces and Oudh.

I have the honour to reply to your No. 1090, dated 20th June, 1883, requesting an expression of my opinion on the provisions of the Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects.

2. I understand that what is wanted from me is simply a brief expression of my opinion, and not a detailed argument in support of that opinion. The subject has been so fully discussed that nothing can now be adduced in the shape of arguments, and I therefore propose to record my opinion without entering into any argumentative discussion of the grounds on which my opinion is based.

3. I am of opinion that the Bill was quite unnecessary. Its object, as set forth in the Statement of Objects and Reasons, is to remove from "the Code, *at once and completely*, every judicial disqualification which is based merely on race-distinctions." The scope of the Bill, however, is very limited, and it goes a very short way towards effacing race-distinctions. It goes far enough, however, to have excited the passionate opposition of the non-official European community, who see in it a source of present and future danger to their security and privilege in this country. There is, in my opinion, no object to be gained by subjecting Europeans to a jurisdiction which they detest in the absence of a valid political or administrative necessity for such a measure. I am distinctly of opinion that, until the present Bill was brought in, the inhabitants of these provinces took no interest in this matter, and had but the vaguest ideas of the rules under which European British subjects could be tried. Even now the mass of the population are utterly indifferent, and it is only a few noisy Bengalis and Native pleaders who profess any real anxiety to see the proposed alteration in the law carried out.

4. The points in the Bill to which I take serious exception are—

- (1). It withdraws the power to appoint any non-official European gentleman to the office of a Justice of the Peace.
- (2). It contemplates the appointment of Natives as District Magistrates and Justices of the Peace.
- (3). It draws no distinction between Natives who have resided for years in England and obtained admission to the Civil Service by open competition, and those Natives who have been appointed to the Civil Service by nomination in this country or who hold the appointment of Assistant Commissioners in non-regulation provinces.

5. If the district officer were a Native of this country, it would, no doubt, be incongruous that he should not be able to exercise powers which the law conferred on his European Joint or Assistant Magistrates, but it appears to me that there are the strongest administrative and political reasons for not appointing a Native of the country to the post of district officer. I say this, not merely with reference to the judicial powers of the district officer as Magistrate of the district, but with reference to his position as the local representative of Government in executive and administrative matters. Correspondence of a demi-official and confidential nature is frequently carried on between the Local Government and district officer, which could hardly be carried on with the same confidence were the latter officer a Native of this country. Apart even from times of political disquietude, occasions not unfrequently arise in which a Native District Magistrate would be a direct source of weakness to our administration; for instance, the cow-killing riots of a year or two ago, and the threatened collisions which have frequently occurred between the Mussalman and Hindu population in connection with the celebration of some of their religious festivals. Unless it is deliberately intended to surrender the country within a time which can be definitely fixed, it appears to me that the interests of the British rule in India are bound up with the maintenance of European officers as the local representatives of Government in executive and administrative matters.

6. I have nothing to say against the employment of Natives in judicial appointments, and, provided the law were altered so as to allow European British subjects to claim to be tried with a jury instead of assessors, I see no reasonable objection to conferring the powers which the Bill proposes to confer on *all Sessions Judges*. Beyond this, however, I would not go.

7. I claim, from my uniform conduct towards them since I entered the service, to be a true friend of the Natives of this country, and to be entirely free of all blind prejudice against them; at the same time, I must say I sympathize with the prejudice, if prejudice it be, which makes a European clamour to be tried by one of his own race. No Government official is in a position to fully enter into the feelings of the non-official European in connection with this subject, because the bulk of the Natives assume entirely different manners towards the latter class.

8. As far as I can gather, the non-official Europeans, here as elsewhere, are all strongly opposed to the Bill. Among the advanced Natives, no doubt many would like to see it passed, but this is by no means the unanimous opinion of even this class, while the mass of the Native community are utterly indifferent in the matter.

No. <sup>5124</sup>~~XV—44~~, dated 6th July 1883.

From—The Commissioner, Agra Division,

To—The Secretary to Government, North-Western Provinces and Oudh.

I have the honour to reply to your No. 1089 of 20th June, in the Judicial (Criminal) Department, inviting opinion on the Criminal Jurisdiction Bill, the subject of so much discussion.

2. There seems an almost universal consensus of opinion in the Agra Division adverse to the proposed changes in the law. This view is shared by official and non-official Europeans alike, and to a great extent by Natives also.

The latter acknowledge that their race has not that moral courage and independence of character needed to preside efficiently in a Court where Europeans would be tried. As to the views held by Europeans, these have been so often expressed, and the inherent antipathy existing among them to be tried by a Native is so marked and thoroughly acknowledged, that the fact need not be more than alluded to.

3. Then there remains the expediency of the measure. On this point there is, again, but one opinion. Practically, there is at present no need for the change in the law.

4. Politically, the proposal has already led to the most deplorable results. The old race-animosities that had slumbered for so long, and the wounds that had almost healed, have again been revived and opened out. More harm has been done by the recent agitation than any amendment in the law could possibly compensate.

5. It would be better for all parties to abandon the measure. If it must be passed, then the only course I can suggest is, as proposed by some of the officers in this division, to add a clause reserving to European British subjects the option of being tried by their own countrymen. This would be no unreasonable provision, and would tend greatly to heal the existing soreness, should it be decided to go on with the proposed legislation. I forward the replies received from the Magistrates of Agra, Etah, Etawah and Farakhábád.

No. 818, dated 27th June, 1883.

From—The Magistrate of Agra,

To—The Commissioner, Agra Division.

I have the honour to reply to your reference No. <sup>4754</sup>~~XV—44~~ of the 23rd instant, on the subject of Mr. Ilbert's Bill. My opinion of this measure is that it is one which sooner or later must be passed. It will be absolutely necessary when one-sixth of the Civil Service are Natives of this country, a proportion which cannot be reached in these provinces for many years to come, and which will not probably be reached in Bengal for a good many years hence. It would, however, have been well to delay the measure till administrative necessities required that it should be passed. I cannot agree with much of the reasoning which has been advanced against the Bill, more especially with such an argument as that a Native of this country is disqualified to decide criminal charges brought against a European because he is, and must be, ignorant of the motives, habits and training of Europeans, all of which should (it is alleged) be taken into account. This, it seems to me, is a two-edged argument, which, if rigorously applied, would prevent Europeans trying Natives of Hindustan; for our ignorance of the motives, habits and training of 99 out of 100 Natives is a fact which cannot be denied. But, I apprehend, it is a matter of common experience that the cases in which a Magistrate or Judge is at a disadvantage because of ignorance of the motives, &c., of a criminal are rare. He has to judge on evidence as to facts in nine cases out of ten. Nor, in my opinion, has sufficient weight been attached to the extraordinary power of appeal given to Europeans, with which it is not intended to interfere. This is a very valuable privilege, and one which, theoretically at least, should take away much of what force there is in the contention above referred to.

2. I must admit, however, that public opinion, both Native and European, in Agra is entirely opposed to the passing of the Bill. The Native gentlemen whom I have conversed with on the subject, including Sir Dinkar Rao, Rai Muthradás, Pundit Kedarnath, and others very eminently qualified to give an opinion, oppose it on various grounds. They believe that the instances are very rare in which a Native Magistrate, however honest and anxious to do right, will have the courage to do so, and they admit of their countrymen generally that, when a European is charged with any offence, a number of considerations will undoubtedly be given heed to which should find no place in a Magistrate's estimate of evidence. They lay great stress on the very unfortunate outbreak of race-animosity which has followed the publication of the Bill, and which they very sincerely deprecate. They consider that the abolition of an administrative anomaly to soothe the *amour propre* of a few members of the civil service is most dearly bought at the expense of raising a storm of ill-will and animosity such as has not been heard of for a quarter of a century; it being a matter of indifference whether that ill-will and animosity is justly or unjustly aroused. I cordially agree with this latter contention.

3. The European opinion in Agra is, so far as I know, unanimous against the Bill, as it is believed, rightly or wrongly, that Europeans have no chance of getting justice at the hands of a Native Magistrate, greatly because the Magistrate cannot free himself from race-prejudices, and partly because (as I stated in the beginning of this letter) he is ignorant of European motives, habits and training. Stress is also laid on the alleged frequency of false accusations, and that the removal of the anomaly will discourage Europeans from coming to India and thereby prevent the increase of European capital here. It is still also considered right by some that a distinction should be made between the conquered and the conquering race, and that the removal is a political blunder. I am informed that nearly every non-official European in the district has signed the petition against the Bill.

4. I apprehend, however, that the Imperial Government is committed to the passing of the Bill; and the real question now is, how to reconcile the European community to its provisions without receding from the position taken up by Government. On this point the suggestion that an option should be given to a European charged with an offence to be tried either by a Native or a European Justice of the Peace seems to me worthy of grave consideration. If such a clause were added to the Bill, it would maintain the principle on which Government has taken its stand, and would remove the administrative anomaly, while it would retain the privilege theretofore enjoyed by Europeans on which they lay so great stress. The agitation and restlessness so prevalent now would subside, and we might hope that the discord which undoubtedly now exists will soon be forgotten.

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No. 244, dated 27th June, 1883.

From —The Magistrate, Etah,

To—The Commissioner, Agra Division.

I have the honour to acknowledge receipt of your No. <sup>4758</sup><sub>XV.44</sub>, dated 23rd instant, asking for an expression of opinion on the provisions of the Criminal Procedure Amendment Bill No. 8 of 1883, and in reply beg to submit the following remarks.

2. In my opinion, the Bill in its present form is open to very grave objections. The advantages to be gained from the proposed change in the law are trifling in comparison with the manifold evils and disadvantages that would result from it. If in this country the law were a "terror to evil-doers" only, the increased jurisdiction proposed to be given to Natives would practically be of little moment; but, as is well known, false complaints in a Court of justice are in this country the ordinary weapons used against an enemy. There is in Hindustani a word (*pushtára*) which denotes "stolen or contraband property put in the house of an enemy to get him into trouble." The fact that such a word exists in the language tells its own story. In a country like this, then, it is of vital importance to Europeans in the mufassal that, if brought before a Criminal Court, they should have one of their countrymen to try them, and not a Judge of another creed and race, who, however anxious to do justice, might, from his utter want of sympathy with our thoughts and feelings and his ignorance of English domestic life, be unable properly to appreciate the circumstances of the case.

Sections 451 and 460 of the existing Criminal Procedure Code give to the accused a certain discretion as to the tribunal which is to try him. Following these precedents, I would abolish that portion of the present law which provides that no Magistrate not himself a European British subject shall enquire into or try a case against a European British subject; but I would at the same time give the accused, if a European British subject, a right to claim that his case should be heard before a Judge of his own race.

In conclusion, I may add that all the Europeans in this district, official and non-official, with whom I have had an opportunity of discussing the matter, are strongly opposed to the Bill.

No. <sup>403</sup><sub>XV-507</sub>, dated 29th June, 1883.

From—The Magistrate, Etawah,

To—The Commissioner, Agra Division.

In compliance with the request contained in your endorsement No. <sup>4757</sup><sub>XV-11</sub>, dated 23rd instant, I have the honour to submit the following opinion on the provisions of the Bill to amend the Code of Criminal Procedure.

2. The preamble starts with the words "it is expedient to amend the Code," &c. Had it been possible to foresee the intense opposition the proposed amendment would call forth and the great excitement it would cause throughout the length and breadth of India, I feel sure the gentleman whose name is subscribed to the Bill would be among the very first to assert that it is *not expedient* to propose the amendment of the law as it stood.

3. The only reason that I can see in the Statement of Objects and Reasons attached to the Bill is that the present state of the law was "anomalous." Now, independently of all the trouble and ill-will and excitement caused by the proposed amendment of the law, it seems to me that this was no sufficient reason for proposing the change so soon after the law as it stands had been passed. There can be no doubt that this part of the Code of 1852 which it is now proposed to amend was passed after grave consideration and full discussion, and it seems to me to be the very worst possible policy to disturb the law passed under such circumstances so soon, and so soon to revive a question so "burning" which had been settled after such full and grave deliberation. One would naturally expect that such a troublesome matter would have remained at rest for a decade at least, or that something more than the feeling that the law so settled was anomalous, something more than the fancied sentimental grievance of one man, would be required before the work of amendment would be taken in hand.

4. So far as these provinces are concerned, I believe I am safe in asserting that the amendment is not in the least required. No case has arisen, so far as I know, or indeed is likely to arise for many years to come, in which the slightest inconvenience has been, or will be, felt from the present law. There are sufficient Justices of the Peace appointed under the present law in every district to try all the cases in which European British subjects are concerned, and no case has ever come to my knowledge in which inconvenience has been felt by any of the parties to such a case from the absence of a properly constituted Justice of the Peace which would have been obviated if a Native Magistrate had been invested with the powers of a Justice of the Peace.

5. The privilege is the privilege of the accused, and not of the Judge, but in this instance the amendment of the law is proposed in the interest of the Judge or would-be Judge.

6. That the privilege, anomalous though it may be, is one that is very strongly prized, this widespread agitation on the part of the European population of India generally proves clearly; and I think that some very much more cogent reason than any I can find in the Statement of Objects and Reasons should be advanced before such a highly prized-privilege is taken away. To people accustomed to the full glare of publicity which attends the proceedings of the Courts of the Calcutta Magistrates, where barristers are always in attendance, where members of the Press are on the spot, and where the High Court can be moved at an hour's notice to redress any real grievance, the outcry that has been raised against the proposed taking away of this privilege may appear ridiculous to some extent; but the surroundings of some, indeed most, of the Mufassal Magistrates' Courts are far different. Much injustice, which might have the most serious results in the case of Europeans, might be done, inadvertently or otherwise, which could not be remedied by appeal to higher authority till after the lapse of a considerable time, during which much mischief might be done. It is this feeling, or something similar to this, which has caused most of the intensely excited opposition to the Bill. I cannot help feeling that there is some foundation for this opposition.

7. But, besides considering the proposed change in the law as inexpedient because it is not required and altogether inopportune, I am opposed to the Bill because I do not believe those Natives whom it is proposed to invest with these powers are generally fit to exercise them. The differences in the modes of thought and daily action between Europeans and Natives are so great, and on no point greater than in connection with their respective treatment of women, that I do not think a Native could enter into the feelings of Europeans on this and many other points, or could understand the motives which prompt Europeans, to act sufficiently well as to be able to judge them correctly. Mistakes might be made in consequence of which the results would be disastrous in the extreme.

8. I have not been brought into contact with any of the Native members of the Covenanted Civil Service, and therefore do not feel so confident in speaking of this. I have had some experience of the members of the Native Civil Service. I do not hesitate to apply what I have said in the last paragraph in this instance. And I quite confidently assert it in connection with educated Native gentlemen generally with whom I have conversed frequently.

9. And I am equally certain that educated Native gentlemen, so far as I have had the opportunity of talking with them on the subject, are not only in my opinion unfit to be invested with powers to try Europeans, but also do not themselves wish to be invested with

such powers. I asked one only yesterday. He did not acknowledge himself incompetent to try such cases, but he said there would be so much "trouble and bother" connected with it that he would much rather not have powers to try such cases. I do not think the majority of Native Magistrates would have much authority, or would much overawe the usual class of Europeans who would be likely to be brought up before the Courts. The result would often be unseemly wrangling and possible insult, which would have been avoided if the Magistrate had been an European.

10. Indeed, so strongly do I feel on this part of the subject that, even if the proposed Bill becomes law, and I had a subordinate Native Magistrate invested with the powers of a Justice of the Peace, I should not hesitate to exercise the power of transfer given to me as Magistrate of the district unless this part of the present law also is to be changed at the same time.

11. The time may come, and however much I think it is to be regretted and deprecated, I suppose when the Magistrate of the district will be a Native. In such case, when the man must have proved his fitness unmistakably, I think he should be invested with the powers of a Justice of the Peace after all precautions had been taken to ensure his fitness. And so far I would allow the change in the law contained in section 2 of the Bill to be effected. I would not say that Sessions Judges and District Magistrates are Justices of the Peace, but I would say that Sessions Judges and District Magistrates when Natives shall ordinarily be invested by the Local Government with the powers of a Justice of the Peace, leaving it to the Local Government to decide whether this shall be the case or not.

12. In conclusion, I give in brief my reasons for objecting to the proposed change in the law. First, because no sufficient cause has been shown for it; secondly, because it is not required, and is inopportune; thirdly, because the privilege to be taken away is very highly prized, and its being taken may possibly cause injustice; fourthly, because Natives generally and those whom it is proposed to invest with the new powers, are not competent to exercise them; and fifthly, because, so far as I know, Natives generally do not wish to be invested with jurisdiction over Europeans.

No. <sup>741</sup><sub>XV</sub>, dated 3rd July 1883.

From—the Magistrate, Farakhabād.

To—The Commissioner, Agra Division.

In reply to your No. <sup>4765</sup><sub>XV-44</sub>, dated 23rd instant, I have the honour to give my views on the Bill to amend the Code of Criminal Procedure so far as it relates to the exercise of jurisdiction over European British subjects.

2. I think that the present is a most unfavourable time for introducing such a measure. Only eleven Natives of India had, up to the end of 1880, been admitted into the Covenanted Civil Service of the three presidencies after successfully passing the competitive examinations in London. One of them, after a brief career of three years, was found wanting in integrity and was dismissed from the service, and is now in jail for contempt of the Calcutta High Court. The remaining ten are serving, six in the Lower Provinces of Bengal, two in Bombay, one in Madras and one in these Provinces. Natives being now admitted to the Civil Service without passing an examination in England, it is a fair presumption that the number of those who enter after passing the examination will be even smaller than before; and the Native civilians of the future will consequently not have such qualifications as a few years residence in England may confer, and for the purpose of the question under discussion may be assumed to be less efficient. I have no list to show whether any successful Native competitors came out to this country in 1881 and 1882, but the absence of it is immaterial, as, if any have come out, they must have been studying in England before the promulgation of the new rules. Until, therefore, it is seen what effect the new rules have upon the appearance of Native candidates at the competitive examination, it will be, in my opinion, premature to make any change in the law. It is obviously useless to do so for the small number of men who have yet passed into the service; and if for the future the easier and less expensive mode of entry by nomination be preferred, it will not be worth while legislating for some years to come, until it be satisfactorily shown that the nominees are capable of exercising such powers. At present, the system has not been working long enough for a sound opinion to be formed as to their qualifications and abilities. They are few in number,—therefore, few Magistrates can speak of them from experience,—and they have not exercised full powers long enough for a fair opinion to be given about them. I have seen some of the cases disposed of by one who was attached to this district for a few months, but who left in less than a week after my arrival, and there was certainly much room for improvement. Until we have full assurance that the nominees are, as a class, decidedly superior in ability and integrity to the Deputy Magistrates, they should, in my opinion, be put upon the same footing; and, as it is not proposed to give Deputy Magistrates powers to try European British subjects, I consider that the nominated Native civilians should also not be empowered, at least for the present. It must be borne in mind that magisterial business is a Native officer's weak point. There are numbers of good Deputy Collectors in these provinces, but few good Magistrates among them, and no amount of experience gives them a facility of dealing with criminal business. The quality of the work is



indifferent, and it takes long to dispose of, far longer than in English Magistrates' Courts; and delays are dangerous in criminal cases. If the nominated Native civilians prove that they really comprehend criminal law, that they are in fact far above the ordinary run of Deputy Magistrates and can approach somewhat closely to an average Joint Magistrate, then it will be quite time to take their case into consideration; and if the supply of Native passed candidates does not fall off, the question can be discussed upon better data than at present exist, and of a possible administrative inconvenience from the decrease in the number of European civilians. Apart from the small number of Natives who have passed the Civil Service examination, there is, in my opinion, no sufficient reason shown for granting them power to try European British subjects. For years to come a Native Magistrate of a district will always have a Joint Magistrate, and, unless the Magistrate be a particularly conceited man, proud of his newly attained power and anxious to exercise it (in which case there will be fear not only of an undue desire to convict, but also of an unduly heavy sentence being passed on conviction), he will also make over the trial of such cases to the Joint Magistrate, who as a rule tries most of them now; and so the grant of the power to him will really be only for the sake of soothing any possible feeling of injured vanity because the Joint Magistrate has more extensive jurisdiction than himself, and not for any administrative gain. And there will be probably found many Native Magistrates who will be not at all anxious to try Europeans, and will be only too thankful to make over the cases to a Joint Magistrate. A European will, moreover, always ask for his case to be tried by an English Magistrate; and, unless there is some very good ground for refusing the application (which can easily exist), the Native Magistrate could hardly do less than grant it. I think, therefore, the number of cases actually tried by a Native Magistrate will be infinitesimally small, and consequently that the extension of the jurisdiction over Europeans to them is not called for.

4. And it is still less necessary in the case of Sessions Judges.

More than three-fourths of the cases will be disposed of by Magistrates, and nearly the whole of the remainder, those relating to offences punishable with death or transportation for life, will be committed direct to the High Court; and of the few cases left, it must be assumed that there will be some which the Sessions Judge would pass on to the High Court without trial, on the ground that the offence appeared to demand a more severe sentence than he could inflict. So that the Sessions Judge's share of the trial of Europeans will be nominal. A return could easily be prepared showing the number of Europeans under trial since 1872, whose cases were (a) disposed of by the Justices of the Peace, (b) by the Sessions Judge, and (c) by the High Court, which would show at a glance how nominal the Sessions Judge's work is in this class of cases.

5. On administrative grounds I am of opinion that no change is called for; no inconvenience has arisen, and none is likely to arise for a long time to come; and I do not see any necessity to alter the law to soothe the injured feelings of one man, for, so far as I am aware, the other nine have not raised the question at all.

6. I have made no mention of appeals to the Court of Session from sentences passed by Justices of the Peace. The appeal lies, at the option of the appellant, either to the High Court or the Court of Session, and it may be assumed that the appeal would not be preferred to the latter Court when presided over by a Native.

7. The whole question of the amendment of the law appears to have arisen from Behari Lal Gupta's feeling aggrieved when he reverted from the post of Officiating Presidency Magistrate and could no longer try Europeans. If the Bill is passed in the modified form which has apparently found favour with many who could not support the Bill as it stands, will not this grievance be intensified, and at every reversion of a Native Civilian from the post of District Magistrate to that of Joint Magistrate will not the same cry be raised? The modified proposal appears to be objectionable on this ground alone.

8. Stress has been laid upon the fact that every Judge of the High Court is *ex-officio* a Justice of the Peace, whether he be a European British subject or not. True, but what deduction favourable to the Bill can be drawn from this? Has the Native Judge ever presided at the trial of a European? So far as I am aware, Barrister Judges invariably preside at the sessions. Has the Native Judge, sitting alone, ever heard an appeal preferred by a European?

9. No argument can be based on the fact that Native Magistrates try Europeans in the Presidency towns. There every case is reported for the papers; counsel can be readily engaged; the High Court is at hand, and prompt redress can be obtained for any injustice or error; the Magistrates are in the habit of associating freely with Europeans. In the districts there are no reporters, rarely any barristers, the High Court is at a distance, and we have yet to learn what the Magistrate's character will be.

10. In my opinion, there is no room for a compromise. The appointment of Sessions Judges and Magistrates of districts to be *ex-officio* Justices of the Peace appears quite unnecessary from an administrative point of view, and the appointment of Native Civilians under the new rules is premature; and if the concession is once made and proves to be a mistake, it will be extremely difficult to rectify it.

The law does not require amendment, and nothing but the entire withdrawal of the Bill will, in my opinion, be satisfactory.

11. I have not entered into the advisability of subjecting Europeans to the liability to be tried criminally by Native Magistrates and Judges. I think it will be a grave mistake to



remove their present privilege of being tried by their own countrymen ; but, as, for the reasons I have already given, I think the Bill both unnecessary and inopportune, I will not discuss the subject further.

No. 282-12L, dated 16th July, 1883.

From—E. S. SYMES, Esq., C. S., Offg. Secretary to the Chief Commissioner, British Burma,  
To—The Secretary to the Government of India, Legislative Department.

In submitting the opinions cited in the margin on the Bill to amend the Code of Criminal Procedure, 1882, the

- (1) Letter No. 71-7-3, dated 14th May 1883, from Commissioner of Arakan.
- (2) Letter No. 82-7-3, dated 21st May 1883, from Commissioner of Arakan.
- (3) Letter No. 974-458, dated 5th June 1883, from Commissioner of Tenasserim.
- (4) Letter No. 110-28, dated 20th June 1883, from Recorder of Rangoon.
- (5) Letter No. 158C., dated 20th June 1883, from Commissioner of Irrawaddy.
- (6) Letter No. 85-8, dated 20th June 1883, from Commissioner of Pegu.
- (7) Letter, dated 10th July 1883, from Secretary to Chamber of Commerce, Rangoon.

Chief Commissioner desires me to say that he would have preferred to leave the law unaltered. He does not think that any practical reason has been shown for changing the present law. No immediate administrative necessity ex-

ists. A desire for perfect equality and the abolition of all race distinctions is no doubt felt, and naturally felt, by the educated classes of India. But as the inequality or distinction in this case does not prejudice in any way those who have not the privilege, and as it was known that the privileged class, who are not only numerous but entitled to consideration out of all proportion to their numbers, objected very strongly to a change in the law, Mr. Crosthwaite regrets that the proposals embodied in the Bill have been made.

2. If the question concerned the province of British Burma only, the Chief Commissioner's advice now would be that the Bill should be dropped. There is no necessity for any change in the law here ; opinion, both official and non-official, is hostile to the proposed amendments ; and there is not any likelihood of practical effect being given to the law for a good many years to come.

3. But the case with regard to India is different. After giving the question long and careful consideration, the Chief Commissioner feels it his duty to advise the Government of India to proceed with the Bill. Having regard to the position taken up by the Government in proposing the Bill and to the character of the opposition, it appears to Mr. Crosthwaite that the best course is to proceed with the Bill, making such alterations as may be necessary to meet real and reasonable objections. This is the only course which will leave the Government in a position to put its foot firmly down and to refuse the demands which are sure to be made for further changes in the law.

4. While he regrets the introduction of the Bill, the Chief Commissioner is at the same time of opinion that few of the objections raised to the Bill have any substantial ground. He would certainly recommend its abandonment if he thought that his countrymen would be subjected to annoyance or injustice, or if he believed that European capital and enterprise would without reason be deterred from seeking investment in India. There is no reason for believing that a properly qualified Native gentleman sitting as a Magistrate will be more likely to be deceived by false complaints or more disposed to give a case against a European than an English Magistrate. So far as race prejudice is concerned, it could find a field quite as readily in the decision of civil as of criminal cases. It is impossible to bring against our Civil Judges a charge of allowing their sympathy with their own countrymen to warp their judgments. There is no reason for supposing that the result will be different in the administration of criminal justice.

5. At present and for a long time past every Magistrate has the same power to take cognizance of offences committed by European subjects as he has in the case of offences committed by persons of another class. He has power to issue process to compel attendance. It has not been found that this power, which might have been abused without incurring much responsibility, has in any way been misapplied. The whole agitation seems to proceed on the suppositions that the Government will appoint unfit persons to be Justices of the Peace, and that the persons appointed will be ready to abuse their authority. Experience justifies neither of these suppositions. Hitherto the Government has had power to appoint any European British subject, a field of selection quite wide enough to allow the appointment of unfit persons, but no complaints have, as far as is known, been made regarding the use of this power. So far as Native gentlemen have been entrusted with jurisdiction in cases in which Europeans are concerned, they have not been led away by race prejudices. Many Europeans who are not British subjects live scattered over the country, but they have not complained of ill-treatment at the hands of the Native magistracy.

6. There is no reason whatever for apprehending that the Government will abuse the power which it is now intended to give them. The executive Government will doubtless recognize the inexpediency of appointing a Native Magistrate to be Justice of the Peace in a district much frequented by European settlers.

7. One of the most valid objections brought against the Bill is that which refers to the disabilities which it imposes on the Government. The Government will no longer be able to appoint to be Justices of the Peace non-official Europeans or European members of the Un-

covenanted Service. No doubt this may cause some inconvenience in the future. The inconvenience will however be much less than is represented, as all present Justices of the Peace are unaffected and the number of Europeans now appointed to the judicial branch of the Uncovenanted Civil Service is very limited. There is no way of meeting this objection and at the same time retaining the main principle of the Bill except by widening the terms of section 1. Power might be given to the Government to appoint any 1st class Magistrate to be Justice of the Peace; but in the present state of feeling any attempt to get over the difficulty in this way would be misconstrued. There is therefore no help for it. The inconvenience of excluding in future non-official Europeans and European members of the Uncovenanted Service who do not come under clause (c) of section 1 of the Bill must be accepted.

8. None of the alterations which have been publicly proposed as compromises that might render the Bill more acceptable to the class affected commend themselves to the Chief Commissioner's judgment. But he thinks that all reasonable objections on the score of danger to European British subjects might be met by adding to Section 1 a provision that no one should be appointed a Justice of the Peace who had not a thorough knowledge of English and did not habitually record his notes of evidence and his judgments in that language. We do not give large powers to any English Magistrate until we are satisfied that he has sufficient knowledge of the vernacular of his province, and it is only fair to exact a similar qualification from Magistrates who are to deal with European British subjects. Before a Magistrate is appointed to be a Justice of the Peace, the High Court might be required to certify that he possessed this necessary qualification. This is the only suggestion for the improvement of the Bill which Mr. Crosthwaite is able to make.

9. He believes and trusts that once the Bill is passed the agitation will subside, and that English good sense will perceive the unsubstantial basis on which much of the opposition has been raised.

No. 71-7—3, dated 14th May, 1883.

From—The Commissioner of the Arakan Division,

To—The Secretary to the Chief Commissioner, British Burma.

In reply to your letter No. 158-2L., dated the 7th April 1883, in which I am asked to give my opinion on a Bill to amend the Code of Criminal Procedure, 1882, I have the honour to say that I am opposed to the Bill for the following reasons:—

- (1) because I think it unnecessary and uncalled for at the present time as a matter of administrative convenience or public necessity;
- (2) because it contemplates the surrender of a privilege or protective right which has long been cherished as the birthright of every European in the country, and confers at the same time no compensatory gain or advantage on the masses of the people of India;
- (3) because, although the object of the Bill is to remove from the Code every judicial disqualification which is based merely on "race distinctions," the means adopted to that end simply aim at levelling up the Native races to the status of Europeans, but do not in any way remove race distinctions notwithstanding any provisions to the contrary in the said Code: these race distinctions will continue to prevail and enter largely into every transaction of Native life, social, religious, and political;
- (4) because, on the other hand, to attempt to force on the people of India an equality of race which they do not seek as between themselves and their European conquerors is a levelling-down process which sinks the prestige of the European and involves a surrender of race superiority so essential to the continued maintenance of our rule and supremacy in British India;
- (5) because no assurance can possibly be given by the present Government that the proposed measure bears the stamp of finality: on the contrary, it seems like the furtherance of a policy which, if continued, must end in subverting the present order of things by destroying the foundation on which our rule in India has hitherto been based;
- (6) because this same proposed measure, whilst satisfying the aspirations only of a few English-speaking Bengali agitators, who in no way represent the masses of the millions of India, vitally and injuriously affects the rights, and dangerously offends the susceptibilities, of 99 per cent. of the European and Eurasian population of our Indian dominions;
- (7) because the passing of the proposed Bill is calculated to provoke feelings of antagonism which must destroy all sympathy between the two classes of our European and Native subjects and become a clog on the Administration by frightening away British capital, arresting commerce, and threatening the true interests of the State at large.

No. 82-7-3, dated 21st May, 1883.

From—The Commissioner of the Arakan Division,

To—The Secretary to the Chief Commissioner, British Burma.

In continuation of my letter No. 71-7-3 of the 14th instant, I have the honour to say that I failed in that letter to make any mention of the views taken by European British subjects in this division on the Criminal Procedure Code Amendment Bill, because a public meeting of the European population had already been held at Akyab on the 15th March during my absence to discuss the provisions of that Bill, and because the proceedings of that meeting were published in the local press under date 19th March and a copy duly submitted to the local Government.

2. The meeting condemned the Bill and unanimously protested against its becoming law.

No. 974-458, dated 5th June, 1883.

From—The Commissioner of the Tenasserim Division,

To—The Officiating Secretary to the Chief Commissioner, British Burma.

With reference to your letter, Judicial, No. 158-2, dated the 7th April last, and its enclosure, I have the honour to report that almost the whole of the European British subjects of this division who are not Government officials are resident in the town of Moulmein; that on the 24th March 1883 a public meeting was held here (reported in the local paper of the 28th March, which is, I believe, filed in your office) to protest against the Bill; and that this meeting, while very numerous, was attended by persons of all sorts belonging to the class in question. Under these circumstances, I have not considered it either expedient or necessary to formally call for the opinion of any of the class but have thought it better to content myself with casually gathering such opinions in conversation from time to time as occasion arose, and I will therefore in the following remarks endeavour to embody these opinions with my own on the subject.

2. At the public meeting above referred to there was, as will be seen by the report, the same denunciation as elsewhere of the Bill though less violent; there was the same curious ignorance amongst the principal speakers of the provisions of the Bill which they denounced; and there was the same general distrust of the objects of the Bill and of its effects on the country. As regards this element of distrust or uneasiness, I gather that something is due to the mode in which the Bill was introduced. As has been remarked to me, the proposal came on the class affected as a complete surprise, showing a want of stability in our legislation and engendering a belief that without the slightest warning and quite unexpectedly the gravest changes might at any moment be introduced and passed in the Legislative Council, for it was known that an amended Criminal Procedure Code had been discussed fully for several years before, and this amended Code without a word of legislation on the subject treated by the present Bill had been in force but little over a month when this Bill was introduced. I may add that as neither in the draft Bill of 1879 nor in that which subsequently became law, both of which were fully discussed, was there any reference to the subject now at issue, I myself shared in the surprise referred to.

3. When divested of the mist of exaggeration by which it is enveloped, the real objection to the principle of the Bill is doubtless that it deprives the class in question of a privilege which they consider their birthright and hands them over in criminal cases to be dealt with by judicial authorities whose capacities for fairly judging them they profoundly mistrust. Rightly or wrongly they believe that they have inherited a right to be tried by their equals, by persons whose antecedents and education are at least not inferior to their own, and they consider that a very large proportion, if not the majority, of those who under the Bill might be invested with criminal powers over them will not and cannot possess this qualification. To the argument that for a good many years past such jurisdiction has been exercised irreproachably by the very class referred to in Calcutta and possibly elsewhere, the objectors reply that while the individual officers in these cases are quite exceptional instances, the jurisdiction they have exercised has been hedged in by safeguards which rendered it little liable to abuse but which do not exist at small stations; and further that any error committed in these cases could always be promptly remedied, whereas if a similar system were extended all over the country any such remedy could only be applied after perhaps grievous injustice had been done.

4. Having given the subject the most impartial consideration I can, and apart from the question of right which I do not feel competent to discuss, I am of opinion that there is some foundation for these objections. Perhaps the best test of their validity is to put the question to one's self, and for my own part I have no hesitation in saying that I would rather not be tried by a Native Magistrate or Judge on a criminal charge. I do not think this arises from any narrow prejudice about race but simply from a consideration of what I believe to be facts. The Native Magistrate or Judge may be far my superior in intellectual power and legal knowledge, but he will almost certainly be wanting in what I should consider of far greater importance and what would be possessed by a fellow-countryman of my own, *i.e.*, the power so to speak of putting himself in my place and judging whether acts attributed to me were probable or not under the circumstances. I should feel that I was being tried by a man all whose ideas of

conduct, morality, even of right and wrong, were fundamentally different from my own, and that, unless all recent observations as to evolution and heredity are hopelessly wrong, the gloss of a University or European education could not have at once eradicated a distinction fostered in countless past generations and connected with every early association in this. It is true that a similar objection may be raised to the trial of Natives by Europeans, but apart from numerous obvious considerations which weaken the force of such an argument, the existence of an unavoidable evil as regards one class can hardly be accepted as a sufficient reason for deliberately inflicting the same evil on another.

5. With regard to the success said to have attended the exercise by Natives of the jurisdiction in question in presidency towns, it appears to me that the objectors are right, and that however great that success, however eminent the services of the gentlemen referred to, they afford no sufficient guarantee that any similar success is to be expected by extending such jurisdiction all over the country as proposed by the Bill. In the one case a very limited number of gentlemen have been selected from the most advanced and civilized society in the country, and it is to be presumed that these selections have been made because, in the struggle for pre-eminence which always takes place in such society, they have shown themselves the fittest. After selection they have exercised the jurisdiction conferred on them in the face of public opinion, of detractors, rivals, or enemies, only too happy to pounce on and denounce any real or supposed error; while lastly, throughout their career they have had and have the advantage, of which it would be derogatory to them to suppose they have not occasionally availed themselves, of being able in difficult cases to avail themselves of the very best advice to be had in the country. In the other case, that under the Bill, the whole of the conditions as regards selection and the exercise of powers are totally different, and there seems nothing to prevent an officer being vested with the jurisdiction in question solely by reason of his seniority and because he has managed to fill without discredit at some possibly remote place any one of the appointments named in the Bill.

Finally, as regards the principle of the Bill, there can be no doubt that here as elsewhere it is most strongly and almost universally objected to by the class affected, and it has apparently evoked some feelings of race animosity from which hitherto we had been happily free.

6. If the principle of the Bill be adopted, I think the only objection to the provisions it contains is that it ties the hands of Government as to the appointment of Justices of the Peace in a manner which may prove inconvenient, as it takes away the power hitherto existing of appointing as such educated English gentlemen not in the service of Government; the services of such persons must have been occasionally extremely useful in dealing with petty crime committed by European British subjects, and is likely to become more so as the European element in the population increases. Finally, I would venture to remark that as a jury has always been believed to perform judicial functions, it would appear necessary, in order to attain the desired end, namely, "to remove from the Code at once and completely every judicial disqualification based merely on race distinctions," to include in the Bill a section repealing section 451 of the Code, which gives an accused person the option of excluding from the jury which is to try him a certain number of persons on purely "race distinctions."

No. 110-28, dated 20th June, 1883.

From—The Officiating Recorder of Rangoon,

To—The Officiating Secretary to the Chief Commissioner, British Burma.

In reply to your letter, Judicial Department, No. 159-2L., dated the 7th April 1883, I have the honour to say that I have read with great attention the speeches made in the Council of the Governor-General on the occasion of Mr. Ilbert's motion that the Bill on the provisions of which I am asked for my opinion be published in the *Gazette*, and after doing so I have the honour to say that my opinion entirely coincides with that expressed by the Honourable and learned Mr. Evans in his speech on that occasion.

No. 158C. dated 20th June, 1883.

From—The Commissioner of the Irrawaddy Division,

To—The Officiating Secretary to the Chief Commissioner, British Burma.

With reference to your letter No. 166-2L., dated the 19th May, I have the honour to state that, in my opinion, the introduction of the Bill to amend the Criminal Procedure Code relating to the exercise over European British subjects was ill-advised—*firstly*, because there was no real occasion for any change; *secondly*, because any measure affecting race distinctions and privileges tends to raise excitement and animosities which should be carefully avoided; and, *thirdly*, because the Bill in question fails to touch more than the merest fringe of the anomaly at which it is aimed.

2. While admitting that the outcry against the trifling and unimportant change introduced by the Bill has been senseless in the extreme in respect of the general principles and policy of the measure, I am disposed very much to share the views of Mr. Fitzjames Stephen as expressed in his well-known letter to the *Times*.

3. As matters stand at present it will perhaps be expedient to pass the Bill as it stands,

a distinct promise being given that for the future there will be no attempt made to interfere with the privileges which remain to British subjects under the existing law.

No. 35-8, dated 28th June, 1883.

From—The Commissioner of the Pegu Division,

To—The Secretary to the Chief Commissioner, British Burma.

With reference to your letter No. 158-2L., dated the 7th April 1883, calling for opinion on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, I have the honour to inform you that the opinions of a large number of European British subjects have been ascertained, and all, with only four or five exceptions, are violently opposed to the Bill, and of the district officers who have expressed their opinions, only one is in favour of it. The reasons given are those which have already appeared in various forms, and it is not necessary to state them again. They are chiefly to the effect that the proposed Bill will take away from European British subjects the cherished privilege of being tried by their own countrymen, that there is no necessity for the measure, and that it will tend to encourage false charges being brought against Europeans and render their position in the country intolerable.

As far as this province is concerned there is certainly at present no necessity for the proposed amendment, and it will probably be some years before any native of the province will be thought fit for the appointment of Justice of the Peace. At the same time, I am certainly not in favour of retaining the cherished privilege enjoyed by the European British subject of committing offences and giving every one concerned as much trouble as possible before he can be punished. In parts of India the necessity for some provision of the kind proposed has apparently arisen, so that there are grounds for making the amendment now, and the sooner it is settled, and as far as possible settled once for all, the better. The amendment, in my opinion, does not go far enough, and it is objectionable on that account, as before long further amendments will have to be made and all that has lately occurred in connection with the subject will have to be gone through again.

I think that the Governor-General in Council and local Governments may well be entrusted with the power of appointing any one to be a Justice of the Peace, and the only change I would make in section 22 is to substitute "persons" for "European British subjects." I would omit section 44 entirely, on the ground that if a person is considered fit to be an Assistant Sessions Judge he would probably be fit to be a Justice of the Peace. If not considered fit he would not be appointed, and there is nothing to be gained in requiring him to undergo a three years' probation before he can possibly be empowered.

The success of the proposed Bill will of course depend in a great measure upon the care taken to appoint only those who have shown themselves fitted to be entrusted with the powers of a Justice of the Peace.

Cases of misplaced confidence may of course occur; but they are likely to be rare, and I certainly do not anticipate that the results of the measure will be in any way disastrous to the European British subject. As to false charges, a Native Judge, or Magistrate of experience, will certainly be as capable of dealing with them as any European can be, and as far as a Burman Judge or Magistrate is concerned, I think it likely that he will be more inclined to treat the European leniently than to do him any injustice.

Dated 10th July, 1883.

From—The Secretary to the Chamber of Commerce, Rangoon,

To—The Secretary to the Chief Commissioner, British Burma.

I have the honour to acknowledge receipt of your No. 159-2L., Judicial Department, dated the 7th April, asking the opinion of the Chamber of Commerce on the provisions of the Bill to amend the Code of Criminal Procedure, 1882, so far as it relates to the exercise of jurisdiction over European British subjects.

2. In reply I am directed to inform you that the members of the Chamber entertain the same feelings against giving any Native jurisdiction in criminal matters over European British subjects as were expressed in the memorial sent to the Viceroy from the public of Rangoon some time ago.

3. In the opinion of the Chamber the proposed change is impolitic in the highest degree, and there is no practical reason or real urgency for withdrawing from Europeans the right of being tried by their own countrymen.

No. 1710 (Confidential), dated 27th June, 1883.

From—C. G. MASTER, Esq., Chief Secretary to the Government of Fort St. George,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter, dated 13th instant, No. 1577, I am directed to forward three copies of the opinions of the Honourable the Chief Justice, Mr. Justice Kernan, Q.C., and Mr. Justice Kindersley, on the Bill to amend the Code of Criminal Procedure, 1882.



No. 2068, dated 23rd June 1883.

From—The Registrar of the High Court of Judicature, Madras, Appellate Side,  
To—The Chief Secretary to Government, Madras.

**ABSTRACT.**—Forwarding the opinions of the Honourable the Chief Justice, Mr. Justice Kernan, Q.C., and Mr. Justice Kindersley, on the Bill to amend the Code of Criminal Procedure, 1882; and stating that no opinions have as yet been received from Mr. Justice Innes and Mr. Justice Muttusami Aiyar.

*Opinions.*

It has been suggested that in inviting the opinion of the Court on the provisions of the Bill, no more is expected of the Judges than that they should consider whether the Bill has been so drawn as to secure the objects exposed in the statement which accompanies it. But I apprehend that we are invited to acquaint the Government of India with our views on the expediency of the changes in the administration of criminal justice which the Bill, if it became law, would effect.

2. So much has the Bill been discussed in this country and in England, in the Legislature and in the Press, in Councils of Chambers of Commerce and at Public Meetings, that the arguments for and against its several provisions must be familiar to the Government; and little that is novel can be added to the discussion.

3. Notwithstanding the exceptional legislation for European British subjects, it cannot be contended that, as a matter of constitutional law, any race is recognised as dominant in British India. It is immaterial to speculate whether, having regard to the pretexts under which the territories of the Empire were acquired, it would have been consistent with justice to treat them as a conquered dependency. Faithful to its declared purpose, the British Nation resolved that the claim of the Crown to sovereignty in India should rest on a nobler title. The key-note of the policy of British administration was never more truly touched than by Sir James Stephen in the debate on the Marriage Act, 1872:—"The real foundation on which the British power in this country stands is neither Military Force, as some persons cynically assert (though certainly Military Force is an indispensable condition of our power), nor even that affectionate sympathy of the native populations, in which, according to a more amiable though not, I think, a truer view of the matter, some think our rule ought to rest. The real foundation of our rule will be found to be an inflexible adherence to broad principles of justice, common to all persons in all countries and all ages, and enforced with unflinching firmness in favor of, or against, every one who claims their benefit, or who presumes to violate them, no matter who he may be."

4. The aims of British administration in India are to secure the protection of life and property, the free development of trade and industry and liberty of conscience, and subser- viently thereto to assure to all classes of Her Majesty's subjects in India equal privileges of citizenship. The principle of the proposed measure in so far as it removes disqualification is not novel. It is a leading principle of the policy of British Indian Administration adopted by Parliament half a century ago and guaranteed to the people of India by the Royal Proclamation of 1858.

5. But while I recognise that the removal of the disqualification is in harmony with the principles of British Administration, I am not forgetful that the application of our policy has been necessarily gradual. We have had to educate a people whose moral tone has been impaired by long subjection to arbitrary power; and from whom, in their own interest, we have for a season been compelled to withhold a full measure of constitutional freedom. The question, then, which must attend every further concession of liberty is, whether or not the time has arrived, when it can be made without imperilling ends demanding the first consideration of Government, the preservation of the peace and the effectual and impartial administration of justice.

6. In the debate on the motion for the publication of the Bill, it was observed—"That the opposition to this Bill is, in reality, not so much an opposition to the particular measure as an opposition to the declared policy of Parliament about the admission of Natives to the Covenanted Civil Service."

With all deference, I am bound to express my doubt of the correctness of this opinion. The class directly affected by the introduction of Natives into its ranks is the Covenanted Civil Service. As a class, no men have, by public acts and private efforts, more loyally supported the national policy and encouraged their native fellow-subjects to prepare themselves for taking a share in Civil Administration. Of the unofficial class there are very many who have not fallen short of the official class in their endeavour to ameliorate the condition of the Natives and to promote higher education, though, as private men, their action is necessarily less conspicuous.

The opponents of the Bill entertain the opinion that a privilege, which they deem of importance to the peace of the Empire or a safe-guard to the liberty and property of their class, is to be sacrificed to what they regard as the sentimental grievance of a few Native public servants.

This apprehension has actuated the opposition to the Bill, and it is necessary to consider whether and to what extent it is well founded.



7. I may observe that I do not regard the grievance of the Native Civil Servants as sentimental in the sense that the injury is so trivial that the law should not take account of it. To declare every Native-born subject incompetent to exercise jurisdiction over a particular class of his fellow-subjects creates a feeling of inferiority hurtful to the development of those moral qualities in which we assert our Native fellow-subjects are deficient, and which we profess to desire they should regain. To prohibit a Magistrate from the exercise of a jurisdiction which is enjoyed by other officials of his class implies distrust either of his ability or of his honesty, and when the ground of disqualification is merely race, the grievance is felt to a greater or less extent by every member of the race who is sensitive of its dignity. The argument that the law, out of regard for Native sentiment, confers on Natives certain personal privilege, and that, for the like reason, it should respect the privilege of the European British subject is, I think, answered by the observation that the privileges conceded to the Natives do not exercise any injurious influence on Europeans.

Although it has not been experienced in Madras, the instances mentioned in the debate appear to me to prove an existing and increasing administrative difficulty, which justifies the Legislature in determining whether, and to what extent, the restriction on the exercise of jurisdiction by the Native Magistracy should be continued.

Unless it can be shown that the effectual administration of justice, or some consideration of hardly less importance requires the restriction, it ought not to be maintained.

8. The opponents of the Bill assert that such considerations exist. They contend—

- (1) that the Native Magistrate unacquainted with the habits and customs of Europeans, and it may be imperfectly acquainted with their language, is unable to arrive in the case of Europeans at a sound conclusion as to motive and intention which enter largely into the constitution of criminal offences;
- (2) that the Native Magistrate is almost unconsciously liable to influences which might at times pervert his judgment in the case of Europeans;
- (3) that the multiplication of tribunals will afford increased opportunities to the malicious to drag before a Criminal Court a European planter or agent at a time when his absence will entail serious injury to property to meet unfounded charges based on perjured evidence which, owing to the isolation of his position, it is difficult for him to rebut; and
- (4) that the possession of the privilege confers a prestige on the European British subjects, and indirectly on every person of European descent, which enables him to act with greater boldness in the repression of civil tumult and to command co-operation on the occasion of any catastrophe.

9. To deal with the first of these objections. That, to a certain extent, persons otherwise qualified to take part in the administration of justice may be unfit to try foreigners is recognised in the provisions of the Code, which allow to Europeans and Americans the option of being tried by mixed juries or sets of assessors; and it may be argued that it is only a legitimate extension of this principle to require that where the decision is left to a Magistrate or a Judge, a European or American should have a similar option to claim that such Magistrate or Judge should be a European or American.

It is one thing to presume that a number of jurors or assessors taken at random may be unfit to try a foreigner, and quite another to presume a like probability of unfitness in the case of a Magistrate or Judge whose constant business it is to investigate motives and ascertain intentions. The ground of the disqualification is unfitness by reason of ignorance on the part of the Judge of the language, habits of thought, and manners of the persons with whom he may have to deal. It should, therefore, attach to those officers only who are, for these reasons, presumably unfit to exercise jurisdiction. We do not presume such unfitness in the case of High Court Judges and Presidency Magistrates. I admit that in the case of the latter class the propinquity of the High Court, the influence of public opinion, and the publicity afforded by the Press renders error of judgment less probable and less dangerous than it would be in remote stations in the Mofussil. But the circumstances that no complaint has been made of their incapacity to administer justice to Europeans on the ground of race is an argument to which reference may fairly be made by the supporters of the Bill. It shows that a universal presumption against the fitness of Native Magistrates to exercise such jurisdiction would be unsound.

I am not aware that any complaint has been made of race incapacity in the Native Magistracy in the Mofussil in the case of foreigners who do not enjoy the privileges of European British subjects, and although these cases may be rare the jurisdiction has been exercised, I believe, with sufficient frequency to afford instances, if any could be produced.

Again, the determination of motive and intention are at times material in the adjudication of civil rights. During the 17 years that I have been a member of a High Court, I do not remember that on any occasion it has been alleged that a European British subject or any other person of foreign parentage has been prejudiced by reason of his nationality in the exercise by the Native judiciary of their civil judicial functions. In some instances, transfers have been applied for on the ground that the Native Judge was unacquainted with the language and the customs or personal law of the parties, and the High Court has allowed the validity of the grounds urged and acceded to the application.

It is important to notice what are the coercive or punitive powers which Natives as Civil Judges may, under the existing law, exercise in the case of European British subjects.

Any Civil Court to which the Civil Procedure Code applies (1) may prior to judgment hold a defendant to bail, and in default of bail, commit him to prison for six months, section 481; (2) may impose on a witness, whether a party to the suit or not, a fine of 500 rupees if he absconds or illegally refuses to produce a document or improperly departs from the court-house; (3) may in execution order the imprisonment of a defendant who fails to deliver moveable property specifically decreed or to return a wife, section 259, or who disobeys a decree for specific performance or disobeys an injunction, section 260; and (4) may in execution of decree order the arrest of a judgment-debtor and his detention in jail for six months.

A District Court and any other Court empowered under section 360 may sentence an insolvent debtor to imprisonment (of either description as defined in the Penal Code—G. C. Act,) for any of the offences mentioned in section 359. In the Madras Presidency all Subordinate Judges and District Munsifs were in 1877 empowered to exercise this jurisdiction.—G. O., October 17th, 1877, No. 2473, Judicial.

Furthermore, in regard to the marriages of British subjects a District Judge may pronounce a decree *nisi* annulling the marriage when the marriage has been celebrated in India, and a like decree for the dissolution of the marriage when the marriage has been solemnised or the marital offence has been committed in India. It will be remembered that Natives being members of the Covenanted Civil Service may be appointed District Judges.

Few cases present greater difficulties or call for the exercise by a Judge of a higher degree of discretion than cases in insolvency and matrimonial causes.

10. The second objection also proceeds on a presumption of personal incapacity in the Judge.

Independence and firmness are even more requisite for the due administration of criminal than of civil justice. And it must be admitted that in these qualities many, even intelligent and educated Natives, are at present deficient. It is admitted by their own countrymen. In a dissent appended to the report of the Madras Committee on Local Self-Government, signed by five out of the six Native members, is argued that, with the reservation to the Collector of a purely consultative voice, magisterial and police officers should be altogether excluded from the district and taluk boards, and the reason assigned is that "the people of this country are so timid that there is no possibility of their expressing their views freely when they see reason to think that such views may be opposed to the wishes of men in power."

It is fair to observe that the members of the boards would be generally gentlemen who have not received the training of Judges, and who would exercise functions provoking a sense of responsibility less actively than the functions of a Judge.

Admitting the defect in the natural character with which every official who has endeavoured to sound Native opinion must be familiar, I am bound to testify, that the instances have been rare in which I have seen reason to think the work of the Native judiciary has been marred by a want of independence. There are more grounds for apprehending a want of firmness; but, as Mr. Duthoit has observed, it is more probable that this would exhibit itself in favour than to the prejudice of Europeans.

The class of whom I speak have, for the most part, not enjoyed superior educational advantages. Of the classes on whom it is proposed to enforce jurisdiction, some members have been educated at English Universities and English Inns of Court, have lived in English families, and mixed in English society. So greatly have they been affected by these influences that their countrymen regard them more or less as aliens. Others have enjoyed educational privileges in this country of no mean order. The Educational Department has been fortunate in securing Professors of liberal culture and marked independence of character, who have moulded the characters of their pupils. In every presidency there are to be found officials educated under such influences who know well that frankness in the expression of opinion will secure them higher esteem than insincere politeness or servility, and who are actuated in the discharge of their duties by a keen sense of honour.

The wide circulation of an outspoken English Press has not been without its influence in the education of our Native officials, and the association with Europeans in higher judicial and administrative functions has resulted, and will result, in encouraging independence of thought.

Endeavouring to form a fair judgment between the sincere apprehensions of my countrymen on the one hand, and the qualifications of Natives on the other, I am constrained to express my conviction that there are classes of Natives to whom the exercise of jurisdiction over any class of their fellow subjects cannot be refused on the ground of fitness.

#### 11. *As to the third objection—*

It cannot be denied that a considerable percentage of cases brought in the Criminal Courts are false or frivolous; and as instances of the means to which occasionally resort is had to gratify malice or revenge, I may mention two cases which came before me. In one a father with his own consent was put to death by his sons that they might bring a false charge of murder against their enemy. In another a mother was murdered by her son, who had asked but been refused her consent, in order that he might lay a charge of the crime against the agent of his landlord. A planter or agent may well take account of the risk he runs when he lives alone among Natives, of whom even those who are friendly to him may misunderstand his speech or misconceive his motives. An accused person always labours under the disadvantage that, unless the Magistrate to whom a complaint is made, at once detects that it is unfounded, process must issue and the attendance of the accused ordinarily be com-

pelled. In some case the supposed indignity to which he has been subjected by appearing in Court will satisfy the malice of his accuser; in others he may find a mass of evidence produced against him sufficiently based on undeniable circumstances to make his defence difficult and involve a lengthy detention from his business.

It is not unreasonable that he should desire that the criminal jurisdiction to which he is subjected should be exercised by officers in whose ability and impartiality he has confidence, and that a multiplication of tribunals should not offer temptations to the malicious to use a criminal process as a weapon of offence against him.

I should be much moved by these considerations if I were not satisfied that the extent of the danger has been magnified; for few, if any, new tribunals will be established in the planting districts, and, with the modifications and safe guards, I shall presently mention, any substantial danger apprehended from the Legislative proposals may, I think, be avoided.

12. *As to the fourth objection—*

Although the policy to which I have referred should be pursued in all sincerity, it must be admitted that the European British subject is in this country a member of a dominant race, and that, for some time to come, he must, in the interest of all races, enjoy some of the distinction attaching to a dominant race. The privilege of the European British subject which the Bill assails is regarded as conferring prestige on the race and indirectly on all persons of European descent, and it has to be considered whether on the same ground on which other distinctions must be maintained, it is not expedient that this distinction also should be preserved.

The President of the Committee on Local Self-Government (Madras) states, in his dissent to the report, that since his first acquaintance with the country "there has been a gradual but certain decadence in the esteem of Natives for the European official," and he appears to regard this circumstance, as indeed it would be regarded by all who have at heart the interests of the Empire, with some apprehension. Others have asserted a like change of feeling towards unofficial Europeans.

There are well-known difficulties in gauging Native opinion, and it would be unsafe to form a conclusion as to the general attitude of the Natives from the language of the small number that profess to express Native opinion or come into frequent contact with Europeans. Changed circumstances have no doubt worked, and will work, changes in the grounds on which Native esteem is accorded to Europeans, official or unofficial. An intelligent fear may give place to intelligent appreciation; and the former feeling is more demonstrative in its expression of respect than the latter. When a nation is being educated to independence of thought, there will be found some who persuade themselves that an assumption of contempt for authority is the becoming utterance of a free citizen; when such men express their ideas in a foreign tongue, they select exaggerated and high-flown terms of which, in many cases, they are ignorant of the real import. Imperfect education encourages self-conceit without in all cases improving manners. I allow that the expression of race-antipathy is more outspoken, but I should hesitate to admit that less respect is now felt for Europeans by Natives than it was formerly on the grounds on which we desire to conciliate their esteem, *viz.*, the conviction that we regard truth and desire to do justice.

13. However that may be, I recognise to the full the expediency of securing to Europeans whatever prestige can be fairly accorded to them. India has not yet made sufficient progress towards self-government that internal tranquillity and the safety of life and property can be secured without maintaining the prestige of the dominant race. In the desire to devote the revenues of the country to the development of its resources and to the education of the people, we have reduced to a minimum the force organised for the repression of disorder. When religious or sectarian animosity has disturbed the peace of a large town when an imperfectly civilised race has ravaged a country side, it has not unfrequently happened that troops or a sufficient body of police has not at once been available. Europeans, official and unofficial, sometimes ill-seconded by Native assistance, even of the official classes, have disregarded consideration of personal danger and checked or repressed tumult. It is the prestige of the race that has rescued these acts of bravery from the reproach of foolhardiness, and has restrained the excited mob from overwhelming the representatives of public order. In one sense every European in India is a member of the garrison, or, as I prefer to say, of a body which has assumed the duty of rescuing and preserving India from anarchy, and it would be impolitic, in the interest of all races, that the prestige of the European should be impaired.

14. I confess that this consideration would have induced me to hesitate to recommend the introduction of the Bill. It has, however, been introduced, and in order to avoid a recurrence of the excitement which, if it were now withdrawn, its re-introduction within a few years would occasion, it has to be considered, whether a modification of the proposal might not allay the apprehensions of those whose opposition to the measure proceeds on reasonable grounds.

My honourable colleague, Mr. Justice Kindersley, does not stand alone in objecting to the Bill on the ground that it is premature. There are many who do not question the principles of the Bill, who admit that a time may come when the Legislature need not hesitate to accept it. To my mind, there is much force in the argument that it is desirable to introduce the change proposed gradually; its gradual introduction will at first have little effect on the prestige of the European British subject, and that effect will be counterbalanced by other political advantages.

15. In so far as the Bill proposes to enlarge the class eligible for the exercise of jurisdiction over European British subjects, I believe there is no ground for apprehension that the

jurisdiction would be improperly exercised by the Native members of the Covenanted Civil Service selected by competition.

I have had no sufficient experience of the members of the Statutory Civil Service to form an opinion of their fitness for the exercise of the jurisdiction, and the rules under which they are selected do not, I think, afford a sufficient guarantee of such fitness.

When these gentlemen show themselves qualified to undertake the responsible office of Sessions Judge or Magistrate of the district, a judgment may be formed of their fitness to exercise jurisdiction over European-British subjects.

16. As to Assistant Commissioners in the Non-Regulation Provinces and Cantonment Magistrates, I presume that the reason for specifying these classes was the repeal which the Bill proposes of so much of the existing law as confers on the Government a general power to appoint Europeans to be Justices of the Peace. I do not understand that it is proposed to appoint Natives to be Cantonment Magistrates. There are obvious reasons why it would be unadvisable to do so; and I consider that until a province of the Empire has made such progress that it can be brought under the general Regulations and Acts, the time has not arrived when jurisdiction over Europeans should be conferred on any Natives other than those who have entered the Civil Service by competition.

No one should be appointed a Justice of the Peace to exercise jurisdiction over Europeans in a Native State who is not a European British subject or Covenanted Civilian selected by competition. But it may be gathered from the opinions I have already expressed that I think there are Subordinate Judges and Deputy Collectors on whom the jurisdiction might safely be conferred to be exercised in the Regulation Provinces.

I am not aware on what ground, except that of uniformity, Europeans who do not belong to the classes mentioned in the Bill are to be rendered ineligible for the exercise of the jurisdiction. If fitness is, as I have throughout assumed it must be, regarded as the ground of qualification, the disqualification of this class is a contradiction of the principle of the Bill. Uniformity can be secured so far as is desirable by conceding the jurisdiction to such persons, European or Native, as are members of the Covenanted Civil Service selected by competition, or hold specified offices and subject to the restrictions I have mentioned to such persons, European or Native, as may be selected by the Government on the recommendation of the High Court. I propose this limitation on selection by the Executive, because I know it cannot always resist the urgency of local authorities to confer powers, and because it can, in many instances, have little direct knowledge of the gentlemen recommended for powers. On the other hand, the greater number of the persons whom it would be desirable to select would be officers of whose judicial capacity the Judges of the High Court would have had experience.

My proposals amount to this: that in cantonments jurisdiction over European British subjects should be conferable only on European British subjects: that in Non-Regulation Provinces it should be conferable only on European British subjects and Covenanted Civilians selected by competition; and that in Regulation Provinces, it should also be conferable on such Europeans and Natives as may be selected by the Government on the recommendation of the High Court.

17. In order to allay whatever apprehension is seriously entertained to the fitness of the officers on whom jurisdiction would be conferred, I have considered whether it might not be desirable to give to every European British subject the same option in respect of the presiding Judge or Magistrate as he at present enjoys to a qualified extent in respect of jurors and assessors. I have come to the conclusion that it would be unbecoming to the dignity of the judicial office that this option should rest with those who are subject to the jurisdiction; and that a safeguard reasonably sufficient might be provided by rendering more effectual a provision of the existing Code. The 526th section, Code of Criminal Procedure, enacts that whenever it is made to appear that a fair and impartial inquiry cannot be had in any Criminal Court, or that some question of law of unusual difficulty is likely to arise, the High Court may transfer a case to another Court or to itself. I would authorize the High Court to make the transfer if it is made to appear "that it is expedient for the ends of justice." And I would supply a defect in the Code by directing that in any case in which prior to the commencement of the hearing the Government, the complainant, or the accused shall notify to the Court its or his intention to make an application under section 526, the Court shall adjourn the hearing for such reasonable time as may be required to enable an application to be made and an order obtained thereon.

18. Lastly, in the districts in which planting is principally carried out, there are now settled retired officers of the Army or Civil Service and other men of education and means who would in England be selected as Justices of the Peace. So far as it is possible, magisterial powers should be conferred on these gentlemen to be exercised by them as members of benches and ordinarily under the presidency of a European executive officer of the district or a member of the Covenanted Civil Service selected by competition.

With the modifications and limitations indicated, I believe little valid objection could be taken to the proposed alteration of the law.



It is stated in "Objects and Reasons" that the Government have "*decided* to remove every disqualification which is based merely on race distinction." I presume, therefore, that the draft Bill is sent to the Judges to ask their opinion only on the question whether the proposed Bill will accomplish the object decided on.

In this view, I think the proposed Bill is legally suitable to the purpose of Government.

J. KERNAN.

21st April 1883.

My opinion about this Bill is that it has been introduced too soon. I hope that in a few years the Natives will have made so much progress that they may safely be entrusted with jurisdiction over European British subjects. At present, I do not think that the time has come for the change.

J. R. KINDERSLEY.

21st April 1883.

No. 286-12L., dated 16th July, 1883.

From—E. S. SYMES, Esq., Officiating Secretary to Chief Commissioner, British Burma,

To—The Secretary to the Government of India, Legislative Department.

In continuation of my letter No. 282-12L., dated 16th instant, I am directed to submit, in original, a memorial addressed by a considerable number of the European and Eurasian residents in this Province to His Excellency the Viceroy and Governor General of India, praying that the Bill to amend the Code of Criminal Procedure may not be proceeded with.

*To His Excellency the Most Hon'ble the Marquis of Ripon, K.G., P.C., G.M.S.I., Viceroy and Governor General of India.*

Memorial of European British subjects of British Burma.

MAY IT PLEASE YOUR EXCELLENCY,—We, the undersigned inhabitants of Rangoon and other places in British Burma, beg most respectfully to present to Your Excellency the following petition:—

Your petitioners, as European British subjects, are by birth entitled to the privileges contained in the great charters of English liberty, the most cherished of which is the right to be tried by their peers.

Your petitioners, or their fathers before them, have left the comforts of their own country, and carrying their lives in their hands, through battle, mutiny and disease, for the honour of their country's name, have assisted to establish and maintain the Empire of Her Majesty in India, which is the greatest of her possessions.

Your petitioners are pained beyond expression to find that the Government of India now seeks to enact a law empowering men of an alien race—men whose feeling towards your petitioners are necessarily embittered by the very acts by which Her Majesty became the ruler of this land—to sit in judgment and pass sentence upon them.

Your Excellency is well aware that all Eastern nations attach the greatest importance to the outward display of respect which they demand for their women, whatever their condition or caste; and the Government of India has acquiesced in exempting Native women of certain classes from appearing in Civil Courts of Justice before European or other Judges. Yet now it is proposed to expose English women, who have been brought up in honour and held in deserved respect, to the risk of legal processes before Native Judges in cases which may be instigated by Natives actuated by most unworthy motives.

Your petitioners feel that the proposed alteration would be particularly inexpedient in British Burma. This Province has but very recently been subjected to British rule; and, although that rule has been attended with the happiest consequences to the mass of the population, there still remains amongst them a strong tendency to sympathize with the lawlessness at Mandalay; and your petitioners are fain to believe that any hasty transfer of power to the Natives of this Province might lead to disastrous consequences in times of political trouble in any other part of the Empire.

Your petitioners submit that the Imperial requirements of the time call for no alteration in the present law of Criminal Procedure such as the Bill before Your Excellency in Council aims at, and which your petitioners pray may not be proceeded with.

And shall ever pray, &c.

Dated 28th July, 1883.

Office Memo.—By the Private Secretary to His Excellency the Viceroy.

Transferred for disposal to the Secretary to the Government of India in the Legislative Department.

Dated 25th July, 1883.

From—KHUSHIE RAM, Secretary, Native Association, Kalka,

To—The Private Secretary to His Excellency the Viceroy and Governor General of India.

I most humbly and respectfully beg to submit herewith the enclosed memorial on behalf of the inhabitants of Kalka and its vicinities, praying for a consideration in the famous Mr. Ilbert's Bill introduced into His Excellency's Legislative Council on the 19th February last, for the purpose of amending certain grave defects existing in the Code of Criminal Procedure at present in force in this country, and beg your Honour will, with an eye of mercy, present the said memorial to His Excellency the Viceroy for His Excellency's favourable consideration and support.

And, in duty bound, I, your Lordship's obedient and humble servant, will ever pray.

Dated 25th July, 1883.

To His Excellency the Most Noble GEORGE FREDERICK SAMUEL ROBINSON, MARQUIS OF RIPON, K.G.,  
G.M.S.I., G.M.I.E., Viceroy and Governor General of India.

Memorial of the inhabitants of Kalka.

MAY IT PLEASE YOUR LORDSHIP,—The humble memorial of the inhabitants of Kalka and its vicinities most respectfully sheweth—

That your memorialists observe with much satisfaction the Bill introduced into Your Excellency's Legislative Council, on the 19th February last, for the purpose of amending certain grave defects existing in the Code of Criminal Procedure at present in force in this country. These defects had been for many years past the subject of very considerable complaints, which found formal and pointed expression in Your Excellency's Legislative Council in March 1882, when the present Code was passed, and when an amendment having the same object as the present Bill was brought before the Council, and withdrawn only upon a promise given that the subject would receive early and more careful consideration than could be bestowed on it at that time.

2. Your memorialists beg at the very outset to disclaim any desire for the removal of any privileges enjoyed and really valued by any particular class of Her Majesty's subjects, when those privileges are such as involve no injury to any other class. But your memorialists hold that the privilege continued to British-born subjects of Her Majesty under the present Code of Criminal Procedure is one which, besides being singular as the only class-privilege recognised in the administration of the criminal law, does involve injury, and very serious injury, to other classes of Her Majesty's subjects in this country; and they further hold that the curtailment of that privilege as attempted in the Bill now under discussion is in its extent the slightest that could be looked upon as at all meeting the circumstances of the case.

3. The administrative inconveniences which have been occasioned by the maintenance of the privilege in question; the inconvenience, not to say injustice, which parties to and witnesses in criminal proceedings in which European British subjects are the accused persons are put to in consequence of that privilege; the mark of inferiority which it implies on one gradually increasing class of officers in Her Majesty's service, and the occasional injustice which must be expected to occur in the distribution of the various administrative districts to those officers if the said privilege is maintained untouched; all these are considerations which, taken together, ought, your memorialists submit, to strongly weigh with the British Government in India, having regard to the policy of that Government as often authoritatively declared, and nowhere in better or more forcible language than in the great Proclamation of 1858, in which Her Most Gracious Majesty used the following memorable words:—

“We hold ourselves bound to the Natives of our Indian territories by the same obligations of duty which bind us to all our other subjects, and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.” And again, “it is our earnest desire.....to administer its Government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all Power grant unto us and to those in authority under us strength to carry out these our wishes for the good of our people.”

4. Your memorialists gladly admit that the principles above referred to have in a general way, and to some extent, practically guided the Government of our country, and the history of British Indian administration in the past exhibits a constant, if somewhat slow, progress of equalising the status before the law of all classes of Her Majesty's subjects. Your memorialists accordingly consider the Bill in question as the only one short step in the direction in which British policy in this country has uniformly progressed. And they can therefore only deplore the spirit of partisanship which the Bill has roused in a section of Her Majesty's subjects. But they cannot help feeling that that spirit has not been roused by this Bill alone, and that behind that spirit lies a strong antagonism to the whole policy of the present Government of India—a policy which, your memorialists submit, is not only just and beneficent in itself, but is also in consonance with, and is the proper outcome of, principles which have been laid down for upwards of half a century by successive Parliaments, Secretaries of State for India, and the Government of India, and, above all, calculated to promote the best interests of both England and India.



5. Your memorialists maintain that, when the principle is once admitted that the Natives of this country ought to be appointed in gradually increasing number to posts in the service of Her Majesty, which in their ordinary functions include the trial of offences committed by European subjects, a very strong case is made out for such legislation as is attempted in this Bill. It is the duty of the statesman to provide in due season for an adaptation of the whole administrative machinery to that principle before an overwhelming number of cases actually arise in which such adaptation may be specifically required.

6. Your memorialists would crave leave to say a few words upon certain specified points made in connection with this subject.

7. The existence of this anomalous and invidious distinction which the Bill seeks to remove is sought to be justified by the assumed incapacity of Native Magistrates to deal with cases in which British-born subjects are concerned. The grounds alleged for this assumption are—(1) that Native Magistrates are likely to be swayed by race-prejudices; (2) that they are not sufficiently acquainted with European manners and customs; (3) that much perjury prevails in India; (4) that false and trumped-up charges are often brought against innocent parties; (5) that the aid of experienced counsel cannot be had in the mufassal.

8. *First*, as to race-prejudices, it must be remembered that the Magistrates who are to be entrusted with jurisdiction over Europeans will of necessity be tried and trusted servants of Government, who have gone through years of training, and who have by their qualification attained high positions, such as those of District Magistrates or Sessions Judges. The other persons who are eligible for these extended powers are those Covenanted Civil Servants, Assistant Commissioners, or Cantonment Magistrates only who have been especially selected by Government to be Justices of the Peace.

9. Your memorialists would respectfully submit that it is impossible to suppose that any one of these Magistrates, most of whom must necessarily have been educated in England, and have thus come into social contact with Europeans, could entertain any hostile prejudices against the English people. Surely the blessings of English rule—which no one appreciates better than the educated Natives of India—are calculated to produce not a feeling of hostility, not a feeling of prejudice against the English people, but rather a feeling of respect, gratitude, and admiration. The idea, therefore, of wilful injustice must, your memorialists submit, be dismissed as a gross and unjustifiable libel, unfair alike to the English Government in India and to the Native Magistrates.

10. Wilful injustice being thus out of the question, is there any reasonable ground for supposing that Native Magistrates are more likely to be unconsciously swayed by race-prejudices than their European colleagues? In considering this question one must not forget the high training the Magistrates in question must have received before they are entrusted with the powers proposed to be given under the Bill, nor the fact that Hindu Magistrates try every day questions in which Hindus, Parsis, and Mussalmans may be opposed to each other, and *vice versa*. Now, it has never been alleged that Hindu, Mussalman, or Parsi Magistrates unjustly convict persons belonging to a different race or creed from their own. Then, why should it be supposed that these Magistrates would be unjustly influenced by race-prejudices in the case of Europeans only?

11. As to want of acquaintance with European manners and customs, your memorialists submit that this is not true in the case of Natives who have been educated in England or even those who have received a high English education in this country, and who have for years mixed with Europeans in their own country and in India on a footing of equality and friendship. On the contrary, your memorialists would submit that Covenanted Native Civil Servants are likely to be better acquainted with European manners and customs than many European Magistrates are, and can generally be, with the habits and customs of the Natives of this country.

12. In regard to perjury and false and trumped-up charges, and the absence of counsel, surely experienced Native Magistrates are as well able to deal with these difficulties as their European colleagues, or rather more from their intimate knowledge of Natives. These difficulties are not alleged to be confined to European cases only, but to occur in all cases. But, if the Magistrates are able to detect perjury and to discover trumped-up charges, even in the absence of counsel, when levelled against the Natives of this country, surely they would be equally able to detect them when they have to try cases in which Europeans are concerned.

13. And your memorialists submit that the multiplication of railways and the telegraph has made it easy for parties to engage counsel, or to communicate readily with the Government or the High Courts, which could not have been done in former times; while the High Courts in India have now been invested with the ample powers to transfer cases on all occasions where such a step may seem desirable. If, then, these Magistrates are admittedly competent to administer justice to the millions of India, it can hardly be seriously argued that they are unfit to deal with the few cases in which Europeans are concerned. Your memorialists cannot believe that Natives are more governed by race-prejudices than Europeans. They think that quite the contrary is the fact.

14. Under these circumstances, your memorialists would respectfully ask whether it is just, dignified, or politic to have one set of scales for administering justice to the Natives of this country and quite another for Europeans; whether our Courts are good enough for trying questions of life and death for the 200 millions of Her Majesty's Indian subjects, but not fit to try even the most trivial questions in regard to Englishmen; and whether the pre-

sent exceptional and anomalous provisions of the law are not calculated to lead the Natives of this country to believe that they are intended more to screen European offenders than to secure impartial justice?

15. Lastly, your memorialists emphatically deny the gross misrepresentation that the Natives of this country care nothing for this Bill. They, on the contrary, assert that they are keenly and deeply interested in it. They have watched, and will continue to watch, its fate with the most intense anxiety. In the opinion of your memorialists, the principle involved in this Bill is of the most vital importance to their interest and welfare. The question really is, whether the Natives of this country—no matter what their qualifications, their learning, their experience and their services in the cause of their country may be—are always to be treated as an inferior race of men; whether that inferiority is constantly to be marked by invidious and galling distinction? And this question, as already indicated, has now to be considered as part of the still larger question—whether India is to be governed upon the righteous principles which were announced by Her Most Gracious Majesty, and have guided Your Excellency's enlightened policy, or upon those of the opponents of this Bill?

And, in duty bound, we, Your Lordship's obedient and humble subjects, will ever pray.

No. 6, dated 10th August, 1883.

From—GANESH PANDURANG AGTERY, Vice-President, and RAGHUNATH PANDURANG KARANDIKAR and NARAYAN PANDURANG AGTERY, Honorary Secretaries, Satara Sarvajanic Sabha,

To—The Secretary to the Government of India, Legislative Department.

We have been directed by the Managing Committee of the Satara Sarvajanic Sabha to submit the following representation on Bill No. 8 of 1883, a Bill to amend the criminal jurisdiction of Native Magistrates, for the consideration of the Legislative Council, and to request you to lay the same before it.

1. The Sabha has been watching with deep interest the progress of the Bill mentioned above since the time the Hon'ble Mr. Ilbert begged leave of the Council to introduce the same.

2. The principle of this Bill is of the greatest importance and significance, and is in thorough accord with the traditional policy of the Indian Government, with the declared views and acts of the great Anglo-Indian statesmen who have founded and consolidated this great empire, with the repeated instructions of the Court of Directors of the East India Company, with the Acts of British Parliament on the subject of Indian policy, and, lastly, with the generous promises and pledges of Her Most Gracious Majesty the Queen, as solemnly given in the Royal Proclamation of 1858.

3. The equality in the eye of the law of all Her Majesty's Indian subjects—whether British-born or otherwise—has been one of the main principles underlying the policy and government of this country by the late East India Company, and it has been accentuated above all in the Royal Proclamation on the assumption of the direct rule of this great country by Her Most Gracious Majesty.

4. The greater and more extended employment of the Natives in the government of their own country, which has been promised, which is being carried out partially, and which policy and economy alike will force the Government to carry out more fully, demands that the Natives shall be under no disqualification, by reason of their caste, colour or creed, in the exercise of powers appertaining to the posts held by them. If invidious distinctions and disqualifications are allowed, not only great public inconvenience and injustice will accrue, but much needless expense will be thrown on the public Exchequer.

5. The British Indian Government cannot recognise Europeans as a dominant caste in this country, and invest them with exclusive rights and privileges. Such a proceeding will stamp the Natives as an inferior race, and engender in the mind of the nation at large a sense of injustice and wrong, and will create a permanent feeling of discontent most prejudicial to the interests both of India and England. The triumph or defeat of this Bill will be associated in the minds of the people with the triumph or defeat of a great cause—the cause of justice and equality, the cause of India being governed in its own interests and not in the interests of a small dominant class; its “symbolical significance” is great, and its fate is watched with keen interest.

6. The power to try European British subjects, which the present Bill proposes to invest Native Magistrates with, has been freely enjoyed by Her Majesty's Native subjects in Ceylon, and the Sabha has the authority of Her Majesty's Colonial Under-Secretary declaring in Parliament that none of the numerous and fancied dangers which such an investment is alleged to be fraught with has ever occurred there, and that no complaints are made by the Europeans there against Native Magistrates exercising criminal jurisdiction over them.

7. The same is found to be the case in the matter of Native Magistrates and Judges exercising criminal jurisdiction over Europeans in Presidency towns and civil jurisdiction all over the country. The Natives have shown themselves perfectly competent and fit to hold such powers, and it is not likely they will ever prove unworthy of trust if invested with criminal

8. Notwithstanding this, many objections are raised against the passing of this Bill, some of which are noticed below :—

- (1) The necessity for the proposed change has not been made out.
- (2) The time for the change has not yet come.
- (3) A Native is not fit to try European British subjects because of his caste-prejudices and his ignorance of European manners, habits, and language.
- (4) There has been no popular demand for the change.

9. As regards the first objection. Since the Native Civilians are rising to the rank of District Magistrates and Sessions Judges, it is necessary, for obvious reasons, that they must be put on a footing of equality with European members of the same service, as regards the criminal jurisdiction over European British subjects, by removing the existing anomalous distinction and disqualification. According to the provisions of existing law, a European British subject, committing an offence not adequately punishable by a Magistrate, in a district presided over by a Sessions Judge, who himself is not a European British subject, has to be sent up to the Presidency town for his trial before the High Court. This is a great public inconvenience, entailing, the Sabha submits, a great hardship on the aggrieved parties and on the witnesses concerned, and a good deal of needless expense on the public treasury, which it is quite desirable should be avoided by removing the judicial incapacity of the Native Civilians by introducing the proposed change into the law.

10. As regards the second objection. British statesmen of great Indian experience have often declared that Native judicial officers are efficient and impartial in administering justice, and, as a matter of fact, their decisions on important questions are generally upheld by the superior tribunals. This circumstance alone encourages the Sabha to say that this objection is groundless. Any such objection would hold good if European settlers in this country were to a great extent under English law. But all Her Majesty's Indian subjects, whether European or Native, are now tried by one and the same criminal law without any distinction, and this law is entirely based upon the principles and precedents of English law and jurisprudence. The case of English residents in foreign countries being tried by their own Courts is not in point, because in this country they are not tried by foreign Courts, administering foreign and strange law, but by Judges appointed by their own Government and by laws made by themselves.

11. With regard to the third ground of objection, the Sabha is really at a loss to conceive what bearing caste has on one's notion of justice. Had there been any force in this objection, European British subjects would never have submitted to the jurisdiction of Native Magistrates in Presidency towns. Native Magistrates, moreover, daily try men of all castes and creeds, Hindus, Mussalmans, Parsis, Christians, Jains, Buddhists, &c.; and no complaint has been heard that, in trying men and women of so many races, they are swayed by caste-prejudices. As regards ignorance of European habits and language, if Natives are ignorant of European habits and language, much more are the Europeans ignorant of Native habits and languages, and would be unfit to try Natives. The fact, however, is that educated Natives possess a better knowledge of English than many English Civilians possess of the Vernacular languages.

12. Lastly, it has been put forth that the Natives have never asked for the change. It is well known that, when the Criminal Procedure Code was under discussion in the Supreme Legislative Council, two eminent Native Members of the Council proposed an amendment for the removal of this very anomaly. The movers clearly made out the importance of the amendment: what they said was that there should be perfect equality in respect of all races without any distinction of colour or creed. The Sabha does not wish to enter into the details of this question, but it is humbly of opinion that the change is really and earnestly asked for by the leading members of the Native community.

13. We cannot conclude without expressing the Sabha's great regret at the hostile attitude of a certain section of the European community in India on this subject. A broad question has been raised—"What ideal shall we set before our eyes" in the government of the various nations of this great Empire? The Sabha has not the slightest doubt that His Excellency the present Viceroy's government will settle this question rightly and wisely, and in the interests of the millions of Her Majesty's Indian subjects entrusted to His Excellency's care.

No. 2108, dated 11th August, 1883.

From—M. HAMMICK, Esq., for Chief Secretary to Government, Madras,

To—The Secretary to Government of India, Legislative Department.

In continuation of my letter, dated 27th June 1883, No. 1710, and with reference to your telegram of the 27th ultimo, I am directed to forward a copy of the minute recorded by the Hon'ble Mr. Justice T. Muttasami Aiyar on the Criminal Procedure Bill.

*Minute by the Hon'ble Mr. Justice T. MUTTASAMI AIYAR, Madras.*

As a Native who has had criminal jurisdiction over European British subjects as a Presidency Magistrate from 1868 to 1872, and as a High Court Judge since 1878, I have felt

some delicacy in expressing an opinion on the Jurisdiction Bill, which is opposed mainly on the ground that the several races other than European British subjects who are settled in India are, as a body, incompetent to exercise such jurisdiction. But, as a member of a Court to which Her Imperial Majesty has, under statutory enactment, been pleased to commit the highest judicial functions, I feel it at once due to the Crown and to my country to place on record my views on a legislative proposal which has evoked such widely different sentiments both in this country and in Europe. Divesting myself, so far as it is possible to do, of any conscious partiality, I believe that the measure is one which the Legislature may enact as law with the fullest assurance of its justice and without any reasonable doubt of its expediency. There is scarcely room to doubt that the principle on which the Bill is founded is sound and unimpeachable. Assuming for a moment that there are certain classes of Natives who are, by education, special knowledge, and character, qualified to exercise the new jurisdiction, I am unable to conceive on what principle of justice it is to be withheld from them. Where are we to stop, if we once admit that, in a time of peace and progress, when the policy adopted in every branch of the administration is in the direction of the regeneration of India, the claims of equal justice to all classes of Her Imperial Majesty's subjects are to be subordinated to the sentimental objections of any one class? Nearly 50 years ago, and in 1833, it was decided by the British Parliament that no Native shall be excluded from any office in the State which he is competent to hold solely by reason of his colour, caste or creed; and the Jurisdiction Bill only purports to give effect to this Parliamentary guarantee, by substantially ruling that no power appertaining to the office which the Native is qualified to hold shall be taken away from him because he is Native and not an European British subject. The time that has been allowed to elapse from the date of the Parliamentary guarantee, during which English education, English administration, and liberal-minded Englishmen and Englishwomen have steadily been doing their good work in aid of progress, indicates that the legislation now proposed is far from premature. On the other hand, it is the necessary result of that liberal policy and statesmanship which does not shrink from recognising the altered conditions of progress, which has made Great Britain what she is and which, it is earnestly hoped, will one day raise India to what she ought to be. I further think that, in this country, where there are divers races and nationalities, the only considerations that ought to influence our decision is that of competency to exercise the new jurisdiction. I do not for a moment pretend to claim this jurisdiction for all Natives, for no one is more aware than I am of their many imperfections; but I desire to point out that there is a considerable number of Natives who are competent to exercise the criminal jurisdiction as efficiently as the average European British subject, and that it is as incorrect to say that no Native is competent to exercise it as it is that every European British subject is competent to exercise it.

2. Confining myself, then, to the question of competency, I do not see sufficient ground for the apprehension that the Bill, if it becomes law, will at all impair the protection which European British subjects claim against injustice. Our Subordinate Judges, who are Natives, exercise unlimited jurisdiction over the property of European British subjects, and it is generally admitted that they exercise it as satisfactorily as most of our District Judges. Again, our District Munsifs have civil jurisdiction to no inconsiderable extent over European British subjects, and there has been no complaint against them. The coercive and punitive powers which are conferred upon the Native Judiciaries by the provisions of the Code of Civil Procedure include powers to arrest, to imprison, to fine, and to demand security from European British subjects; larger in extent, in some cases, than the power to fine or imprison, which it is now intended to confer upon Justices of the Peace; and, so far as I am aware, there has not been a single instance in this Presidency in which these powers have been abused to the prejudice of the European British subject. Notwithstanding the fact that civil justice is so largely administered by Native agency, no sense of insecurity of property has resulted from it. On the other hand there has been a steady and copious flow of British capital into India during the last 20 years. This being so, I do not understand why should the very limited criminal jurisdiction which it is now proposed to confer upon a few superior Native Magistrates, who, as a class, are at least as intelligent and respectable as our Subordinate Judges, produce a different result. Is it not just and reasonable to conclude that the new criminal jurisdiction will be exercised by them as carefully and as impartially as the civil jurisdiction and its ancillary powers are exercised by their own countrymen in the uncovenanted judicial service? Turning, next to the Native civil servants, are not there additional guarantees of efficiency in the university education which those Natives and Eurasians who are selected for the civil service under the competitive system generally secure, in the common platform on which they compete in England with their English compeers, in the insight which they acquire into the influences that enter into the domestic and social life of Englishmen and Englishwomen, and in their modes of thought and feeling? Furthermore, the circumstances in which this jurisdiction will be exercised by Natives afford a very satisfactory guarantee against its abuse. The supervision which the District Magistrate, the Sessions Judge and the High Court exercise over the inferior Magistrates, the care with which their action is watched where an European British subject is concerned, the feeling among educated Natives that even a *bona fide* mistake in a case where an European British subject is concerned, or in which party-feeling runs high, is liable to misconstruction, the desire to maintain a high character for judicial impartiality in the estimation of the higher European district officials and of the High Court and Government, the power of transferring cases which vests in the High Court, the facilities which the Euro-



pean officials in the provinces possess of discovering any abuse of power in cases in which an European British subject is concerned, the right of appeal, and the right to apply for the writ of *habeas corpus* which Englishmen possess—all these favour the conclusion that the superior Native officials named in the Bill will feel and recognize that it is as much their interest as it is their duty to exercise the new jurisdiction so as to merit the approbation of enlightened Europeans. As to Native Sessions Judges and District Magistrates, who will be men of considerable experience and of approved service, high official status and character, it seems to me to be absurd to say that, although they may well sustain the heavy responsibility devolving on them in all other respects, they are not fit to try a few Europeans who may offend against criminal law. As to the members of the statutory or Native civil service, it is, no doubt, true that though they are always men of high social status, and though many have secured the benefit of liberal English education, some of them may be young, inexperienced, and not as highly educated as the others; and all that can, perhaps, be reasonably demanded is that in their case the new jurisdiction should be specially conferred by Government subject to certain length of service and on special proof of fitness for its exercise. I may here refer to the success with which criminal jurisdiction is exercised in the provinces by Native Magistrates over Europeans who are not European British subjects. In what respects do English British subjects differ from other Europeans so as to render the extension of jurisdiction inexpedient? If it is the right of conquest, I would observe that British love of equal justice to all is as important an element of British greatness as British valour or British pride. These considerations induce me to think that the opposition offered to the Bill is not founded on reason.

3. In the discussion which the legislative proposal has evoked, many secondary issues have unfortunately been raised, and the main issue has often been thrown quite into the back ground. It is said by the opponents of the Bill that what we ask for is, not that any privilege enjoyed by the Native should be withheld from him, but that the privilege hitherto enjoyed by the European British subject should not be taken away from him. I would here observe that the real question is one of equal justice to all Her Majesty's subjects, and of removing legal disabilities when the altered conditions of progress render their removal an act of bare justice and fairness. The principles and traditions of enlightened statesmanship and legislation seem to me to require in this country that no special privileges that derogate from the equal rights of citizenship should be recognized, except either on the ground that the particular privilege claimed must be tolerated for a time on considerations of policy as an unavoidable administrative imperfection, or for the reason that its preservation is necessary as a special protection against injustice.

4. It is next urged that the Native community does not demand a repeal of the privilege which is dealt with by the Bill. I would ask whether, as a community, Natives ever demanded that slavery should be abolished, or that no arbitrary distinction of colour, caste, or rank should be recognized regarding the exercise of public rights, or that the Indian prince and peasant should be equal in the eye of law and in the British courts of justice. I would further ask whether it is reasonable to believe that the Natives do not see and feel the humiliation implied by a legislative declaration of national and almost universal incompetency to exercise jurisdiction even in small criminal cases over European British subjects.

5. It is further alleged that some of the Natives say that it would be troublesome to exercise this jurisdiction, and that they would be better off without it. Does not this really imply a diffidence in the impartial judgment of their official superior when he has to decide between an Englishman and a Native subordinate? In many cases, this diffidence will, on enquiry, be found to rest on no solid foundation. Assuming that there are some cases in which it is well founded, is it not an administrative defect that ought to be remedied? Is this feeling to be encouraged or to be noted as an argument against the Bill? Does it not, on the contrary, indicate that scrupulous care would be taken in exercising this jurisdiction, and that European British subjects are likely to receive more consideration from Natives than they might reasonably expect from their own countrymen?

6. It is not for me to enter on the question of feeling or of sentiment, and I would therefore pass over it with the remark that it does not harmonize with the exigencies of progress and with the British sense of fairness and justice. I may, however, state that, if the Bill becomes law, it will tend, though after a time and after the present excitement passes away, rather to bridge over the gulf between the European and the Native which invidious distinctions maintain, than to widen or deepen the breach.

7. It is next urged that exemption from Native jurisdiction is of political importance, and that it is necessary to maintain the prestige of British power. Her Majesty's Secretary of State is often a party in a civil suit tried by a District Munsif, and at times is a judgment passed against him not only by the Court of first instance but also by the Court of Subordinate Judge on appeal. The whole Native community is aware of the existence of this right to sue the Crown. I would now ask whether this knowledge, and whether the gracious submission of the Crown to Native jurisdiction, have lowered or raised the prestige of British power. I may say, without fear of contradiction, that it has deepened the loyalty and affection felt for our Most Gracious Sovereign, and materially added to the prestige and splendour of British power. It is, therefore, not easy for me to understand why British prestige should suffer if Her Majesty's Native servant, acting in subordination to Her Majesty's Government, and subject to the authority of Her Majesty's High Court, should punish an European who breaks the law.

The submission of the Crown to Native jurisdiction in civil cases most emphatically illustrates the position that love of equal justice to all materially adds to, and does not at all detract from, the prestige of the British race, and that it has always characterised the British rule in this country.

8. As to the argument that immunity from the jurisdiction of Native Criminal Courts constituted by the British Government and supervised by higher European tribunals is the personal and indefeasible privilege of the European British subject, I must say that it is inconsistent with the traditions of the British rule and the history of British legislation in this country for nearly 50 years. For instance, prior to 1836, European British subjects had enjoyed a total immunity from the civil jurisdiction of all the Courts established by the late East India Company. Then there was a sentiment that even English gentlemen, including the Judges of the late Sadr Court, were unfit to exercise jurisdiction over Europeans. But when it was found that there was no necessity for the retention of this privilege, and that an amendment of the law was feasible, Act XI of 1836 was passed to repeal the privilege. When this was done, no distinction was made between the Native Judge and the District Judge. Although District Munsifs were not then included among the judicatories competent to exercise civil jurisdiction, still the ground was one of incompetency and not of nationality. However, when the improvement of the uncovenanted judicial service rendered a further amendment of the law practicable, Act III of 1850 subjected European British subjects to the civil jurisdiction of District Munsifs. Again, when it was found expedient to confer criminal jurisdiction on Native Magistrates in Presidency towns over European British subjects, the law was amended without any opposition. As to this, it is stated that the presence of a large European community and of the English Press in Presidency towns are special safeguards which do not exist in the provinces. Assuming that it is from fear, and not from principle or sense of duty, that Presidency Magistrates do not abuse their power, or the supervision of the High Courts, the facilities which district officials possess of acquiring information as to how an European British subject is treated, and the criticisms and letters that appear in the Presidency papers as to what takes place in remote plantations—are all these to go for nothing as checks against abuse of power?

9. As to the argument founded on international law, according to which Christian nations in Europe claim immunity from the criminal jurisdiction of Muhammadan States in Turkey and Northern Africa, it rests, as pointed out by Sir A. Hobhouse, on grounds which are not applicable to the Jurisdiction Bill. It has, then, been suggested that an immunity from the Criminal Courts in the Native States of Travancore and Mysore is enjoyed by European British subjects. Neither does this seem to me to be a parallel case. The British Government is not entitled to insist that the Indian Penal Code shall always be the criminal law to be administered by those States. Nor is it in a position to guide and control the nomination and dismissal of Native Magistrates or to subject them to the supervision of higher European tribunals, or to institute administrative guarantees to ensure the protection which the special immunity is designed to secure.

10. The real question, therefore, on which our decision should depend is, I say again, whether, regard being had to the education and status of superior Native Magistrates and of Native civil servants, and to the circumstances in which they are to exercise a very limited criminal jurisdiction, the retention of the special privilege is necessary as a safeguard to the administration of criminal justice. I shall next proceed to consider *seriatim* the arguments founded upon what are said to be defects in Native character or peculiarities of temper in certain uneducated classes of Europeans, and upon the consideration which is due to English ladies that appear before judicial tribunals.

11. Want of sufficient firmness and of independence of character, and a proneness to be swayed by race sentiment or feeling, especially when waves of social and political excitement pass over Native society, are the defects to which reference has been made in connection with the Bill. As to firmness and independence, they are seldom missed in the judgments of our Subordinate Judges and District Munsifs, and it was a marked improvement in this respect that induced the Legislature to give them jurisdiction over suits to which Government and superior public servants were parties. I have heard public and social questions discussed at social gatherings as well by educated as by orthodox Hindus, and I have seldom missed either a frank expression of opinion or firm adherence to one's views. If servility and obsequiousness are in some cases found in ministerial officials, it is because they feel that these are conducive to their success in official life. If they are at times found to feign a concurrence in the view of their European superiors, it will be seen on close examination that it is due to the fear that independence in a Native is mistaken for self-assertion and that manner is similarly mistaken for character owing to the limited social intercourse between the European and the Native. However this may be, the defect does not exist where there is a conviction that independence and frankness are invited and encouraged, or where a high sense of duty is generated and sustained by the influences due to liberal English education. Considering, then, the status, the education and the enlightenment generally of Natives who are superior Magistrates and members of the civil service, and considering also in what esteem such men as the late lamented Ratnavelu Chetti and others of his stamp were held, I do not think that this objection against the Bill has any force.

12. Next, as to proneness to be swayed by race feeling and social prejudice. There are three classes of Native Magistrates on whom it is proposed to confer criminal jurisdiction. The



argument is obviously not pertinent in the case of Eurasians who enter the civil service under the competitive examination. Nor is it pertinent in the case of superior Native Magistrates, who are men of education and tried character, and possessed of considerable experience. Neither has it weight in the case of Natives who have risen above social prejudice, gone to England, studied and competed with Englishmen on their own soil, moved in their own society, at times dined at the same table, and in some instances even married Englishwomen. This class of civil servants, as well as those Natives who have had the benefit of university culture and education and have habitually cultivated a high sense of public duty, have no real reverence either for sacred monkeys or idols. It does seem to me to be a great hardship that these men should be told that, although they owe their position in the civil service to freedom from prejudice and narrow-minded views, and to the fact that, in most matters, they are influenced by English thought and feeling, they must be taken to be no better than some of their uneducated countrymen for the purposes of this Bill. As to the members of Native Civil Service, they are generally gentlemen by birth and status and education, and the conditions in which they will have to exercise the new jurisdiction are adequate checks against the misuse of their power. I must also point out that, defective as social education in this country is in many matters, reverence for law and judicial office is a trait in national character, and a dereliction of duty on the part of a Judge is, according to Hindu notion, one of the five great sins for which there is no atonement. I have also stated that there is no objection to instituting additional tests of competency in the case of this class of civil servants. In dealing with this argument, it is unfortunately overlooked by those who oppose the Bill that District Magistrates and the High Court will not hesitate to exercise their power to transfer cases from one Court to another whenever there is any apprehension on the ground of abnormal social or religious upheaval.

13. The next argument, that Native gentlemen will be wanting in consideration to English ladies who may appear before them, impliedly casts a very ungenerous and totally unfounded imputation on Native character. I hardly know a country in which there are fewer instances of insults offered to family women, both in public and private life. Conscious as I am of the profound respect with which English ladies are regarded by all classes of Hindus, and of the respectful affection and gratitude with which liberal-minded English ladies who labour to raise and elevate women in India are remembered both by men and women in educated Hindu families, I must emphatically characterise this attack as a cruel and unjust imputation on Native gentlemen. Have not Natives common sense to see that there are special social usages in every nation? Are they not aware that there are several peculiar customs among themselves? Does the educated European insult Native women because their customs are peculiar? "Regard every lady who is not your wife as your mother" is the rule of etiquette current among gentlemen in Native society. It is also a matter for regret that strange and startling misconceptions exist among European gentlemen as to the real position which the Hindu wife and mother enjoy in respectable families. The deference that is shown to the mother in all families, the consideration and respect accorded to Native ladies in Hindu society at ceremonial and festive gatherings, and the influence the wife commands in the families of many educated Natives and in respectable orthodox families, are scarcely inferior to what would be found in English homes. I may, therefore, confidently submit that English ladies that may appear before superior Native Magistrates and Native civil servants will be treated at least with as much deference and consideration as they might expect from their own countrymen, and that, if any mistake is made in this respect, it will be on the side of too much, than of too little, consideration.

14. As to the peculiarities of temper in sailors, soldiers, and the lower classes of Europeans, the answer is that these classes are most numerous in Presidency-towns, and there has been no complaint against Presidency Magistrates.

15. Another argument against the Bill is that national and social peculiarities are elements of probability that require to be taken into account in criminal cases, and that Natives are deficient in this branch of special knowledge. The fact is that it is hardly needed in dealing with ordinary police cases, such as drunken outbreaks, assaults or the like. In more serious cases, the overt acts from which a criminal intent is inferred would generally be such as create no difficulty in arriving at a finding as to intention. As to cases in which a special knowledge is necessary, why should it be assumed without adequate reason that an educated Native is not competent to acquire it, while an educated European, fresh from England, is supposed to be capable of acquiring the same knowledge as to Natives? Are not English education, acquaintance with English society, social intercourse with Englishmen, and opportunities of consulting European superiors and colleagues in cases of exceptional difficulty, facilities which a Native Magistrate and civil servant may turn to account? Are not cases which arise under the mercantile law, or which require a knowledge of the intricate law of trusts and testamentary alienations, and are not actions even for breach of promise of marriage, dealt with by Natives in the exercise of civil jurisdiction? It should also be borne in mind that those cases, if any, in which peculiarly subtle influences relating to sexual relations enter are not likely to come before inferior Magistrates, and that, if they ever do come, they may be transferred to some higher tribunal for disposal.

In conclusion, I have to apologize for the length of this paper. I have also to apologize if I have unconsciously under-estimated the force of any objection taken to the Bill. It is far from any intention that any special privilege which is necessary as a protection against injustice should be taken away from the British residents in India; for no one feels more than I do

that, among the various races who have ruled over this country, the British race is the nation to whom this country owes an everlasting debt of gratitude. The prestige of that race is of importance as well to the Hindu as to the European; for it is necessary to the cause of order, progress, and national regeneration in India. My only desire is that the Native and the European should not, in their relations as fellow-citizens, overlook the exigencies of progress, but act with mutual consideration, so that their descent from the same stock in the far antiquity may become the watchword for mutual esteem, cordiality, love, and brotherhood.

D. FITZPATRICK,  
*Secy. to the Govt. of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 37. } SIMLA, SATURDAY, SEPTEMBER 15, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—PUBLIC.

*Simla, the 14th September 1883.*

**No. 1365.**—Under the provisions of Section 17 of the Indian Arms Act, 1878, and with reference to paragraph IV (b) of Home Department Notification No. 518, dated the 6th March 1879, the Governor General in Council is pleased to make the following rule regarding the grant of licenses for the importation or transport of saltpetre in all districts on the external land frontier of British India and in the sea-board districts of British Burma, when such saltpetre is required for manufacturing, medicinal or industrial purposes:—

##### *Rule.*

Licenses may be granted to persons without payment of any fee in all districts on the external land frontier of British India and in the sea-board districts of British Burma, entitling the holder to import or transport saltpetre in reasonable quantities, when the same is proved to the satisfaction of the officer granting the license to be required *bona fide* for manufacturing, medicinal or industrial purposes.

#### PORT BLAIR.

*The 13th September 1883.*

**No. 439.**—*Appointments.*—Mr. M. V. Portman, Officiating Extra Assistant Superintendent, 2nd Class, to officiate as Extra Assistant Superintendent, 1st Class, Port Blair and the Nicobars, during the absence on leave of Mr. H. Godwin Austen, or until further orders.

Mr. W. Jessop to officiate as Extra Assistant Superintendent of the 2nd Class.

#### ECCLESIASTICAL.

*The 13th September 1883.*

**No. 238.**—The Reverend E. M. Beasley, B.A., Chaplain of Morar, is granted privilege leave for one month, with effect from the 20th ultimo, or from any subsequent date on which he may avail himself of it.

*The 14th September 1883.*

**No. 242.**—The services of the Reverend T. C. Shepherd, of the Bombay Ecclesiastical Establishment, are transferred to the Bengal (Lahore) Ecclesiastical Establishment.

A. MACKENZIE,

*Secy. to the Govt. of India.*

## FOREIGN DEPARTMENT.

## NOTIFICATIONS.—MILITARY.

*Simla, the 10th September, 1883.*

**No. 2189 G.**—The services of Lieutenant C. G. Harris, Royal Irish Rifles, Officiating Wing Officer, on probation, Bhopal Battalion, are replaced at the disposal of the Military Department.

*The 12th September, 1883.*

**No. 2213 G.**—Lieutenant H. L. Pennell, 1st Dragoon Guards, Officiating Squadron Officer, on probation, 2nd Regiment, Central India Horse, is granted six months' leave to study the Native languages.

## POLITICAL.

*The 13th September, 1883.*

**No. 2236 G.**—With reference to Foreign Department Notification, No. 1493 G., dated the 28th May, 1883, the recognition of the appointment by the Government of India of Mr. Peter Lenthardt as Acting Consul for the Netherlands, at Karachi, has been confirmed by Her Majesty's Government.

## GENERAL.

*The 12th September, 1883.*

**No. 2215 G.**—Captain A. C. Talbot, Additional Political Agent of the 2nd Class, and Political Agent in Bhutpore and Karauli, is appointed to hold charge of the current duties of the office of Assistant to the Governor-General's Agent in Rajputana, at Sujangurh, in addition to his own duties, with effect from the date of assuming charge.

**No. 2218 G.**—The following reversions are made on the Graded List of the Political Department, with effect from the 13th August, 1883, consequent on the return from furlough of Sir J.

Kirk, R.C.M.G., Political Agent of the 1st Class :—

Mr. R. I. Bruce, C.I.E., from Officiating Political Agent of the 1st Class, to Political Agent of the 2nd Class.

Major E. Mockler, from Officiating Political Agent of the 2nd Class, to Political Agent of the 3rd Class.

Mr. Ney Elias, from Officiating Political Agent of the 3rd Class, to Political Assistant of the 1st Class.

Lieutenant H. L. Ramsay, from Officiating Political Assistant of the 1st Class, to Officiating Political Assistant of the 2nd Class.

Mr. W. R. Lawrence, from Officiating Political Assistant of the 2nd Class, to Officiating Political Assistant of the 3rd Class.

**No. 2223 G.**—Lieutenant-Colonel S. B. Miles, Political Agent of the 1st Class, is posted as Political Agent at Muscat, with effect from the date of assuming charge.

**No. 2225 G.**—Major E. Mockler, Political Agent of the 3rd Class, is posted as Assistant Political Agent at Busreh, with effect from the date of assuming charge.

**No. 2227 G.**—Lieutenant H. L. Ramsay, Officiating Political Assistant of the 2nd Class, is posted as Cantonment Magistrate at Nasirabad, with effect from the date of assuming charge.

*The 13th September, 1883.*

**No. 2232 G.**—Surgeon A. F. Dobson, M.B., Indian Medical Service (Madras), is appointed to officiate as Residency Surgeon at Bangalore, *vice* Surgeon P. H. Benson, M.B., whose services have been lent to the Government of the Mysore State.

C. GRANT,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

## NOTIFICATIONS.

*Simla the 14th September 1883.*

**No. 3273.**—In accordance with the Resolution of the Government of India in the Department of Finance and Commerce, No. 112, dated 6th April 1883, notice is hereby given that the original Promissory Notes mentioned on the subjoined list (of which duplicates have been applied for on the allegation that the originals have been lost) and that mentioned in the last case, of which renewal is applied for, will be discharged at the General Treasury of Fort William on 31st December 1883, with all interest due upon them, and that on that date all further interest upon such Notes shall cease.—

No. of the Note.	Value.	In whose name issued.	From what date the lost Note bears interest.	Claimant for duplicate.	Remarks.
	Rs.				
39974 4 per cent., 1842-43	300	Uddit Chunder Addy	Aug. 1, 1880	Gopal Chunder Ghose	Case No.
39090 " "	500	The Bank of Bengal	Feb. 1, 1879	Mrs. S. J. Stuart	"
39487 " "	500	S. T. Moysey	Ditto	Ditto	"
50218 " 1865	500	Deb Nath Sreenany	May 1, 1880	Kadumbini Dass	"
36893 " "	1,000	National Bank of India	May 1, 1878	Gopal Chaud Heerjee Kottra	"
36894 " "	1,000	Ditto	Ditto	Ditto	"
36895 " "	1,000	Ditto	Ditto	Ditto	"
36896 " "	1,000	Ditto	Ditto	Ditto	"
49515 4½ per cent., 1872	500	S. T. Moysey	Jan. 16, 1879	Mrs. S. J. Stuart	"
57055 " "	3,000	Bhawanji Khosal Chaud	July 16, 1876	Dabidass Pranjivan Das	"
51360 4 per cent., 1879	500	J. Alamalunema	Jan. 16, 1878	Mysore Sreenivasa Rao	"
12962 " 1842-43	500	Bank of Bengal	"	Collector of Bulandshahar	* "
91140 " 1865	900	"	Nov. 1, 1878	Dwarkanath Pyne	† "

\* Duplicate issued.

† To be renewed on Bond.

**No. 3274.**—The following lists of Notes which were advertised for discharge in Notification Nos. 227 and 28, dated 13th January 1883, are republished in accordance with Financial Department Resolution No. 1 dated 6th April 1883.

## No. 1.

*List of Government Promissory Notes advertised on which interest is paid under orders of the Comptroller General, but duplicates of which have not yet been issued subsequent to Financial Notification, dated 4th September 1873.*

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
000078 3½ per cent., 1853-54	1,600	Mootoo Sawmy Pillay	Aug. 31, 1871	Mootoo Sawmy Pillay.	Case No.
000478 " "	5,000	Shama Sundary	Feb. 29, 1876	Shama Sundary	"
65 4 per cent., 1832-33	3,400	J. A. Hawkins, Registrar, Sudder Dewany Adalat.	May 1, 1852	Ranee Chunder Cally Dabee, Executrix of Raja Gunesch Chunder Roy.	"
14663 " "	5,000	Motee Khanum	Nov. 1, 1856	Motee Khanum.	"
ct. 4403 " "	6,500	The Registrar, Sudder Dewany Adalat.	May 1, 1872	Monce Brinddoo Dabee, by her attorney Jogendra Lal Mookerjee.	A.
000936 " "	2,000	Hurrish Chunder Ghuttuck	Nov. 1, 1873	Hurrish Chunder Ghuttuck.	Case No.
t. 001565 " "	2,000	M. Amorthlingum	May 1, 1878	P. Ramasawmy Moodeliar	"
t. 001566 " "	3,000	Ditto	Ditto	Ditto	"
t. 8339 " 1835-36	500	Krishto Mohun Mitter.	Mar. 31, 1863	Madhub Chunder Chatterji.	"
2709 " "	1,000	Motee Khanum	Sep. 30, 1856	Motee Khanum.	"
005940 " "	2,800	Mootoo Sawmy Pillay	Sep. 30, 1871	Mootoo Sawmy Pillay.	"
10948 " "	500	James English	Mar. 31, 1868	Madho Mistry.	"
006592 " "	500	Hurrish Chunder Ghuttuck	Mar. 31, 1873	Hurrish Chunder Ghuttuck.	"
006296 " "	500	Ditto	Sep. 30, 1873	Ditto	"
005783 " "	600	Nobokissory Dassee	Sep. 30, 1872	Nobokissory Dassee.	"
001262 " "	1,000	Sreenath Mookerjee	Mar. 31, 1871	Doyal Chaud Seal.	"
000671 " "	2,000	Ladli Persaud	Ditto	Ladli Persaud.	"
009710 " "	500	Rajnarain Chatterjee	Mar. 31, 1875	Rajnarain Chatterjee.	"
008612 " "	1,000	Kadumbini Debee	Sep. 30, 1874	{ Hura Kumar Gossain and Soorjee Kumar Gossain.	Case No.
011382 " "	1,000	Ditto	Ditto	{	"

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
015719 4 per cent., 1835-36	1,000	Bank of Bengal . . .	Mar. 31, 1877	Heera Lall . . .	Case No.
008595 " "	1,000	Prem Chand Bose . . .	Sep. 30, 1870	Sham Chand Bose . . .	"
002614 " "	500	Nobin Chunder Paul . . .	Sep. 30, 1871	Rohoram Banerjee . . .	"
3981-14965 " "	1,000	Raja Indoo Bhusun Deb Roy.	Mar. 31, 1861	Pooroo Chunder Gangooly . . .	"
007603 " 1842-43	3,500	Mootoo Sawmy Pillay . . .	Aug. 1, 1871	Mootoo Sawmy Pillay.	
016383 " "	500	Balerustna Myaram . . .	Aug. 1, 1870	Balerustna Myaram.	
017477 " "	5,000	Wazeroonnissa Khanum . . .	Aug. 1, 1872	Yakoob Ally Khan.	
017479 " "	2,000	Ditto . . .	Ditto	Ditto.	
20822 " "	500	Hurry Nath Mookerjee . . .	Feb. 1, 1861	Behary Bhoosun Mookerjee.	
21200 " "	500	Ditto . . .	Ditto	Ditto.	
024259 " "	1,000	Bholanath Mitter . . .	Feb. 1, 1873	Bholanath Mitter.	
024261 " "	1,000	Ditto . . .	Ditto	Ditto.	
011852 " "	1,000	Netye Churn Bysack . . .	Ditto	Nabee Buksh Shekdar.	
029914 " "	1,000	Tara Secondary Dabee . . .	Aug. 1, 1874	Tara Secondary Dabee.	
17528 " "	500	Ditto . . .	Aug. 1, 1867	Degumbery Dasse.	
013697 " "	500	Hurriah Chunder Ghuttuck . . .	Feb. 1, 1873	Hurriah Chunder Ghuttuck.	
013698 " "	500	Ditto . . .	Ditto	Ditto.	
013699 " "	1,000	Ditto . . .	Feb. 1, 1874	Ditto.	
023259 " "	1,000	Ditto . . .	Aug. 1, 1873	Ditto.	
014164 " "	1,000	Ditto . . .	Ditto	Ditto.	
013431 " "	500	Ditto . . .	Feb. 1, 1873	Ditto.	
014326 " "	500	Ditto . . .	Aug. 1, 1873	Ditto.	
et. 14914 " "	1,000	The Bank of Bengal . . .	Aug. 1, 1871	Doyal Chund Seal.	
18908 " "	1,000	Pettumber Dhur . . .	Ditto	Ditto.	
3166 " "	500	Bama Cally Dabee . . .	Feb. 1, 1872	Bama Cally Dabee.	
084182 " "	1,000	Jeevunjee Bomanjee Har- musjee Pestonjee and Fuckerjee Lunjee.	Aug. 1, 1874	Harmusjee Pestonjee and Fuckerjee Lunjee.	
002540 " "	1,000	Pary Mohun Ghossamy . . .	Aug. 1, 1866	Guru Churn Chuckerbutty.	
040876 " "	5,000	Bepro Dass . . .	Aug. 1, 1877	Bepro Dass Dass.	
075291 " "	10,000	Penumatcha Sectarama- raga.	Ditto	Penumatcha Sectaramaraga Gurra.	
029160 " "	4,000	Mothoora Nauth Sircar . . .	Feb. 1, 1878	Nileunto Pall.	
024731 " "	2,000	Ramlall Buddredoss . . .	Feb. 1, 1854	Moonshi Newal Kissors . . .	Case No.
056608 " "	1,000	Orantal Bank Corporation . . .	Feb. 1, 1878	Degumbery Dabee . . .	"
085874 " "	1,000	Bank of Bengal . . .	Feb. 1, 1877	Bhoobunesury Dabee . . .	"
019889 " "	5,400	Kadumbini Dabee . . .	Feb. 1, 1875	Hurroo Kumar Gossain and Soorjee Kumar Gossain.	"
045164 " "	1,000	Mungamur Lakshminarsoo and Mungamur Laksh- mamma.	Aug. 1, 1879	Mungamur Lakshminarsoo and Mungamur Lakshma- ma.	"
047000 " "	1,000	Mohes Chunder Sen . . .	Feb. 1, 1877	Mohes Chunder Sen . . .	"
047001 " "	1,000	Ditto . . .	Ditto	" . . .	"
047002 " "	1,000	Ditto . . .	Ditto	" . . .	"
047003 " "	1,000	Ditto . . .	Ditto	" . . .	"
000248 } et. 19682 }	1,000	{ Executive Commissariat Officer, Kasauli . . .	Feb. 1, 1866	Jowala Persaad . . .	"
035982 " 1854-55	1,800	Mungamur Lakshminarsoo and Mungamur Laksh- mamma.	June 30, 1879	Mungamur Lakshminarsoo and Mungamur Lakshma- ma.	"
et. 401 " "	1,000	Gopal Chund Seal & Co. . .	Dec. 31, 1862	Madhub Chunder Chatterjee.	
33666 " "	4,100	Motee Khanum . . .	Dec. 31, 1856	Motee Khanum.	
25289 " "	2,000	Mootoo Sawmy Pillay . . .	June 30, 1871	Mootoo Sawmy Pillay.	
10299-17252 4 per cent., 1854-55.	1,000	Administrator General, Bengal.	June 30, 1868	Sreenutty Bama Sundary Dabee.	Case No
018972 4 per cent., 1854-55	4,600	Mungamur Nursein Harrow . . .	June 30, 1878	Mungamur Nursein Harrow	"
014423 " "	1,000	Hurriah Chunder Ghuttuck . . .	Dec. 31, 1873	Hurriah Chunder Ghuttuck.	
024588 " "	1,000	Ditto . . .	Ditto	Ditto.	
43985 " "	1,000	Pettumber Dhur . . .	June 30, 1871	Doyal Chund Seal.	
021160 " "	500	Khetter Gopal Sen . . .	June 30, 1873	Khetter Gopal Sen.	
027795 " "	1,000	Kahandoss Muncharam . . .	Dec. 31, 1877	Gordhunbhai Doyaram.	
034765 " "	1,000	J. H. Belchambers, W. L. Wenger, G. S. Sykes, and R. Williamson.	June 30, 1878	Survivors of the holders.	
019182 " "	500	Prem Chunder Bose . . .	Dec. 31, 1870	Sham Chand Bose . . .	Case. No
086119 " 1865	500	Troylucko Mohinee Dasse . . .	Nov. 1, 1877	Troylucko Mohinee Dasse . . .	"
2766 " "	500	Modhoo Soodun Bose . . .	May 1, 1867	Saroda Churn Bose.	
041413 " "	500	Goolab Shunker Doobey . . .	Nov. 1, 1872	Goolab Shunker Doobey.	
045261 " "	1,000	The Bank of Bengal . . .	Nov. 1, 1873	Byramjee Harmusjee . . .	
003330 " "	2,000	Netye Churn Bysack . . .	Nov. 1, 1872	Nabee Buksh Shekdar.	
1305 " "	500	Toolsey Dass Mallick . . .	May 1, 1873	Wooma Churn Chuckerbutty.	
017194 " "	500	Hurriah Chunder Ghuttuck . . .	Ditto	Hurriah Chunder Ghuttuck.	
052804 " "	500	Gopal Chunder Sreemany . . .	Ditto	Ram Gopal Paul and Deno Nauth Ruckhit.	
055837 " "	500	Bijraj Jagram . . .	Ditto	Ditto.	
028408 " "	500	Khetter Gopal Sen . . .	Nov. 1, 1873	Khetter Gopal Sen.	
037506 " "	500	The Bank of Bengal . . .	Nov. 1, 1875	Comul Churn Endro.	
082310 " "	3,000	Joggon Mohinee Dabee . . .	May 1, 1876	Joggon Mohinee Dabee.	
060464 " "	500	The National Bank of India, Limited.	Nov. 1, 1874	Octavius Steel.	
059217 " "	900	Ditto . . .	Ditto	Ditto.	
060053 " "	600	Ditto . . .	Ditto	Ditto.	



No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant of duplicate.	Remarks
	Rs.				
85015, 4 per cent., 1865	5,000	Dr. Charles, J. Jackson, and Wm. M. Souttar.	May 1, 1877	Sreeram Chunder Pal.	
87736 " "	5,000	Modhoochun Dass Dwarka Dass.	May 1, 1877	Jadob Chunder Pal.	
902175 " "	2,000	Brojo Nath Mullick and others, Executors of Tar-ruck Nauth Mullick.	May 1, 1876	Shik Nazir Mundle and Sheik Syed Mundle.	
86859 " "	1,000	E. E. J. Tweedie	Nov. 1, 1875	Prosono Coomar Bose.	
866583 " "	1,300	The Administrator General, Bengal.	Nov. 1, 1877	The Deputy Commissioner of Delhi, Admr. of G. D. E. Dorris.	
863409 " "	5,000	Dheer Chand Paul	Ditto	Dheer Chand Paul.	
863410 " "	5,000	Ditto	Ditto	Ditto.	
863411 " "	2,000	Ditto	Ditto	Ditto.	
863412 " "	500	Ditto	Ditto	Ditto.	
863413 " "	500	Ditto	Ditto	Ditto.	
863618 " "	1,500	Ditto	Ditto	Ditto.	
86914 " "	500	Bissonath Bakehee	May 1, 1878	Prosono Coomar Bakehee.	
93935 " "	500	J. H. Belchambers, W. L. Wenger, G. S. Sykes and R. Williamson.	Ditto	Survivors of the holders.	
99215 " "	1,000	Baroda Prasad Mookerjee and another.	May 1, 1879	Ishan Chunder Bose	) Case No.
107595 " "	500	Ditto	Ditto	Ditto	
995796 " "	1,000	Bank of Bengal	May 1, 1877	Hera Lall	
90018 " "	500	Lachmeechand Radhakisen	May 1, 1879	Schoobal Chundra Sen	
75629 " "	500	Gopal Chunder Sreemany	Nov. 1, 1875	Nilmoni Ghose	
82266 " "	1,000	Mohes Chunder Sen	Nov. 1, 1876	Mohes Chunder Sen	
82267 " "	1,000	Ditto	Ditto	Ditto	
82268 " "	1,000	Ditto	Ditto	Ditto	
82269 " "	1,000	Ditto	Ditto	Ditto	
115172 " "	500	Helen T. Schumacher	Nov. 1, 1879	Helen T. Schumacher	
115173 " "	500	Ditto	Ditto	Ditto	
115174 " "	500	Ditto	Ditto	Ditto	
5256 " "	500	E. E. Petrocchino & Co.	May 1, 1868	S. Bama Soondry Dabee	
900208 " "	500	Kartick Chunder Barral	Ditto	Ditto	
978993 " "	500	National Bank of India, Ltd.	May 1, 1880	Ram Coomar Cheoramony	
937871 " "	500	Dyal Chund Sahoo	May 1, 1873	Brijendra Coomar Sen	
948219 " "	500	Mooltan Chund	May 1, 1876	Chunuo Lall	
950218 " "	500	Deb Nath Sreemany	May 1, 1880	Kalumbeeni Dassie	
901611, 4½ per cent., 1872	800	The Chartered Mercantile Bank of India, London and China.	Jan. 16, 1872	Khetur Nath Moostophi and Chunderguttu Moostophi.	
901107 " "	500	Hurriah Chunder Ghuttuck	Jan. 16, 1874	Hurriah Chunder Ghuttuck.	
901534 " "	1,000	Ditto	July 16, 1873	Ditto.	
923973 " "	5,000	Beethal Persand	Ditto	Beethal Persand.	
907068 " "	500	Mooktamoni Dabee	Jan. 16, 1872	Mooktamoni Dabee.	
913984 " "	500	Denonath Gangooly	Ditto	Denonath Gangooly.	
932999 " "	1,000	Mooktamoni Dabee	Ditto	Mooktamoni Dabee.	
945111 " "	500	Ditto	Ditto	Ditto.	
12607 " "	1,000	Pundit Sheo Churn	Ditto	Pundit Sheo Churn.	
56278 " "	500	Charcoondah Rama Chundria	July 16, 1876	Charcoondah Rama Chundria.	
51501 " "	1,100	Ramtarik Mookerjee	July 16, 1877	Kalumbini Dabee.	
27398 " "	1,000	Nowrojee Bazonjee Fuckerjee.	Jan. 16, 1877	Merwanjee Franjee Moody and Jarbai.	
24163 " "	1,000	Dhunjeebhoy Nanobhoy	Ditto	Ditto.	
28833 " "	1,000	J. W. Chisholm	Ditto	Ditto.	
28834 " "	1,000	Ditto	Ditto	Ditto.	
11272 " "	1,000	C. M. H. Day	Jan. 16, 1875	Vullab Dass Heera Chund.	
19221 " "	1,000	Kabandas Muncharam	Jan. 16, 1878	Gordhanblai Dayram.	
19225 " "	1,000	Ditto	Ditto	Ditto.	
95172 " "	1,000	Bhoobun Mohinee Dassee	Jan. 16, 1877	Bhoobun Mohinee Dassee.	
98776 " "	500	Bansi Lall Aberechand	July 16, 1874	P. Doorgachellum Moodelliar	) Case No. 1
13475 " "	4,000	Jose Francisco dePiedade Pereira.	Jan. 16, 1872	Jose Andre Pereira	
34522 " "	500	Pundit Harshabhye and his wife Roopnanti.	Jan. 16, 1874	Pundit Harshabhye and his wife Roopnanti.	25
34523 " "	500	Rajkristo Bannerjee	July 16, 1874	Omesh Chunder Bannerjee	26
95235 " "	500	Mohes Chunder Sen	Jan. 16, 1877	Mohes Chunder Sen	27
97710 " "	1,000	Ditto	Ditto	Ditto	32
97711 " "	1,000	Ditto	Ditto	Ditto	
TOTAL	2,07,500				

A notice of discharge withdrawn by consent.

## No. 2.

*List of lost Government Promissory Notes advertised, duplicates of which have been issued under orders of the Comptroller General subsequent to Financial Notification, dated 4th September 1873.*

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	R.				
490, 3½ per cent., 1853-56 .	10,000	Shama Soondry . . .	Feb. 28, 1867 .	Shama Soondry.	
491 " " .	10,000	Ditto . . .	Ditto .	Ditto.	
492 " " .	3,000	Ditto . . .	Ditto .	Ditto.	
164 " " .	600	Soolayman Mirza . . .	Feb. 29, 1856 .	Soolayman Mirza.	
10084, 4 per cent., 1832-33 .	Sic. 500	Shibnarain Roy . . .	May 1, 1812 .	Shibnarain Roy.	
12380-1231, 4 per cent., 1835-36.	1,000	Shama Churn Ghose . . .	Mar. 31, 1871 .	Shama Churn Ghose.	
6737-3298, 4 per cent., 1835-36.	500	Boly Chund Dutt . . .	Mar. 31, 1860 .	Boly Chund Dutt.	
006752, 4 per cent., 1835-36 .	1,100	Rakhal Chunder Bhuttacharjee.	Sep. 30, 1872 .	Rakhal Chunder Bhuttacharjee.	
006814 " " .	500	Tara Churn Bhuttacharjee .	Ditto .	Tara Churn Bhuttacharjee.	
8186 " " 1812-43 .	500	Shama Churn Chatterjee .	Feb. 1, 1861 .	Shama Churn Chatterjee.	
8475-17794, 4 per cent., 1842-43.	500	Brojo Govind Shaha . . .	Feb. 1, 1869 .	Brojo Govind Shaha.	
11380, 4 per cent., 1812-43 .	700	Ditto . . .	Ditto .	Ditto.	
6024 " " .	500	Cassee Nath Dhuir . . .	Aug. 1, 1859 .	Shiboo Soondery Dassee.	
16245 " " .	5,000	Nobokristo Ghose, deceased .	Aug. 1, 1865 .	Monemohun Ghose and Saroda Soondry Dassee.	
8653-9563, 4 per cent., 1812-43.	3,000	Ditto . . .	Ditto .		
017871, 4 per cent., 1812-43 .	500	Kadumbini Dassee . . .	Feb. 1, 1873 .	Kadumbini Dassee.	
000254 " " .	1,000	Ditto . . .	Ditto .	Ditto.	
020284 " " .	500	Ditto . . .	Ditto .	Ditto.	
011009 " " .	2,000	Ditto . . .	Ditto .	Ditto.	
021705 " " .	1,000	Unoda Churn Bhuttacharjee	Aug. 1, 1872 .	Unoda Churn Bhuttacharjee.	
et. 18856 " " .	500	Moolsoondun Chunder . . .	Ditto .	Ditto.	
21611 " " .	600	Nobin Chunder Dass . . .	Aug. 1, 1870 .	Nobin Chunder Dass.	
022862 " " .	500	Modhoo Soondun Chowdry .	Aug. 1, 1873 .	Ditto.	
038336 " " .	1,000	W. T. Lindsay . . .	Feb. 1, 1875 .	John Lindsay, Administrator of W. T. Lindsay.	
016542 " " .	10,700	H. Palmer . . .	Aug. 1, 1878 .	The Revd. Robert Milford Taylor, R. M. Taylor Jr., and Alicia Mary Taylor.	
et. 14713 " " .	500	Anoop Chund Moolcund . . .	Aug. 1, 1858 .	Bazonjee Furdoujee.	
056370 " " .	1,000	The Chartered Mercantile Bank of India, London, and China.	Aug. 1, 1878 .	V. Kristnama Chetty.	
056453 " " .	2,000	Ditto . . .	Ditto .	Ditto.	
056371 " " .	1,000	Ditto . . .	Ditto .	Ditto.	
056372 " " .	1,000	Ditto . . .	Ditto .	Ditto.	
080125 " " .	1,000	The Agra Bank, Limited . . .	Ditto .	Ditto.	
063895 " " .	1,000	The Bank of Bombay . . .	Ditto .	Ditto.	
059414 " " .	1,000	The Oriental Bank Corporation.	Ditto .	Ditto.	
058152 " " .	100	The Bank of Bombay . . .	Feb. 1, 1879 .	Surgeon H. D. Mussani.	
065207 " " .	100	The Chartered Mercantile Bank of India, London, and China.	Ditto .	Ditto.	
065211 " " .	100	Ditto . . .	Ditto .	Ditto.	
1133 " " .	500	Kallypodo Mookerjee, deceased.	Feb. 1, 1862 .	Sowdamini Dabee.	
6970 " " .	1,000	The Executive Commissariat Officer, Fort William.	Ditto .	Ditto.	
049945 " " .	2,000	The Bank of Bengal . . .	Feb. 1, 1878 .	Mohomed Wujhoollah Khan.	
077070 " " .	500	Seetamath Mytee . . .	Feb. 1, 1879 .	Seetamath Mytee . . .	Case No
017528 " " .	500	Beeressur Bose . . .	Aug. 1, 1867 .	Digambar Dassee . . .	"
20762 " 1851-55 .	500	D. McCulluch . . .	June 30, 1859 .	Shiboo Soondery Dassee.	
2830-17672, 4 per cent., 1851-55.	500	Obhoy Churn Dutt . . .	Ditto .	Ditto.	
026294, 4 per cent., 1851-55 .	50,000	H. B. Goodall . . .	Dec. 31, 1873 .	H. B. Goodall . . .	
024455 " " .	10,000	Ditto . . .	Ditto .	Ditto.	
024456 " " .	1,000	Ditto . . .	Ditto .	Ditto.	
026295 " " .	4,000	Ditto . . .	Ditto .	Ditto.	
022758 " " .	1,000	The Oriental Bank Corporation.	Ditto .	Ditto.	
027593 " " .	2,000	The Allahabad Bank, Limited.	Ditto .	Ditto.	
022887 " " .	5,000	Majur J. W. Hoggan . . .	Dec. 31, 1873 .	The Delhi and London Bank, Limited.	
38714 " " .	4,000	Nobokristo Ghose, deceased .	Dec. 31, 1865 .	Monemohun Ghose and Saroda Soondery Dassee.	
17950 " " .	1,500	Ditto . . .	Ditto .	Ditto.	
7532 " " .	500	Ruggeeshath Succaba, deceased.	Dec. 31, 1867 .	Morabha Saccaram.	
772-18295 " " .	1,000	Boly Chund Dutt . . .	June 30, 1866 .	Boly Chund Dutt.	
001886 " " .	1,000	Moolchand Premjee & Co .	June 30, 1875 .	Captain F. J. Palmer.	
008379 " " .	500	Greesh Chunder Mitter . . .	June 30, 1872 .	Unoda Churn Bhuttacharjee	

No. of the Note.	Value.	In whose name issued.	From what date bearing interest.	Claimant for duplicate.	Remarks.
	Rs.				
016140, 4 per cent., 1854-55 ...	500	Rakhal Doss Bhuttacharjee	June 30, 1872 ...	Rakhal Chunder Bhuttacharjee.	
016138 " " ...	1,000	Obhoy Churn Bhuttacharjee	Ditto ...	Obhoy Churn Bhuttacharjee.	
009231 " " ...	1,000	Ditto ...	Ditto ...	Ditto.	
10927-11615, 4 per cent., 1854-55	500	The Executive Commissariat Officer, Gwalior.	June 30, 1865 ...	Rebecca Johnstone.	
9815 of $\frac{1,084}{6}$ , 4 per cent., 1854-55	500	The Administrator General, Administrator to the Estate of H. Randolph.	June 30, 1871 ...	Tara Kissur Mookerjee.	
36507, 4 per cent., 1854-55 ...	2,000	Bullakdass Khemchand ...	Dec. 31, 1863 ...	Veejachand Keekachand.	
39958 " " ...	1,000	Ditto ...	Ditto ...	Ditto.	
6392-26308, 4 per cent., 1854-55	1,000	Ditto ...	Dec. 31, 1862 ...	Ditto.	
011009, 4 per cent., 1854-55 ...	1,000	The Administrator General, Bengal.	Dec. 31, 1877 ...	The Deputy Commissioner of Delhi, Administrator of G. D. E. Dorris.	
1868-9358, 4 per cent., 1854-55	500	The Deputy Commissary General, Upper Circle.	Dec. 31, 1861 ...	Sowdamini Dabee.	
058157, 4 per cent., 1865 ...	500	The National Bank of India, Limited.	May 1, 1871 ...	Opendro Nauth Mitter.	
011620 " " ...	1,000	J. W. Smyth ...	Nov. 1, 1869 ...	J. W. Smyth.	
011621 " " ...	1,000	Ditto ...	Ditto ...	Ditto.	
011622 " " ...	1,000	Ditto ...	Ditto ...	Ditto.	
011623 " " ...	1,000	Ditto ...	Ditto ...	Ditto.	
011624 " " ...	1,000	Ditto ...	Ditto ...	Ditto.	
055948 " " ...	2,000	Bevole Nauth Haldar	May 1, 1873 ...	Bevole Nauth Haldar.	
2009 " " ...	1,000	Bank of Hindustan, China and Japan, Limited.	May 1, 1865 ...	Khetter Mohun Nag.	
020899 " " ...	500	Jebun Kristo Mullick	Nov. 1, 1869 ...	Doorga Churn Mullick.	
030158 " " ...	500	Dyal Chund Saboye	Nov. 1, 1870 ...	James Brown.	
1802 " " ...	500	Cossi Nauth Mookerjee	May 1, 1873 ...	Luckhy Money Dassee.	
035154 " " ...	500	Meher Lall Shamunto	Ditto ...	Meher Lall Shamunto.	
068458 " " ...	1,000	W. T. Lindsay	May 1, 1875 ...	John Lindsay, Administrator of W. T. Lindsay.	
068459 " " ...	1,000	Ditto	Ditto ...	Ditto.	
095149 " " ...	500	Tariny Churn Ghose	May 1, 1877 ...	Chotay Lall.	
099153 " " ...	500	Gourang Chunder Sarkar	Ditto ...	Gourang Chunder Sarkar.	
099159 " " ...	500	Ditto	Ditto ...	Ditto.	
107375 " " ...	700	Nogur Mull	Nov. 1, 1878 ...	The Executive Commissariat Officer, Umballa.	
086879 " " ...	1,000	Bulloverder Doss	Ditto ...	The Uncovenanted Service Bank, Limited.	
097595 " " ...	1,000	H. L. Tonnochee	May 1, 1876 ...	H. L. Tonnochee.	
099542 " " ...	1,000	The Joint Administrators of Bhownagar State.	Nov. 1, 1878 ...	V. Kristnama Chetty.	
014095 " " ...	800	The Administrator General, Bengal.	Nov. 1, 1877 ...	The Deputy Commissioner of Delhi, Administrator of G. D. E. Dorris.	
018419 " " ...	800	Ditto	Ditto ...	Ditto.	
027720 " " ...	1,000	Chartered Mercantile Bank	Nov. 1, 1877 ...	Lieut.-Col. A. Copland	Cas.
027942 " " ...	500	Byranji Nusserwanji Selhi	May 1, 1878 ...	Ditto	
094745 " " ...	500	Executive Commissariat Officer, Morar.	Ditto ...	Ditto	
005806, 4½ per cent., 1870 ...	700	The Bank of Madras	Jan. 15, 1872 ...	Lalladhar Zavirchund.	
000996 " " ...	500	Chundy Churn Ghose	July 15, 1873 ...	Chundy Churn Ghose.	
048736 " " 1872 ...	1,000	Shumbhoo Pundoorung	Jan. 16, 1879 ...	The Deputy Commissioner of Balaghat.	
056565 " " ...	10,000	The Bank of Madras	Jan. 16, 1876 ...	V. Thavasumatha Nadan.	
025359 " " ...	5,000	The Chartered Mercantile Bank of India, London and China.	July 16, 1877 ...	Davidass Pranjeevandass.	
*008825 " " ...	500	J. W. Fordham	Jan. 16, 1879 ...	Sectanath Mytee	Cas.
*065269 " " ...	3,000	Aspinwall & Co.	July 16, 1878 ...	Aspinwall	
*033562 " " ...	1,000	P. Valloida Chetty	Jan. 16, 1878 ...	Ditto	
*033563 " " ...	1,000	Ditto	Ditto ...	Ditto	
*033564 " " ...	1,000	Ditto	Ditto ...	Ditto	
065878, 4½ per cent., 1872, now Rd. 4 per cent., 1879.	500	Bank of Bengal	Jan. 16, 1880 ...	Helen T. Schumacher	
*000017 } Nagpore-Raipur	200	Bema Pershad ...	July 1, 1880 ...	Deputy Commissioner of Jubulpore on behalf of the Debenture holders specified opposite.	
*000097 } Railway Provincial	500	Niranjun Pershad Sukul	Ditto ...		
*000098 } Debenture loan of	500	Ditto	Ditto ...		
*000050 } 1879, 4½ per cent.	500	Doorga Pershad	Ditto ...		
*000167 } 1879, 4½ per cent.	500	Raja Mohip Singh	Ditto ...		
*000178 } 1879, 4½ per cent.	500	Sheodat Ram Sukul	Ditto ...		
A009862 Rd. 4 per cent., 1879 ...	2,000	The Bank of Bengal	July 16, 1880 ...	The Inspector General of Police, N.-W. P.	
A005090 " " " " ...	5,000	The Agra Bank, Limited	Ditto ...	Ditto.	
060133 of Rd. 4 per cent. of 1879.	2,500	Nurshingh Doss	July 16, 1881 ...	Treasury Officer, Lahore, on behalf of Nurshingh Doss.	
000010 Non-transferable 5 per cent. Try. Note.	500	Gopi Kabai, Manager of Mundir Vithul Rukmai.	Sep. 16, 1874 ...	Gopi Kabai, Manager of Mundir Vithul Rukmai.	
003488, 5 per cent. 15 years' debenture.	1,000	The Bank of Bengal	June 1, 1878 ...	Moonshee Purbhodial.	Not di
TOTAL Rs. ...	2,19,700				

**No. 3277.**—*Abstract of the Accounts of the Department of Issue of Paper Currency on the 31st August 1883, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE	Which are issued in circulation	RESERVE IN SILVER COIN AND BULLION.			
		Com.	Bullion.	Total.	
	R.	R.	R.	R.	
Calcutta	6,240,340	1,27,298.36	22,05,878	14,29,416.72	
Allahabad	81,14,300	66,21,000		66,21,000	
Lahore	7,50,140	81,19,150		81,19,150	
Bombay	3,97,8,000	32,78,000	10,79,352	3,29,05,352	
Kurrachee	3,67,100	31,13,100	19,100	31,62,100	
Madras	1,12,47,510	8,19,000	8,10,000	9,00,000	
Calcut	11,55,180	11,19,500		11,79,500	
Rangoon	7,39,145	8,00,000		8,00,000	
Total	14,78,82,050	7,37,08,364	11,14,300	7,78,82,664	

Prior paid for Government Securities of the nominal value of Rs. 9,23,47,000 held under Section 19 of the Act 5,99,99,996

GRAND TOTAL 14,78,82,050

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 14th September, 1883.*

### APPOINTMENTS.

#### No. 494.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Charles John Corfield, King's Own Borderers, Wing Officer, 2nd Native Infantry,—18th February, 1882.

Lieutenant Alexander Hamilton, King's Own Borderers, Officiating Wing Officer, 25th Native Infantry,—6th July, 1882.

#### No. 495.—MEDICAL DEPARTMENT—

Brigade Surgeon W. Watson, M.D., Deputy Sanitary Commissioner, North-Western Provinces and Oudh, to be Deputy Surgeon-General, with temporary rank, with effect from the 29th August, 1883, *vice* Deputy Surgeon-General S. C. Townsend, C.B., on furlough.

#### No. 496.—MILITARY ACCOUNT DEPARTMENT—

Lieutenant W. C. F. Field, Assistant Military Accountant, on probation, is confirmed in his appointment, with effect from the 20th July, 1882.

#### No. 497.—HYDERABAD CONTINGENT—

*6th Infantry.*

Lieutenant G. C. C. Shakespear, Royal Irish Fusiliers, a candidate for the Bengal Staff Corps, to be Officiating Wing Officer, on probation, with effect from the 28th August, 1883.

#### No. 498.—NATIVE ARMY—

*9th Bengal Cavalry.*

Commandar Shahzada Sharyar, appointed, on pro-

confirmed in that rank, with effect from the 19th July, 1881.

#### No. 499.—PUNJAB FRONTIER FORCE—

*3rd Punjab Cavalry.*

Jemadar Shildeo Singh, appointed, on probation, in G. G. O. No. 784 of 1878, is confirmed in that rank, with effect from the 14th September, 1878.

#### No. 500.—VOLUNTEER CORPS—

*Hyderabad Volunteer Rifle Corps.*

Major E. S. Ludlow, C.I.E., Madras Staff Corps, Commandant, to be Lieutenant-Colonel.

Mr. Maurice Wilkinson to be Major, *vice* Major E. S. Ludlow, promoted.

*Secbore College Volunteer Rifle Corps.*

Volunteers Arthur Henry Mason and Alfred Osmond Knight to be Lieutenants to complete establishment.

### FURLOUGH AND LEAVE.

**No. 501.**—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel (Brevet Colonel) F. H. Jenkins, C.B., Bengal S. C., Aide-de-Camp to the Queen, Commandant, (Queen's Own) Corps of Guides, (p. a.) for one year and 10 days, under rule IX of the regulations of 1868.

Captain A. de C. Rennie, Bengal S. C., Cantonment Magistrate, 1st class, Mooltan, (p. a.) for two years, under rule IX of the regulations of 1868.

Surgeon-Major W. E. Allen, Bhopal Battalion (p. a.) for one year and 15 days, under rule IX of the regulations of 1868.

Surgeon G. A. Emerson, (p. a.) for one year under rule I of the regulations of 1875.

**No. 502.**—Surgeon J. Seely, Erinpoorah Irregular Force, is granted leave to sea (m. c.) for 9 days, under rule XXVII of the regulations of 1868.

**No. 503.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India :—

Lieutenant-Colonel E. Swetenham, Bengal S. C., (p. a.) for one week

Lieutenant-Colonel C. W. Campbell, Bengal S. C., (m. c.) for 61 days.

Major T. W. Hogg, Bengal S. C., (p. a.) for 183 days.

### LONDON GAZETTE.

**No. 504.**—The following extract is published for general information :—

"*London Gazette*," dated the 14th August, 1883, page 4018.

"WAR OFFICE ;

*Pall Mall, 14th August, 1883.*

MEMORANDA.

\* \* \* \* \*

Deputy Assistant Commissary William Brodston, Madras Establishment, to be Honorary Secretary to the Government of Madras, 1883."

## PENSIONS.

**No. 505.**—SUBORDINATE MEDICAL DEPARTMENT—

Senior Apothecary Edmund Tanney is transferred to the Pension establishment.

## PROMOTIONS.

**No. 506.**—The following promotions are made, subject to Her Majesty's approval:—

## BENGAL STAFF CORPS.

*To be Majors.*

Captain Charles Henry Stoddart,—11th September, 1883.

Captain James Graves Kelly,—11th September, 1883.

Captain (Brevet Major) Henry Vere Hunt,—11th September, 1883.

## BREVET.

*To be Colonels.*

Lieutenant-Colonel Charles James Jennings, Madras S. C.,—10th September, 1883.

Lieutenant-Colonel Charles Adolphus deKantow, Bengal S. C.,—14th September, 1883.

**No. 507.**—WARRANT OFFICERS—

Sergeant John McDermott to be Sub-Conductor, *vice* Sub-Conductor C. G. Bradbury, pensioned,

with effect from the 10th August 1883.

**No. 508.**—NATIVE ARMY—*2nd Bengal Cavalry.*

Ressaldar Mohomed Eussuf Khan to be Ressaldar-Major, *vice* Gokul Sing, deceased; Ressaldar Nizam Ally Khan to be Ressaldar, *vice* Gokul Sing, deceased,—11th September, 1883.

Ressaldar and Woordie-Major Gholam Molmed Khan to be Ressaldar, *vice* Ally Molmed Khan, invalided; Jemadar Mir Abd Rahman to be Ressaldar, *vice* Gholam Molmed Khan, promoted; Duffadar Holass Si to be Jemadar, *vice* Mir Abdool Rahma promoted,—5th August, 1883.

*12th Bengal Cavalry.*

Ressaldar and Woordie-Major Mardan A Khan to be Ressaldar, *vice* Golab Singh, invalided; Jemadar Rahimdad Khan to be Ressaldar and Woordie-Major, *vice* Mard Ali Khan, promoted; Kōt-Duffadar Mobar Singh to be Jemadar, *vice* Rahimdad Khan promoted,—1st May, 1883.

G. CHESNEY,

*Secretary to the Government of India*

## MILITARY DEPARTMENT.

## NOTIFICATION.

*Calcutta, the 10th September, 1883.*

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department from the 7th August to the 10th September, 1883:—

Corps.	Rank and Names.	Date of decease.	Place of decease.	Testate or Intestate.	Remarks.
Staff Corps	Colonel J. P. Turton	19th Aug., 1883	Amritsar	...	...
Army Medical Department	Surgeon-Major M. Grant	24th Aug., 1883	Kuklanna	...	...
Norfolk Regiment	Lieutenant A. Butler	29th Aug., 1883	Merar (Gwalior).	...	...
Royal Artillery	Major C. F. Glass	30th Aug., 1883	Agra	No will found.	...

*Statement of Deposits on account of Estates from the 21st August to the 10th September, 1883.*

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
<i>Indian Military Service.</i>					Rs. A. P.		
Alexander Melvin (a)	Captain	Bengal Staff Corps.	29th Jan., 1883	Intestate	692 2 11	...	...

(a) Widow—Julie Marie Goodall.

Children—Alexander Cecil, Edith Marie, Maud Eilene. Administrator General, Bengal, administering.

E. H. H. COLLEN,

*Officiating Secretary to the Government of India.*

**PUBLIC WORKS DEPARTMENT.****NOTIFICATIONS.**

*Simla, the 11th September 1883.*

**No. 209.**—Captain W. I. LeBreton, B.S.C., Examiner of Guaranteed Railway Accounts, Bombay, is appointed to officiate as Examiner, Public Works Accounts, Bombay, in addition to his own duties, during the absence of Colonel Mellis, on privilege leave, or until further orders.

*The 12th September 1883.*

**No. 210.**—Major H. Y. Murray, Executive Engineer, 1st Grade, is appointed to officiate as Superintending Engineer and Secretary to the Agent, Governor General, for Rajputana in the

Public Works Department, during the absence of Lieutenant-Colonel J. P. Steel, R.E., on privilege leave, or until further orders.

**No. 211.**—Mr. R. W. L. Tooze, Assistant Engineer, 1st Grade, Indus Valley and Kandahar State Railways, is appointed to officiate as an Executive Engineer, 4th Grade, while he holds charge of the Kandahar Division, or until further orders.

*The 14th September 1883.*

**No. 212.**—Mr. H. C. D. La Touche, Superintending Engineer, Class III, sub. *pro tem.*, is appointed Engineer-in-Chief of the Jhansi-Manikpore State Railway.

W. S. TREVOR, *Colonel, R.E.,*  
*Secy. to the Govt. of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 15, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

### GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 29th August, 1883, and is hereby promulgated for general information :—

ACT No. XII OF 1883.

### THE BRITISH BURMA PILOTS ACT, 1883.

#### CONTENTS.

##### PREAMBLE.

##### SECTIONS.

##### *Preliminary.*

1. Short title.  
Local extent.  
Commencement.
2. Definition of "port."

##### *Licensing of Pilots.*

3. Licensing of pilots.
4. No person to act as pilot except under license.

##### *Regulation of Pilots.*

5. Power to make rules to regulate conduct of pilots.

##### *Special Court.*

6. Power to direct investigation by special Court into charges against pilots.
7. Constitution of Court.
8. Appointment of president.
9. Assessors.
10. Appointment of assessors.
11. Fees to be paid to assessors.

##### SECTIONS.

12. Copy of grounds of charge to be supplied to pilot.
13. Person charged to be heard.
14. Powers of the Court as to evidence and regulating proceedings.
15. Court to report to Chief Commissioner.
16. Power of Chief Commissioner to make rules.

##### *Power to cancel, suspend or reduce Licenses.*

17. Power to cancel, suspend or reduce license for misconduct, &c.
18. Power to suspend license pending trial or investigation.

##### *Delegation of Functions of Chief Commissioner.*

19. Power to delegate functions of Chief Commissioner.

*An Act to provide for the licensing and control of Pilots in British Burma and for investigating certain charges against them.*

WHEREAS it is expedient to provide for the licensing and control of pilots in British Burma, and for investigating certain charges against them; It is hereby enacted as follows :—

##### *Preliminary.*

1. (1) This Act may be called the British Burma Pilots Act, 1883.

Short title.

- (2) It extends to the territories for the time being administered by the Chief Commissioner of British Burma; and

Local extent.

- (3) It shall come into force on such date as the Chief Commissioner may fix in this behalf.

Commencement.

2. In this Act—

"Port" means any port, or any part of a navigable river or channel, in which the Indian Ports Act, XII of 1875, is for the time being in force.

*Licensing of Pilots.*

3. The Chief Commissioner may, from time to time, appoint, or cause to be appointed, competent persons for the purpose of examining the qualifications of persons desirous of acting as pilots at any port, and make rules—

- (a) for the conduct of the examinations and for the qualifications to be required;
- (b) establishing grades of pilots, and determining the duties which may be undertaken by pilots of each grade;
- (c) for the grant to qualified persons of licenses to act as pilots of any grade at any port; and
- (d) for the fees to be paid for the examinations and licenses.

4. (1) A person shall not act as a pilot at any port, after such date as the Chief Commissioner may fix in this behalf for that port, except as permitted by a license granted under section 3.

(2) Any person acting as a pilot in contravention of this section shall be punished, for every time he so acts, with fine which may extend to two hundred rupees.

*Regulation of Pilots.*

5. (1) The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, make rules to regulate the conduct of pilots licensed under this Act in all matters connected with the performance of their duties as such pilots.

(2) Any such rule may contain a provision that a pilot committing a breach of the rule shall be punished with imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both:

Provided that a prosecution shall not be instituted in respect of any such breach except by order of such officer as the Chief Commissioner may, from time to time, appoint in this behalf.

*Special Court.*

6. (1) If the Chief Commissioner has reason to believe that there are grounds for charging any pilot licensed under this Act with incompetency or misconduct in the discharge of his duties as such pilot, or with any act or omission in breach of a rule made under section 5, and that the charge cannot be satisfactorily investigated by an ordinary Court, he may direct that a special Court be constituted, under this Act, at the port at which it will, in his opinion, be most convenient for the parties and witnesses to attend, and shall then send to the Court a statement of the grounds of the charge, and direct the Court to make an investigation into the charge.

(2) When the Chief Commissioner directs an investigation under this section, he may, if he thinks fit, appoint a person to act as prosecutor in the investigation.

7. Every Court constituted under section 6 shall consist of a president sitting with three assessors.

8. (1) The president shall be such person as the Chief Commissioner appoints in this behalf, either generally or for any specified case.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1860.

9. One of the assessors shall be a master of a seagoing vessel lying in the port at which the investigation is to be made, another shall be a merchant residing at that port, and the third shall be a person who has personally exercised the calling of a pilot for not less than five years.

10. (1) The assessor who is the master of a seagoing vessel shall be appointed in each case by the Chief Commissioner, and shall be summoned by the president.

(2) The other assessors shall be summoned by the president in such manner as may be prescribed by rule, out of two lists, one of merchants, the other of pilots, to be, from time to time, prepared for the purpose and published by the Chief Commissioner in the *British Burma Gazette*. If there are no such lists, or if it is impracticable to procure the attendance of two persons one of whom is named in the list of merchants and the other in list of pilots, the other assessors or assessor, as the case may be, shall be appointed and summoned by the president.

11. The assessors shall receive such fees as the Chief Commissioner may, from time to time, by rule, prescribe.

12. Before any investigation under this Act is commenced, the special Court shall supply the pilot with a copy of the statement sent, under section 6, to the Court.

13. For the purpose of an investigation under this Act, the special Court may summon the pilot to appear before it, and shall give him full opportunity of making a defence, either in person or otherwise.

14. For the purpose of an investigation under this Act, the special Court shall, so far as relates to compelling the attendance, and to the examination, of witnesses, the production of documents and the regulation of the proceedings, have the same powers as are exercisable by the principal Court of original criminal jurisdiction for the place at which the investigation is made.

15. On the completion of the investigation, the special Court shall send to the Chief Commissioner a full report of the conclusions at which it has arrived. The report shall be in accordance with the opinion of the majority of the members of the Court, or, if the Court is equally divided, in accordance with the opinion of the president and with the member with whom he concurs. In the latter case, any member who does not concur in the report may separately record his opinion.

16. (1) The Chief Commissioner may, from time to time, make rules to carry into effect the provisions of this Act with respect to the special Court, and in particular with respect to—

Power of Chief Commissioner to make rules.

- (a) the mode in which the president shall, under section 10, summon the assessors;
- (b) the amount of the fees to be paid to the assessors; and
- (c) the procedure of the Court.

(2) All such rules shall be published in the *British Burma Gazette*, and shall thereupon have the force of law.

*Power to cancel, suspend or reduce Licenses.*

17. The Chief Commissioner may cancel or suspend, or reduce the grade of, any license granted to a pilot under this Act in the following cases, that is to say:—

Power to cancel, suspend or reduce license for misconduct, &c.

- (a) if the pilot is found guilty by a Criminal Court of any offence punishable under section 5, or of any other offence the commission of which, in the opinion of the Chief Commissioner, shows him to be unfit to discharge the duties of a pilot; or

- (b) if, on considering a report submitted under section 15 of this Act, or transmitted under section 17 of the Indian Merchant Shipping Act, 1883, the Chief Commissioner is of opinion that the pilot is incompetent, or has been guilty of any misconduct in the discharge of his duty as pilot, or of any breach of a rule made under section 5 of this Act.

18. When a prosecution has been instituted against a pilot under section 5, or an investigation has been ordered in respect of him under section 6, or an investigation affecting his conduct has been ordered under Chapter II of the Indian Merchant Shipping Act, 1883, the Chief Commissioner may suspend his license until the trial is concluded or the report of the investigation is submitted or transmitted to the Chief Commissioner, as the case may be.

*Delegation of Functions of Chief Commissioner.*

19. The Chief Commissioner may, from time to time, by notification in the *British Burma Gazette*, delegate his functions under section 6, section 8, section 10, sub-section (1), or section 18 to such person as he thinks fit.

Power to delegate functions of Chief Commissioner.

D. FITZPATRICK,

*Secretary to the Government of India.*



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[ First publication. ]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th September, 1883, and is hereby promulgated for general information :—

ACT NO. XIII OF 1883.

*An Act to declare the law in force in certain lands which have been or hereafter may be ceded by the Bahawalpur State for occupation by the Indus Valley State Railway.*

WHEREAS Act X of 1880 (*to declare the law in force in certain lands annexed to the Multán District*) provides that all enactments which, on the second day of September, 1879, were in force in the Multán district and not in force in the lands occupied by the Indus Valley State Railway, and the works, premises and stations thereof, within the limits of the Bahawalpur State, which have been ceded to the British Government in full sovereignty by that State, and have been declared by the Governor General in Council to be subject to the Lieutenant-Governorship of the Panjáb, and have by the Lieutenant-Governor of the Panjáb been annexed to the Multán district, shall be deemed to have come into force in the said lands on that day ;

and whereas it is expedient to make like provision for certain other lands occupied by the same

Railway, and the works, premises and stations thereof, within the limits of the same State, which have, since the second day of September, 1879, been ceded to the British Government in full sovereignty by the same State, and have been declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and have by the same Lieutenant-Governor been annexed to the same district ;

and whereas it is also expedient to make like provision for any lands to be hereafter occupied by the same Railway, and the works, premises and stations thereof, within the limits of the same State, which may be ceded to the British Government in full sovereignty by the same State, and may be declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and may by the same Lieutenant-Governor be annexed to the same or some other district ;

It is hereby enacted as follows :—

1. Act X of 1880 is hereby repealed.

2. All enactments which, on the date on which any such lands as are referred to in the preamble to this Act have been, or may hereafter be, annexed to the Multán or any other district, were, or shall be, in force in that district, and not in the said lands, shall be deemed to have come, or, as the case may be, shall come, into force in the said lands on that date.

D. FITZPATRICK,  
*Secretary to the Government of India.*





GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September, 1883, and is hereby promulgated for general information:—

ACT No. XIV OF 1883.

THE NORTH-WESTERN PROVINCES  
AND OUDH LOCAL BOARDS ACT,  
1883.

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56. Section 11, clause (c), Act III of 1878, amended.
57. Sections 12, 13 and 15 of same repealed.
58. New section substituted for section 14 of same.

### *Amendment of the Oudh Local Rates Act, 1878.*

59. Section 11, clause (c), Act IV of 1878, amended.
60. Sections 12 and 14 of same repealed.
61. New section substituted for section 13 of same.

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### *An Act to provide for the constitution of Local Boards in the North-Western Provinces and Oudh.*

WHEREAS it is expedient to make better provision for the constitution of local bodies in each district in the North-Western Provinces and Oudh to administer the expenditure of that portion of the rates levied on land which is applicable to local purposes in that district, and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to the like purposes; It is hereby enacted as follows:—

#### *Preliminary.*

1. (1) This Act may be called the North-Western Provinces and Oudh Local Boards Act, 1883.  
Short title.
- (2) It extends to the territories for the time being administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh; and  
Local extent.
- (3) It shall come into force on the first day of November, 1885.  
Commencement.
2. In this Act, unless there is something repugnant in the subject or context,—  
Definition of "prescribed."

"Prescribed" means prescribed by rules made under section 17.

### *Constitution of Local Boards and District Boards.*

3. (1) The Local Government shall, by order in writing, for the purposes of this Act, divide each district into sub-districts.  
Formation of sub-districts.

(2) There shall be excluded from the sub-districts formed under this section such portions of the district as are for the time being included in the limits of a military cantonment or of a municipality, and, unless the Local Government otherwise directs, the portions of the district (if any) in which Act XX of 1856 (*an Act to make better provision for the appointment and maintenance of Police Chaudhurs in Cities, Towns, Stations, Suburbs and Bázars in the Presidency of Fort William in Bengal*) is in force.

(3) The Local Government may, from time to time, by order in writing, vary any order made under this section.

4. There shall be established for each sub-district a local board having authority over that sub-district, and for each district a district board having authority over the entire district, except such portions thereof as are excluded from the sub-districts under section 3, sub-section (2).  
Establishment of local boards for sub-districts and of district boards for districts.

5. (1) The local board for a sub-district shall consist of so many elected members and so many nominated members as the Local Government may, from time to time, fix in this behalf:  
Constitution of local boards.

Provided that the nominated members shall not exceed in number one-fourth of the board.

(2) The elective members of a local board shall be elected in manner prescribed.

(3) The persons entitled to vote at the election shall be nominated by the Local Government or determined in such other manner as may be prescribed:

Provided that the persons entitled to vote at the election of a member shall not be less than twenty-five in number.

(1) A person to be qualified for election must, at the time of his election, be an elector, and reside, or own landed property, or carry on trade or business, in the sub-district.

(3) The nominated members shall be such persons as the Local Government may, subject to the rules made under section 17, from time to time, nominate in this behalf.

6. (1) The district board for a district shall, except as next hereinafter provided, consist of all persons who for the time being are members of the local boards of the sub-districts comprised in that district.  
Constitution of district boards.

(2) The Local Government may, if it thinks fit, by notification in the official Gazette, direct that the district board for a district shall consist of so many of the elected members of each local board as it thinks fit, elected in this behalf by the local board in manner prescribed, and such of the nominated members of each local board as the Local Government may appoint in this behalf:

Provided that the nominated members of local boards so appointed by the Local Government shall not exceed in number one-fourth of the district board.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 7-14.*

(3) The Local Government may, by notification in the official Gazette, rescind any direction issued under sub-section (2) with effect from the date on which all the persons holding office as members of the district board at the date of the notification shall, under the provisions of this Act, have vacated their offices as such members.

7. (1) The term of office of a member of a local board and of a member of a district board elected or appointed under section 6, sub-section (2), shall be fixed, from time to time, by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election, nomination or appointment.

8. A member of a local board and a member of a district board elected or appointed as aforesaid may resign by notifying in writing his intention to do so to the Local Government; and, on the acceptance by the Local Government of such resignation, the member shall be deemed to have vacated his office as such member.

9. The Local Government may, from time to time, remove any member of a local board or of a district board elected or appointed as aforesaid who refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the local board, or, when he is a member of the district board, without sufficient excuse neglects for more than six consecutive months to be present at the meetings of that board.

10. (1) When the place of an elected member of a local board or of a district board elected as aforesaid becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in manner prescribed to fill the place:

Provided that the Local Government may, subject to the limitation of the proportion of nominated members of a local board fixed by section 5, and to the limitation of the proportion of appointed members of a district board fixed by section 6, direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a nominated member of a local board or an appointed member of a district board becomes vacant as aforesaid, the Local Government may, if it thinks fit, but subject to the rules made under section 47, nominate or appoint, as the case may be, a new member to fill the place.

(3) A person elected, nominated or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out

11. Every district board shall be a body corporate by the name of the district board of its district, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, to transfer any moveable property and, with the previous approval in writing of the Commissioner of the division, any immovable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

12. The several local boards and district boards constituted under this Act shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

*Chairmen and Vice-chairmen.*

13. (1) Every local board shall, from time to time, elect one of its members to be chairman.

(2) The term of office of a chairman so elected shall be the residue of his term of office as a member of the board.

(3) If the chairman so elected dies, resigns or is removed from his office as a member of the board, resigns the office of chairman or becomes incapable of acting, the board shall elect another of its members to be chairman for the period during which the person so dying, resigning, removed or becoming incapable would have been entitled to continue in office, and no longer.

(4) If, when any meeting is held, the office of chairman is vacant or the chairman is absent from the meeting, the members present shall elect one of their number to be chairman of the meeting.

14. (1) Every district board shall, on first coming into existence and thereafter whenever the term of office of its chairman expires under this Act, take into consideration, at a special meeting convened for the purpose within the time prescribed, the appointment of a chairman, and, if the meeting is attended by not less than three-fourths of the members of the board, may, by a majority of the members present,—

(a) determine whether the chairman shall be elected, or his appointment shall be left to be made by the Local Government, and

(b) if it is determined that the chairman shall be elected, elect one of its members to be chairman; and

the Local Government may, if it approves of the person so elected, declare him to be chairman of the board.

(2) If no such meeting is held within the time prescribed, or if three-fourths of the members of the board are not present at the meeting, or, where several meetings are convened under this section, at any of those meetings, or if no such election takes place, or if the person elected is not approved of by the Local Government, the Local Government shall appoint as chairman, by name or by virtue of his office, such person as

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 15-24.*

**15.** At a special meeting held under section 14, or at another special meeting held for this purpose, the district board shall elect one or two of its members to be its vice-chairman or vice-chairmen.

*Vice-chairman of district board.*

**16.** (1) The term of office of an elected chairman of a district board shall be the residue of his term of office as member of the board.

(2) The term of office of an appointed chairman of a district board shall be such term, not exceeding three years, as the Local Government may, from time to time, by rule prescribe.

(3) The term of office of a vice-chairman of a district board shall be one year, or when at the time of his election the residue of his term of office as member is less than one year, the residue of that term.

**17.** (1) A chairman of a district board may resign by notifying in writing his intention to do so to the Local Government; and, on such resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

(2) A vice-chairman of a district board may resign by notifying in writing his intention to do so to the board; and, on such resignation being accepted by the board, he shall be deemed to have vacated his office.

**18.** The Local Government may remove any chairman or vice-chairman of a district board from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be chairman or vice-chairman, or if he without sufficient excuse neglects for more than six consecutive months to be present at the meetings of the board.

**19.** (1) If an elected chairman of a district board dies, resigns, is removed or becomes incapable of acting, a special meeting of the board shall be held within the period prescribed, and a new chairman shall be elected or appointed in manner provided by section 14.

(2) If an appointed chairman of a district board dies, resigns, is removed or becomes incapable of acting, the Local Government shall appoint another chairman.

(3) If a vice-chairman of a district board dies, resigns, is removed or becomes incapable of acting, the board shall, at a special meeting held for this purpose, select one of its members to be vice-chairman in his place.

(4) A chairman or vice-chairman elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and

**20.** Notwithstanding anything in the foregoing sections, a chairman appointed by the Local Government to be member of district board, sub-section (2), or section 19, sub-section (1) or sub-section (2), shall, if he is not already a member of the district board, become a member thereof by virtue of such appointment, and continue to be a member thereof while he holds the office of chairman.

**21.** A chairman of a local board, and a chairman or vice-chairman of a district board, if otherwise qualified, shall on going out of office be again eligible for election or appointment.

**22.** (1) At every meeting of a district board the chairman, if present, shall preside.

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

*Notification of Elections, &c.*

**23.** All elections, nominations and appointments of members of local boards and district boards, and of chairmen of district boards, and all vacancies in those offices, shall be notified in the local official Gazette.

*Duties of District Boards.*

**24.** Every district board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Local Government may, from time to time, make and impose, provide for the control and administration of the following matters within the area subject to its authority:—

- (a) the construction, repair and maintenance of public roads and other means of communication;
- (b) the planting and preservation of trees on the sides of roads and on other public ground;
- (c) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, staging-houses, inspection-houses and other public institutions, and the construction and repair of all buildings connected with these institutions;
- (d) the construction and repair of public wells, tanks and water-works, and the supply of water from them and from other sources;
- (e) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Local Government;
- (f) the establishment and management of pounds, including, where the Cattle-trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 25-33.*

- (g) the management of such public ferries as may be entrusted to its charge under section 7A of the Northern India Ferries Act, 1878, as amended by this Act;
- (h) the regulation of encamping-grounds and, where the Sarāis Act, 1867, is in force, of sarāis and parāos, including such functions of the Magistrate of the district under that Act as the Local Government may, from time to time, direct;
- (i) the institution, holding and management of agricultural shows and industrial exhibitions;
- (j) the maintenance of any building or other property which is vested under this Act in the district board, or may be placed by the Local Government under the management of that board; and
- (k) any other local works or measures likely to promote the health, comfort, convenience or interest of the public.

*Duties of Local Boards and their Relations to District Boards.*

**25.** Every local board shall, in the sub-district Local board to be agent under its authority, be the of district board. agent of the district board, and, as such agent, shall have such authority and discharge such duties in respect of all or any of the matters specified in section 24 as the district board may, by written authority in that behalf, from time to time, confer or impose upon it.

**26.** The district board may, by a resolution Control of district board over local boards. passed by two-thirds of the members present at a meeting, either on complaint made to it or of its own motion, reverse or vary any order or other proceeding of any local board within the district:

Provided that, except for reasons recorded in writing, no such resolution shall be passed until the local board has been allowed an opportunity of showing cause against the same.

*Joint Committees.*

**27. (1)** A district board may, from time to time, Joint committees. concur with any other district board, or with the board of any municipality, or with a cantonment authority, or with more than one such board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee, and in delegating to any such committee any power which might be exercised by either or any of the boards or authorities, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

(2) If any difference of opinion arises between boards or authorities acting under this section, the decision thereon of the Commissioner of the division if the areas under the boards and authorities are in the same division or of the Local

*Conduct of Business.*

**28. (1)** A meeting of a district board or local Ordinary and special board shall be either ordinary meetings. or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**29. (1)** The quorum necessary for the transaction of business at a special Quorum. meeting of a district board or local board shall, except where otherwise provided by this Act, be one-half of the whole board.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a district board or local board shall be such number or proportion of the members of the board as may, from time to time, be fixed by the rules made under this Act:

Provided that, if at any ordinary or special meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

**30. (1)** Except as otherwise provided by this Vote of majority de- Act or by any rule made cative. under this Act, all questions coming before a meeting of a district board or local board shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

**31.** The Civil Surgeon of the district, the Executive Engineer of the division, and the Inspector of Schools of the circle, shall be entitled to attend any meeting of a district board or local board, and to address the board on any matter affecting respectively sanitation, public works and public instruction.

**32. (1)** Every resolution passed by a district Resolutions to be re- board or local board at a corded. meeting shall be recorded in a book kept for the purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting.

(2) A copy of every resolution passed by a local board at a meeting shall, within ten days from the date of the meeting, be forwarded to the district board.

(3) A copy of every resolution passed by a district board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Magistrate of the district.

**33.** Every district board, and, with the previous Power to make rules sanction of the district board, as to conduct of busi- every local board, may, from ness. time to time, make rules consistent with this Act and with any rules made under this Act by the Local Government as to—

(a) the time and place of its meetings.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 34-40.*

- (c) the conduct of proceedings at meetings;
- (d) the division of duties among the members of the board; and
- (e) the persons by whom receipts may be granted on behalf of the board for money paid under this Act.

*Officers and Servants.*

**34. (1)** Every district board and every local board shall, from time to time, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person or persons, to be its secretary or secretaries, and may remove any person so appointed.

(2) If a secretary appointed under this section is a member of the board, he shall receive no remuneration in respect of his services. If he is not a member of the board, the district board may, with the previous sanction of the Commissioner of the division, assign to him such pay as it thinks fit.

**35.** Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, every district board may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the local boards in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner of the division.

**36.** In the case of a Government official, any district board may—

(1) if his services are wholly lent to it, contribute to his pension, gratuities and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension, gratuities and leave-allowances in such proportion as may be determined by the Government.

**37.** In the case of a servant not being a Government official referred to in section 36, any district board may—

(1) grant him leave-allowances and, if his monthly pay is less than ten rupees, gratuities; and

(2) if empowered in this behalf by the Local Government—

- (a) subscribe in his behalf for pension, gratuities and leave-allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force; or
- (b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant

*District Fund.*

**38.** There shall be formed for each district a fund, to be called the district fund, and there shall be placed to the credit thereof—

(a) the balance (if any) of the allotments made for the district under section 11 of the North-Western Provinces Local Rates Act, 1878, or of the Oudh Local Rates Act, 1878, which may be available for expenditure in the district on the day on which the district board comes into existence;

III of 1878.  
IV of 1878.

(b) all sums which may, from time to time, be allotted by the Local Government to the district fund under section 11 of the North-Western Provinces Local Rates Act, 1878, or of the Oudh Local Rates Act, 1878, as amended by this Act;

III of 1878.  
IV of 1878.

and, subject to such exceptions and conditions as the Local Government may, from time to time, make and impose, the following, namely:—

(c) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871; I of 1871.

(d) the proceeds of public ferries payable into the district fund under section 7A of the Northern India Ferries Act, 1878, as amended by this Act;

XVII of 1878.

(e) receipts from encamping-grounds under the regulation of the district board;

(f) the sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen or felled thereon;

(g) receipts from property vested in the district board;

(h) rents and profits accruing from nazul and other property placed by the Local Government under the management of the district board;

(i) other sums assigned to the district fund by the Local Government;

(j) sums contributed to the district fund by local bodies or private persons; and

(k) all other sums received by or on behalf of the district board in the carrying out of this Act.

**39. (1)** The district fund shall be vested in the district board, and the balance standing at the credit of the fund shall be kept in the Government treasury of the district or in the bank to which the Government treasury business has been made over.

(2) Subject to such rules as the Governor General in Council may, from time to time, make in this behalf, the district board may, from time to time, with the previous sanction of the Local Government, invest any portion of the district fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of the same nature. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the district fund.

**40. (1)** The district fund shall be charged with the payment of the expenses incurred in auditing the district fund.



*N.-W. P. and Oudh Local Boards Act, 1883—Sections 41-45.*

Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Local Government to be equitably debitable to the district board in return for services rendered to the board by those Departments.

(2) Subject to the charges specified in sub-section (1), the district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 24, 34, 35, 36 and 37 within the area subject to the authority of the district board, and, with the sanction of the Local Government, outside that area when such application of the fund is for the benefit of the inhabitants of that area.

*Control.*

Control of Commissioner and Magistrate over boards and joint committees.

41. (1) The Commissioner of the division, or the Magistrate of the district when he is not a member of the district board, may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the division or district respectively occupied by any local board, district board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents, relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(2) If any difference of opinion arises between officers exercising the powers conferred by sub-section (1), it shall be referred—

- (a) if it arises between two or more Magistrates in the same division, to the Commissioner; and
- (b) if it arises between two or more Magistrates in different divisions or between two or more Commissioners, to the Local Government;

and the decision thereon of the Commissioner or of the Local Government, as the case may be, shall be final.

42. (1) A Commissioner may, by order in writing, suspend within his division the execution of any resolution or order of a local board, district board or joint committee, and may prohibit the doing of any act which is about to be done or is being done within his division in pursuance of, or under cover of, this Act, if, in his opinion, such resolution, order or act is in excess of the powers conferred by law, or the execution of such resolution or order, or the doing of such act, is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public

(2) When the Commissioner makes any such order, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order, or direct that it continue in force with or without modification, permanently, or for such period as it thinks fit.

43. (1) In cases of emergency, the Magistrate Extraordinary powers of the district may provide of Magistrate in case of for the execution of any emergency. work, or the doing of any act, which a district board or local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the district board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balance of the district fund to pay the expense, or as much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

44. (1) If at any time it appears to the Local Government that any district board has made default in performing, or has inefficiently performed, any duty imposed on it by this or any other Act for the time being in force, the Local Government may, by order in writing, direct the district board to perform that duty, or to take such measures as the Local Government may think proper for the performance thereof, and may fix a time within which the duty shall be performed or the measures shall be taken.

(2) If the order is not obeyed to the satisfaction of the Local Government within the time fixed, the Local Government may appoint the Magistrate of the district to execute it, and may direct that the expense of executing it shall be paid, within such time as it may fix, to the Magistrate by the district board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the district fund to pay the expense, or so much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

45. (1) If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and super-

Power of Commissioner to suspend action under this Act.

Power to supersede district board in case of incompetency, persistent default or abuse of powers.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 45-51.*

(2) When the district board of a district is so superseded, the following consequences shall ensue:—

- (a) all members of the board and all members of the local boards of the district shall, as from the date of the order, vacate their offices as such members;
- (b) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that behalf;
- (c) all property vested in the district board shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the local boards and district board shall be re-established, and the persons who vacated their offices under clause (2) shall not be deemed disqualified for nomination, appointment or election.

*Liability of Members of Boards.*

**46.** A person shall be liable for the loss, liability of members waste or misapplication of for loss, waste or mis- any money or other property application on belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a local board or of the district board; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

*Forms and Rules.*

**47.** The Local Government may, from time to time, frame forms for members to frame forms and any proceeding for which make rules. it considers that a form should be provided, and make rules consistent with this Act:—

- (a) as to the method and time of election of elective members of local boards, and, where a notification under section 6, subsection (2), is in force, of elective members of district boards;
- (b) as to the nomination of members of local boards under section 5;
- (c) as to the mode of convening ordinary and special meetings respectively, the notice to be given of such meetings, the business that may be transacted at ordinary and special meetings respectively, and the majority by which any question which may come before a board at a meeting shall be decided;
- (d) as to the division of duties among the members of the board;
- (e) as to the mode of entering into and executing contracts and transfers of property on behalf of district board; and the authority on which money may be paid from the district fund;
- (f) as to the preparation of plans and estimates

and the conditions subject to which, such plans and estimates may be sanctioned;

- (g) for the guidance of district boards when suits or other proceedings are intended to be, or have been, instituted by or against them in Civil Courts;
- (h) as to the office or offices through which correspondence of, and with, local boards and district boards and representations to the Local Government under this Act shall pass;
- (i) as to the accounts to be kept, and as to the manner in which those accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (j) as to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned;
- (k) as to the returns, statements and reports to be submitted by local boards and district boards respectively;
- (l) as to the language of the board;
- (m) as to the qualifications requisite in the case of persons appointed to offices requiring professional skill; and
- (n) generally, for the guidance of local boards, district boards and officers of Government in all matters connected with the carrying out of this Act and for settling their relations to one another.

**48.** The Local Government shall, before making any rules under section 47, Procedure for making publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

**49.** Every rule made under section 47 shall be published in the local official Publication of rules. Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by section 48.

*Supplemental Provisions.*

**50.** Where any land is required for the purposes of this Act, the Local Government may, at the request of the district board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the district board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the district board.

**51.** (1) If any member, officer or servant of a local board, district board or joint committee appointed under this Act is, otherwise Penalty on member, officer or servant being interested in contracts

*N.-W. P. and Oudh Local Boards Act, 1873—Sections 52-59.*

any contract made with such board or committee, he shall be deemed to have committed an offence of 1860, under section 168 of the Indian Penal Code :

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company be held to be interested in any contract entered into between the company and a board or committee, but he shall not take part in any proceedings of the board or committee relating to any such contract.

Saving of Act XI of 1879. **52.** Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

*Exceptional Provisions.*

**53.** If the circumstances of any district or part

Power of Local Government to exempt local area from operation of Act.

of a district are, in the opinion of the Local Government, such that all or any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the district or part from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or part until again applied thereto by a like notification.

**54.** When a sub-district is excepted, under section 53, from the provisions of this Act requiring that a certain proportion of the members of a local board shall be elected, the Local Government may itself appoint all such members.

**55.** When a district is excepted, under section 53, from all the provisions of this Act, a committee shall be appointed for the control and administration in that district of the matters mentioned in section 24, or of such of them as the Local Government may, from time to time, specify; and the Local Government shall, from time to time, determine the manner in which the members of the committee shall be appointed and removed, define the functions and authority of the committee, and place at its disposal, subject to such control as the Local Government thinks fit, the amounts mentioned in clauses (a) and (b) of section 38, and such of the sources of income mentioned in the other clauses of that section as the Local Government thinks fit :

Provided that not less than one-half of the members of the committee shall be persons who own landed property, or reside or carry on trade or business, in the district, and are not in the service of Government.

*Amendment of the North-Western Provinces Local Rates Act, 1878.*

Section 11, clause (c), Act III of 1878, amended. **56.** For section 11, clause (c), of the North-Western Provinces Local Rates Act, 1878, the following shall be substituted, namely:—

“(c) Subject to the appropriation directed by clause (a), the Lieutenant-Governor may, from

of each district for expenditure on all or any of the following matters:—

- (1) the maintenance of the village and road police and the district-post;
- (2) the construction, repair and maintenance of lunatic asylums;
- (3) the registration of traffic; and
- (4) any other matter tending to promote the welfare of the district which it is in his opinion necessary to place under provincial and not under local administration.

“(d) Subject as aforesaid, the Lieutenant-Governor may allot from such fund such amounts as he thinks fit to the district fund constituted under the North-Western Provinces and Oudh Local Boards Act, 1883 :

“Provided that the amounts so reserved and allotted in any year for the benefit of any district shall not be less than nine-tenths of the proceeds of the rates assessed under the first clause of section four and the first clause of section five in such district in such year.”

**57.** Sections 12, 13 and 15 of the said North-Western Provinces Local Rates Act, 1878, are hereby repealed.

**58.** For section 14 of the said North-Western Provinces Local Rates Act, 1878, the following shall be substituted, namely:—

“14. Accounts of the receipts in respect of the rates levied under this Act shall be kept in each district, and shall at all reasonable times be open to the inspection of the district board constituted for the district under the North-Western Provinces and Oudh Local Boards Act, 1883.

“An abstract of such accounts shall also be published annually in the local official Gazette.”

*Amendment of the Oudh Local Rates Act, 1878.*

Section 11, clause (c), Act IV of 1878, amended. **59.** For section 11, clause (c), of the Oudh Local Rates Act, 1878, the following shall be substituted, namely:—

“(c) Subject to such appropriation, the Chief Commissioner may, from time to time, reserve from such fund such amounts as he thinks fit to be applied in, or for the benefit of, each district for expenditure on all or any of the following matters:—

- (1) the construction, repair and maintenance of lunatic asylums;
- (2) the registration of traffic; and
- (3) any other matters tending to promote the welfare of the district which it is in his opinion necessary to place under provincial and not under local administration.

“(d) Subject as aforesaid, the Chief Commissioner may allot from such fund such amounts as he thinks fit to the district fund constituted under the North-Western Provinces and Oudh Local Boards Act, 1883 :

“Provided that the amounts so reserved and allotted in any year for the benefit of any district shall not be less than nine-tenths of the proceeds of the

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 60-65.*

**60.** Sections 12 and 14 of the said Oudh Local Rates Act, 1878, are repealed.

**61.** For section 13 of the said Oudh Local Rates Act, 1878, the following shall be substituted, namely:—

“13. Accounts of the receipts in respect of all rates levied under this Act shall be kept in each district, and shall at all reasonable times be open to the inspection of the district board constituted in the district under the North-Western Provinces and Oudh Local Boards Act, 1883.

“An abstract of such accounts shall also be published annually in the local official Gazette.”

*Contracts made by, and Government officers employed by, Committees under the North-Western Provinces and Oudh Local Rates Acts.*

**62.** Every contract entered into, whether in its own name or in the name of the Government, by the committee appointed in a district under section 15 of the North-Western Provinces Local Rates Act, 1878, or section 14 of the Oudh Local Rates Act, 1878, may be enforced by and against the district board constituted for that district under this Act, in like manner as it might have been by and against the committee if this Act had not been passed.

**63.** A Government officer employed under the committee appointed in a district as aforesaid at the time when a district board comes into existence for the district under section 12 of this Act shall be deemed to be similarly employed

by the board, and shall not be dismissed from that employment without the sanction of the Local Government.

*Amendment of the Northern India Ferries Act, 1878.*

**64.** After section seven of the Northern India Ferries Act, 1878, the following shall be inserted, namely:—

“7A. The Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh may direct that any public ferry wholly or partly within the area subject to the authority of a district board in any district in the North-Western Provinces or Oudh, as the case may be, be managed by that board, and may further direct that all or any part of the proceeds from such ferry be paid into the district fund of that district; and proceeds paid into district fund.

“and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.”

**65.** In section six of the same Act, after the words “section seven,” and in section seventeen of the same Act, after the words “section seven” where they first occur, the following shall be inserted, namely:—“and section 7A.”

D. FITZPATRICK,  
*Secretary to the Government of India.*

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 11th September, 1883, and is hereby promulgated for general information :—

ACT No. XV OF 1883.

THE NORTH-WESTERN PROVINCES  
AND OUDH MUNICIPALITIES  
ACT, 1883.

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*An Act to make better provision for the Organization and Administration of Municipalities in the North-Western Provinces and Oudh.*

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the North-Western Provinces and Oudh; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the North-Western Provinces and Oudh Municipalities Act, 1883.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh; and

(3) It shall come into force on the 1st day of November, 1883.

2. In this Act, unless there is something repugnant in the subject or context,—

(a) "Municipality" means a local area to which this Act has been applied under section 4 or section 5.

(b) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service.

(c) "Prescribed" means prescribed by rules made by the Local Government under this Act.

3. (1) The Local Government may, from time to time, by notification published in the official Gazette, and in such other manner as the Local Government may from time to time determine, declare its intention to apply this Act to any town or to any group of towns in the immediate neighbourhood of one another.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of the Act, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by a notification in the official Gazette, apply this Act to the local area.

5. The Local Government may, by notification in the official Gazette, apply this Act to any local area which is a municipality established under the North-

Special rule as to application of Act to towns to which Act XV of 1873 applies.



*N.-W. P. and Oudh Municipalities Act, 1883.*  
**Chapter II.—Organization of Municipal Boards—Sections 6-13.**

Western Provinces and Oudh Municipalities Act, 1873, and shall, within three months from the date on which this Act comes into force, so apply it to every such local area unless before the expiration of that period—

- (a) the Act has been applied under section 4 to some local area in which that local area is comprised; or
- (b) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

## CHAPTER II.

### ORGANIZATION OF MUNICIPAL BOARDS.

#### *Constitution of Boards.*

**6.** There shall be established for each municipality a municipal board having authority over that municipality, and consisting of—

Board to consist of elected and appointed members.

- (a) so many elected members as may be determined in manner prescribed, representing wards of the municipality or particular classes of the inhabitants; and
- (b) such person or persons (if any), not exceeding in number one-fourth of the board, as the Local Government may, subject to the rules made under section 64, from time to time, appoint in this behalf.

**7. (1)** The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Act has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices, for the purpose of preparing and submitting, within such further time not exceeding three months from the date of the meeting as the Local Government may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(2) The Local Government may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

**8.** Notices under section 7 shall be issued to the following persons, namely:—

Persons to be invited to meeting.

- (a) all Honorary Magistrates having jurisdiction within the limits of the municipality;
- (b) when the municipality comprises any local area for which a municipal committee has been appointed under the North-Western Provinces and Oudh Municipalities Act, 1873, the members of that committee;
- (c) when the municipality comprises any local area for which a panchayat has been appointed under Act XX of 1856, the members of that panchayat; and
- (d) any leading residents of the municipality not included under the foregoing clauses who in the opinion of the Magistrate of the district should be allowed to take part in the discussion.

**9.** The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section, submit through the Magistrate of the district to the Local Government proposals regarding the following matters, namely:—

Matters to be considered at the meeting.

- (a) the division of the municipality into wards;
- (b) the number of representatives proper for each ward;
- (c) the provision (if any) to be made for the special representation of any classes of the community;
- (d) the qualifications of electors and of candidates for election;
- (e) the registration of electors;
- (f) the nomination of candidates, the time of election and the mode of recording votes; and
- (g) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

**10. (1)** The Local Government shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

(2) The Local Government may, after the municipal board has come into existence as herein-after provided, from time to time amend, after consulting the board, the rules made under this section; but no amendment made under this sub-section shall take effect until six months after it has been published in the official Gazette.

(3) Elective members of the board shall be elected in accordance with the rules made under this section and for the time being in force.

**11. (1)** The term of office of a member of a municipal board shall be fixed, from time to time, by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

**12.** A member of a municipal board may resign by notifying in writing his intention to do so to the Local Government, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

**13.** The Local Government may, from time to time, remove any member of a municipal board who refuses to act or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the board.

Resignation of member.

Removal of member.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter II.—Organization of Municipal Boards—Sections 14-20.*

**14. (1)** When the place of an elected member of a municipal board becomes vacant by his resignation, removal or death, a new member shall be elected in manner prescribed to fill the place:

Provided that the Local Government may, subject to the limitation of the proportion of appointed members of the board fixed by section 6, clause (b), direct in any such case that the vacancy shall be left unfilled.

(2) When the place of an appointed member of a municipal board becomes vacant as aforesaid, the Local Government may, if it thinks fit, but subject to the rules made under section 64, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

**15.** Every municipal board shall be a body corporate by the name of the municipal board of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules made under section 64, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

**16.** A municipal board shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

**17. (1)** When a municipal board comes into existence under section 16 for a municipality constituted under this Act, and that municipality comprises within its limits a local area which is a municipality under the North-Western Provinces and Oudh Municipalities Act, 1873, the following consequences shall ensue, namely:—

(a) the said North-Western Provinces and Oudh Municipalities Act shall cease to apply to the local area;

(b) the municipal committee (if any) constituted under that Act for the local area shall cease to exist;

(c) all property vested in that committee shall vest in the municipal board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the committee may be enforced by and against the board in like manner as it might have been enforced by and against the committee if this Act had not been passed;

(e) a Government officer employed by the committee at the time when the board comes into existence shall be deemed to be similarly employed by the board, and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the board shall be substituted for the committee in all legal proceedings by or against the committee pending at the time when the board comes into existence.

(2) When a municipal board comes into existence under section 16 for a municipality constituted under this Act, and that municipality comprises within its limits a local area in which Act XX of 1856 (*an Act to make better provision for the appointment and maintenance of Police Chaudhars in Cities, Towns, Stations, Suburbs and Bázars in the Presidency of Fort William in Bengal*) is in force, that Act shall cease to have effect in the local area, and every panchayat constituted under that Act for the local area shall cease to exist.

*Chairman and Vice-chairman.*

**18.** A municipal board shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Local Government, but not otherwise, become chairman of the board:

Provided that—

(a) If the office of chairman remains vacant for three months from the date of the first meeting of the board, or in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Local Government may in its discretion appoint such person as it thinks fit by name or by virtue of his office to be chairman; and

(b) in such municipalities as the Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of this section, the Local Government may, from time to time, appoint such person as it thinks fit by name or by virtue of his office to be chairman.

**19.** In every municipality the board shall, from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

**20. (1)** The term of office of a member of the board elected to be chairman shall be the residue of his term of office as member.

(2) The term of office of any other person elected to be chairman, or of a chairman appointed by the Local Government, shall be such term not exceeding three years as the Local Government may, from time to time, by rule prescribe.

(3) The term of office of a vice-chairman shall be one year: Provided that when at the time of his election as vice-chairman the residue of his term of office as member of the board is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(4) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
**Chapter II.—Organization of Municipal Boards—Sections 21-31.**

**21. (1)** A chairman of a municipal board may resign by notifying in writing his intention to do so to the Local Government, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

**(2)** A vice-chairman of a municipal board may resign by notifying in writing his intention to do so to the board, and, on his resignation being accepted by the board, he shall be deemed to have vacated his office.

**22.** The Local Government may remove any chairman or vice-chairman of a municipal board from his office as such chairman or vice-chairman if he refuses to act or becomes incapable of acting or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the board.

**23. (1)** If an elected chairman or vice-chairman dies or resigns his office, or office of chairman or vice-chairman is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

**(2)** If a chairman appointed by the Local Government dies, resigns his office or is removed, the Local Government shall appoint another chairman.

**(3)** A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office. Provided that if a person so elected is a member of the board at the time of his election, he shall go out of office on ceasing to be a member.

**(4)** A person going out of office under subsection (3) shall, if otherwise qualified, be again eligible for election or appointment.

**24.** When a person not already a member of the board is elected or appointed chairman or vice-chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the board by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

*Notification of Elections, Appointments and Vacancies.*

**25.** Every election and appointment of a member or chairman of a municipal board and every vacancy in the office of member or chairman shall be notified in the official Gazette.

*Joint Committees.*

**26. (1)** A municipal board may, from time to time, concur with any other municipal board, or with a district board, or with a cantonment authority, or with more than one such board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they

are jointly interested, and in appointing a chairman of the committee, and in delegating to any such committee any power which might be exercised by either or any of the boards or authorities, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

**(2)** If any difference of opinion arises between boards or authorities acting under this section, the decision thereon of the Commissioner of the division, if the areas under the boards and authorities are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

*Conduct of Business.*

**27. (1)** A municipal board shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

**(2)** The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fifth of the members of the board, convene either an ordinary or a special meeting at any other time.

**28. (1)** A meeting of a municipal board shall be either ordinary or special.

**(2)** Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**29. (1)** The quorum necessary for the transaction of business at a special meeting of a municipal board shall be one-half of the whole board.

**(2)** The quorum necessary for the transaction of business at an ordinary meeting of a municipal board shall be such number or proportion of the members of the board as may, from time to time, be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting whether there is a quorum present thereat or not.

**30. (1)** At every meeting of a municipal board the chairman, if present, shall preside.

**(2)** If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

**(3)** In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

**31. (1)** Except as otherwise provided by this Act, or by any rule made by the Local Government

*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter II.—Organization of Municipal Boards—Sections 32-40.*

under this Act, all questions which may come before any meeting of a municipal board shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

**32.** The Civil Surgeon of the district, the Executive Engineer of the division, and the Inspector of Schools of the circle, shall be entitled to attend any meeting of the board, and to address the board on any matter affecting respectively sanitation, public works and public instruction.

**33.** (1) Every resolution passed by a municipal board at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may, from time to time, direct.

(2) A copy of every resolution passed by a municipal board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Magistrate of the district.

**34.** (1) Every municipal board may, from time to time, at a special meeting, make rules consistent with this Act and any rules made under this Act by the Local Government as to—

- (a) the time and place of its meetings;
- (b) the manner of convening ordinary and special meetings respectively and of giving notice thereof;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings, and the adjournment of meetings;
- (e) the division of duties among the members of the board;
- (f) the persons by whom receipts may be granted on behalf of the board for money paid under this Act; and
- (g) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Local Government may from time to time direct.

*Officers and Servants.*

**35.** (1) Every municipal board shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(2) If a person who is an officer in the service of the Government, and who is not a member of the board, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the board by virtue of such appointment, and shall continue to be a member of the board as long as he holds the office of secretary.

(3) When a member of the board is appointed to be secretary, he shall receive no remuneration.

Commissioner, assign to a secretary any such pay as it thinks fit.

**36.** Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal board may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

**37.** In the case of a Government official employed by a municipal board, the board may—

(1) if his services are wholly lent to it, contribute to his pension, gratuities and leave allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension, gratuities and leave allowances in such proportion as may be determined by the Government.

**38.** In the case of a servant not being a Government official referred to in section 37, a board may—

(1) grant him leave allowances and, if his monthly pay is less than ten rupees, gratuities; and

(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension, gratuities and leave allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, he would be entitled if the service had been service under the Government.

*Contracts.*

**39.** (1) A municipal board may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the board at a meeting.

**40.** (1) Every contract made by or on behalf of a municipal board whereof the value or amount exceeds twenty rupees shall be in writing.

(2) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary:

Provided that the board may delegate to one or

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter III.—Taxation and Municipal Fund—Sections 41-47.*

contracts which he or they are empowered to enter into under section 39, sub-section (1).

(3) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the board.

### CHAPTER III.

#### TAXATION AND MUNICIPAL FUND.

##### *Taxation.*

**41.** Subject to any general rules or special Taxes which may be orders which the Governor General in Council may, from time to time, make in this behalf, a municipal board may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 42, any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

- (a) a tax on houses, buildings and lands situate within the municipality, not exceeding seven and a half per centum of the annual value of the houses, buildings and lands;
- (b) a tax on persons exercising professions or carrying on trades or dealings in the municipality;
- (c) a tax on vehicles and on animals used for riding or driving or as beasts of burthen, when such vehicles or animals are kept within the municipality;
- (d) a tax on vehicles and on animals as aforesaid entering the municipality, and on boats moored therein;
- (e) an octroi on goods or animals brought within the municipality for consumption or use therein; and

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

**42.** (1) A municipal board may resolve at a Procedure in imposing special meeting to propose taxes. the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1), the board shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant of the municipality objecting to the proposed tax may, within a fortnight from the publication of the notice, submit his objection in writing to the board, and the board shall, at a special meeting, take his objection into consideration.

(4) If no objection is submitted within the said period of a fortnight under sub-section (3), or if the objections so submitted, having been considered as aforesaid, are deemed insufficient, the board may forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid.

(5) The Local Government on receiving proposals under sub-section (4) may sanction the same, or refuse to sanction them, or return them to the

(6) When the Local Government sanctions any proposals which, under section 41, sub-section (2), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council, with the objections (if any) received through the board; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal board have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the board may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

**43.** A tax imposed under this Act shall not be Tax not invalid for invalid for defect of form, defect of form.

and when any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier.

**44.** A municipal board, by a resolution passed at a special meeting and confirmed by the Local Government, or the Local Government with the previous sanction of the Governor General in Council, may abolish or reduce any tax imposed under the foregoing sections.

**45.** All taxes leviable in any local area under Taxes leviable under the North-Western Provinces and Oudh Municipalities Act, 1873, at the time when XV Act XV of 1873 to be deemed to be taxes under this Act. a municipal board having authority over that local area comes into existence under this Act, shall be deemed to have been imposed and assessed under this Act.

**46.** Arrears of any tax imposed under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property belonging to the defaulter within those limits.

##### *Municipal Fund.*

**47.** (1) There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the board;
- (b) all fines realized in cases in which prosecutions are instituted under this Act or section 34 of Act V of 1861 for offences committed within the municipality;
- (c) when there has been included within the municipality any municipality constituted under the North-Western Provinces and Oudh Municipalities Act, 1873, the balance XV (if any) standing at the credit of the municipal fund of that municipality at the time when the municipal board came into existence; and
- (d) when there has been included within the municipality any local area in which the said Act XX of 1856 was in force at the time when the municipal board came into existence, the amount (if any) then available under section 36 of that Act for the



*N.-W. P. and Oudh Municipalities Bill, 1883.**Chapter IV.—Powers and Duties of Municipal Boards generally—Sections 48—55.*

purposes of cleansing, lighting and improvement in that local area.

(2) The municipal fund shall, subject to the provisions of this Act, be applicable, at the discretion of the municipal board, to all the purposes of this Act within the limits of the municipality, and, with the previous sanction of the Local Government, to like purposes beyond those limits, when such application of the fund is for the benefit of the inhabitants of the municipality.

48. (1) In places where there is a Government Custody and investment treasury or sub-treasury, or of municipal fund. a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(2) In places where there is no such treasury or sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

(3) A municipal board may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of the like nature. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

## CHAPTER IV.

POWERS AND DUTIES OF MUNICIPAL BOARDS  
GENERALLY.*Municipal Police.*

49. Every municipal board shall maintain a police-establishment. watch and ward, for the prevention and suppression of nuisances and for the enforcement of the rules and orders of the board.

1880. 50. Subject to the provisions of section 9 of the Constitution of establishments. Cantonments Act, 1880, the establishment maintained under section 49 shall, as the board with the approval of the Local Government may from time to time direct, be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions, as the board may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

51. If the establishment maintained under section 49 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf; and shall perform such duties, and be liable to such

the North-Western Provinces Village and Road Police Act, 1873, or under the Oudh Laws Act, XVI of 1873. 1876, as the case may be, perform and are liable to, XVIII of 1876.

52. If the establishment is part of the general Duties of municipal police force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

53. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Act shall have the powers of a police-officer under that section.

*Conservancy and General Improvement.*

54. Every municipal board, so far as the municipal fund at its disposal will permit, but subject to any agreement between the board and the Local Government as to the application of that fund, shall, after providing for the maintenance of the police-establishment referred to in the foregoing sections,—

- (1) provide for the construction, maintenance, repair and cleansing of the public streets, roads, drains, tanks and watercourses;
- (2) cause those streets and roads to be watered and lighted;
- (3) provide for the establishment, maintenance and management of schools and dispensaries and of other public institutions for the promotion of education or for the benefit of the public health, and control and administer all such institutions within the municipality, except where they may, by order of the Local Government, have been excepted from the operation of this section;
- (4) provide for the establishment, maintenance and management of poor-houses, markets and other works of public utility; and
- (5) generally do all acts and things calculated to promote the health, comfort, convenience or interests of the inhabitants of the municipality.

*Power to make and enforce Rules.*

55. (1) A municipal board may, from time to time, at a special meeting, make rules—

- (a) for prohibiting, preventing and punishing such acts or omissions within the municipality as may, in the opinion of the board, cause or tend to cause any common injury, danger or annoyance to the public, or to people in general, who dwell or occupy property in the vicinity, or injury, obstruction, danger or annoyance to persons who have occasion to use any public right, or may, in its opinion, be prejudicial to the public health, safety or convenience, or offences against public decency;
- (b) for protecting from injury or interference anything within the municipality being the



*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter V.—Control—Sections 56-60.*

- (c) for prohibiting or controlling the establishment or maintenance of markets, sarais and halting places, and controlling the management of the same and of any places of public entertainment and resort;
- (d) for controlling and regulating the use and management of burial and burning grounds;
- (e) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, where those conveyances, animals or persons are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;
- (f) for securing a proper registration of births, marriages and deaths;
- (g) for defining the cases, manner and times in and at which officers of the board may enter on private property for the enforcement of rules made under this section;
- (h) in hilly tracts, for regulating or prohibiting the cutting of trees or shrubs, or the excavation or removal of soil, where such regulation or prohibition appears necessary for the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, the protection of land against erosion, or the deposit thereon of sand, stones or gravel; and
- (i) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, a municipal board may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(3) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

(4) Notwithstanding anything contained in the foregoing portion of this section, the municipal board of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under sub-section (1) in respect of any vehicles to which that Act applies.

**56.** Subject to any orders which the Local Government may, from time to time, make in this behalf, a municipal board may order any person not to do, or not to omit to do, within the municipality, anything the doing of, or the omission to do, which is a public nuisance.

**57. (1)** The Local Government may invest, within the limits of the municipality, a municipal board with the powers of a Magistrate of a district as described in section 133 of the Code of Criminal Procedure, and with power to make conditional orders of the nature referred to in that section, in respect of all or any

acts or omissions punishable under rules made in exercise of the power conferred by section 55, clauses (a), (b), (c), (d) and (h).

(2) Sections 133 to 142 (both inclusive) of the Code of the Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers:

Provided that, for the purposes of such proceedings, section 133 of the Code shall be read as if for the words "before himself or some other Magistrate of the first or second class" the words "before the District Magistrate or some magistrate of the first or second class appointed by him in this behalf" were substituted.

(3) The Local Government may, whenever it thinks fit, withdraw the powers with which it has invested a board under this section.

**58.** A municipal board may, at a special meeting, delegate to one or more committees of its members any of the powers vested in the board by section 56, or with which the board may have been invested under section 57.

## CHAPTER V.

## CONTROL.

**59.** The Commissioner of the division or the Magistrate of the district, when he is not a member of the municipal board, may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property within the limits of the division or district respectively occupied by any municipal board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any book or document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

**60. (1)** The Commissioner of the division or the Magistrate of the district may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal board or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter V.—Control—Sections 61-64.*

(2) When a Commissioner or Magistrate makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently, or for such period as it thinks fit.

**61. (1)** In cases of emergency, the Magistrate of the district may provide extraordinary powers for the execution of any work, or the doing of any act, which a municipal board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is from time to time possible, from that balance, in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers conferred on him by this section.

**62. (1)** If at any time it appears to the Local Government that a municipal board has made default in performing any duty imposed on it by or under this or any other Act, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Magistrate of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate by the board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

**63. (1)** If a municipal board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare that board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a board is so superseded, the following consequences shall ensue:—

(a) All members of the board shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the board may during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that behalf.

(c) All property vested in the board shall during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the board shall be re-constituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for being members.

**64. (1)** The Local Government may, from time to time, frame forms for any proceeding of a municipal board for which it considers that a form should be provided, and make rules consistent with this Act—

(a) as to the appointment of members of a municipal board;

(b) as to the language of the board;

(c) for the assessment and collection of taxes imposed under this Act, and for preventing evasion of the same;

(d) as to the authority on which money may be paid from the municipal fund;

(e) as to the conditions on which property vested in the board may be transferred by sale, mortgage, lease, exchange or otherwise;

(f) as to the qualifications requisite in the case of persons appointed by the board to offices requiring professional skill;

(g) as to the intermediate office or offices, if any, through which correspondence between boards and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(h) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of boards, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned;

(i) as to the accounts to be kept by boards, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;

(j) as to the preparation of estimates of income and expenditure of boards, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned;

(k) as to the returns, statements and reports to be submitted by boards; and

(l) generally, for the guidance of boards and public officers in all matters connected with the carrying out of this Act.

(2) In making rules under clause (c), the Local Government may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter VI.—Supplemental—Sections 65-74.*

**CHAPTER VI.**

**SUPPLEMENTAL.**

**65. (1)** If any member, officer or servant of a board is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the board, he shall be deemed to have committed an offence under section 18 of the Indian Penal Code.

**(2)** A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the board, but he shall not take part in any proceedings of the board relating to any such contract.

**66.** Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the board, and a suit for compensation may be instituted against him by the board with the previous sanction of the Commissioner, or by the Secretary of State for India in Council.

**67.** Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the municipal board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the board.

**68. (1)** The authority empowered to make rules under section 10, section 55, or section 64 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

**(2)** Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

**69.** A Court shall not take cognizance of an offence punishable under this Act, or the rules made under this Act, except on the complaint of the municipal board or of some person authorized by the board in this behalf.

**70.** Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against

this Act or the rules made under it, or from being liable under that other law to any higher punishment or penalty than that provided by this Act or the rules made under it: Provided that a person shall not be punished twice for the same offence.

**71.** All rules made under the North-Western Provinces and Oudh Municipalities Act, 1873, or any Act thereby repealed, and in force in any local area comprised in a municipality constituted under this Act at the time the municipal board for that municipality comes into existence under section 16, shall, as far as may be, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

**(2)** The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

**72.** The Local Government may, from time to time, by notification published in the official Gazette, and in such other manner as the Local Government may from time to time determine, declare its intention—

- (a) to exclude from a municipality any local area comprised therein and defined in the notification, or
- (b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

**73. (1)** Any inhabitant of a municipality or local area in respect of which a notification has been published in the Gazette under section 72 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

**(2)** When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may by a notification in the official Gazette exclude the local area from the municipality or include it therein, as the case may be.

**74. (1)** When a local area is excluded from a municipality under section 73—

- (a) this Act and all rules, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and
- (b) the Local Government shall, after consulting the municipal board, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the municipal board shall vest in Her Majesty for the benefit of the local area, and in

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter VII.—Exceptional Provisions—Sections 75-79.*

what manner the liabilities of the board shall be apportioned between the board and the Secretary of State for India in Council, and on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

**75.** When a local area is included in a municipality under section 73, this Act and all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included shall apply to the local area.

**76.** Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

**77.** Every member of a municipal board constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

## CHAPTER VII.

### EXCEPTIONAL PROVISIONS.

**78. (1)** If it appears to the Local Government that the circumstances of any municipality are such that the provisions of this Act requiring that a certain proportion of the members of a municipal board be elected are unsuited thereto, the Local Government may, by notification in the official Gazette, exempt the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the

case may be, to the excepted municipality until again applied thereto by a like notification of the Local Government:

Provided that no notification shall be issued under this section in respect of a municipality for which a municipal board has come into existence unless its issue has been sanctioned by the Governor General in Council.

(2) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (1), the Local Government may appoint such of the members of the municipal board as would otherwise have been elected.

**79. (1)** The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, withdraw from the operation of this Act or the North-Western Provinces and Oudh Municipalities Act, 1873, the area of any municipality constituted under that Act.

(2) When a notification is issued under this section in respect of any municipality, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the municipal board or municipal committee shall vest in Her Majesty, and the liabilities of the board or committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

D. FITZPATRICK,  
*Secretary to the Government of India.*



# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 15, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th September, 1883:—

No. 20 of 1883.

### THE PANJÁB MUNICIPAL BILL, 1883.

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*Panjab Municipal Bill, 1883.*  
(Chapter I.—Preliminary.)

*A Bill to make better provision for the organization and administration of Municipalities in the Panjab.*

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Panjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

[Act IV of 1873, section 1.]

1. (1) This Act may be called the Panjab Municipal Act, 1883:

Short title.

(2) It extends only to the territories under the Government of the Lieutenant-Governor of the Panjab:

Local extent.

Commencement.

(3) And it shall come into force on the passing thereof.

[Act IV of 1873, section 2.]

2. (1) Act IV of 1873 (the Panjab Municipal Act, 1873) is hereby repealed.

(2) But all extensions and appointments made, and all limits defined, under the said Act shall be deemed to be respectively made and defined under this Act, and an extension of any particular provision of the said Act shall be deemed to be an extension of the corresponding provision of this Act:

Provided that, when a first election is held under this Act in any municipality, the term of office of any member of committee appointed before this Act comes into force shall cease when the elected members take office, unless the Local Government shall otherwise direct.

(3) And all taxes imposed and sanctioned under the said Act shall be deemed to have been imposed and sanctioned under this Act.

(4) And all assessments, bye-laws, rules and regulations of any kind, relating to matters provided for by this Act, which may heretofore have been made or approved by the Local Government, shall be deemed to have been made under this Act.

(5) And all proceedings taken under any such assessment, bye-law, rule or regulation shall be deemed to be as valid as if they had been taken under this Act.

3. In this Act, unless there be something repugnant in the subject or context,—

“Committee” means a municipal committee appointed under the provisions of this Act:

“Municipality” means any town or group of towns to which this Act is applied:

“Inhabitant” means any person ordinarily residing or carrying on business, or possessing immoveable property, and any person declared by the Local Government to be an inhabitant, in any town to which this Act applies, or to which the Local Government has by notification declared its intention to apply it:

“Street” means any way, road, street, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way; and also the roadway and footway over any public bridge or causeway:

“Owner” includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account

or as agent or trustee for any other person or society, or for any religious or charitable purpose, or who would receive the same if the land or building were let to a tenant:

Provided that no such agent or trustee shall be liable to do anything required by this Act to be done by the owner unless he has in his possession sufficient funds belonging to the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act if he can prove that he had not in his possession funds belonging to the owner sufficient for the purpose:

“Casual vacancy” means a vacancy occurring in a committee by the death, resignation or removal of a member of committee:

“Notification” means a notification published by authority of the Local Government in the *Panjab Government Gazette*:

“Pre-eribed” means prescribed by rules made by the Local Government under this Act.

4. (1) The Local Government may, from time to time, by notification, declare its intention to apply this Act or any of its provisions to any town or group of towns in the territories under such Government.

(2) Every such notification shall define the limits of the town or group of towns to which it relates, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the consent of the Governor General in Council, so include any military cantonment.

(3) A copy of every notification under this section, together with a translation of the same in the local vernacular, shall be affixed in some conspicuous place in the court-house of the district in which the town or group of towns to which it relates is situate, and in one or more conspicuous places in such town or group of towns; and the Deputy Commissioner shall certify to the Local Government the date on which the copy and translation aforeaid were so affixed. The date so certified shall be deemed to be the date of publication of the notification.

5. (1) If any inhabitant objects to the application of the Act, or of the provisions thereof specified in the notification, he may, within six weeks from the date of publication of the notification, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration.

(2) When six weeks from the date of the said publication have expired, and the Local Government has considered and passed orders upon any such objections which may have been submitted to it, the Local Government may, by notification, declare such town or group of towns to be, for the purposes of this Act, a municipality of the first or second class, and apply this Act or the provisions thereof specified in the notification to such municipality.

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

Bengal Act V  
1876, s. 10;  
Panjab Local  
Self-govern-  
ment Bill, s.  
7.]

**6.** The Local Government may, at any time, by notification, alter the limits of any municipality, or order that it be transferred from one class to another, or withdraw any local area to which this Act or any of its provisions may have been applied or extended from the operation of this Act or of the said provisions:

Provided that, when such notification applies this Act or any of its provisions to any local area not previously subject thereto, it shall not be published unless and until the provisions of section 4 and section 5, sub-section (1), have been complied with, and the period specified in section 5, sub-section (2), has expired, and all objections submitted to the Local Government have been disposed of as in that sub-section provided.

## CHAPTER II.

### ORGANIZATION OF COMMITTEES.

#### *Constitution of Committees.*

Act IV of  
1873, s. 6;  
Panjab Local  
Self-govern-  
ment Bill, ss. 3  
and 6.]

**7. (1)** There shall be established by notification for each municipality a committee having authority over such municipality, and consisting of such number of members, not less than six, as the Local Government may direct.

(2) Such members may be appointed by the Local Government, either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made under this Act, or some may be appointed and some elected as the Local Government may direct:

Provided that—

(1) when the Local Government has directed that all or any of the members shall be elected, they shall not be appointed by the Local Government unless—

- (a) the electors do not elect a sufficient number of members; or
- (b) a sufficient number of candidates do not present themselves for election; or
- (c) a majority of the electors declare that they so desire; or
- (d) by order of the Local Government, subject to the sanction of the Governor General in Council, for any other good and sufficient reason affecting the public interests:

(2) except with the approval of the Governor General in Council, not less than two-thirds of the members of every committee shall be persons other than salaried officers of Government unless such officers are elected as members.

ew.]

**8.** If the Local Government is satisfied that any candidate elected as member of committee has been guilty of corrupt practices at his election, the election of such candidate shall be cancelled.

N.W.P. Bill,  
11;  
Urban Act  
of 1871,  
section 7.]

**9. (1)** Members of committee, except those who have been appointed by official designation, shall hold office for such term, not exceeding three years,

as shall be fixed by the Local Government, or until their successors have been elected or appointed.

(2) When the Local Government has directed that the members of a committee or any of them shall be elected and shall hold office for a term of three years, one-third, as nearly as may be, of the members elected at the first election thereafter held shall vacate office at the end of one year, and one-third, as nearly as may be, at the end of two years from the date of assuming office.

(3) The members who shall vacate office at the end of the first and of the second year, respectively, shall be determined either by voluntary arrangement among the members or by lot:

Provided that, if an elected member be chairman of the committee, he shall not be required to vacate office as member by lot during his term of office as chairman.

(4) An outgoing member shall, if otherwise qualified, be eligible for re-election or re-appointment.

**10. (1)** The Local Government may at any time remove any member of committee appointed by name or by his official designation. [Panjab Local Self-government Bill, section 7, sub-section 1.]

(2) The Local Government may remove any member of committee chosen by election—

- (a) if such member refuses to act, or becomes, in the opinion of the Local Government, incapable of acting;
- (b) if he is declared an insolvent, or is proscribed from employment under Government, or is convicted of any such offence, or subjected by a criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;
- (c) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order, or, when he is a salaried officer of Government, inconsistent with the proper discharge of his official functions;
- (d) if for three consecutive months he is absent from the meetings of the committee unless with its permission.

(3) Members removed under clauses (b) and (c) shall be disqualified for election unless with the previous sanction of the Local Government.

**11.** Any member of committee may signify to the Local Government in writing his intention or wish to resign his office; and, on such resignation being accepted by the Local Government, his office shall become vacant. [N.W.P. Bill, section 11, sub-section 1.]

**12. (1)** The Local Government may either empower committees to fill up casual vacancies among the members or, subject to the provisions of section 7, appoint members to fill such vacancies or cause them to be filled up by election. [Panjab Local Self-government Bill, section 7, sub-section 4.]

(2) Every member of committee so chosen shall be deemed to be an elected member, and shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office; but shall, if otherwise qualified, be eligible for re-election. [N.W.P. Bill, section 11, sub-section 3.]

**Panjab Municipal Bill, 1883.**  
(Chapter II.—Organization of Committees.)

anjab Local  
Government  
Bill, sec-  
tion 9; N.-W.  
Bill, section  
1.  
Act  
of 1871, s.  
1.  
Act  
of 1873, s.  
1.

**13.** Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to rules from time to time made by the Local Government in this behalf, to transfer any property held by it, to invest any sums not required for current charges in Government securities or in any other form of security which may be approved of by the Local Government, and from time to time to dispose of such securities as may be necessary, and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

N.W.P. Bill,  
section 1.

**14.** A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf.

*Chairman and Vice-Chairman.*

N.W.P. Bill,  
sections 18 &  
19.

**15.** (1) Every committee shall, from time to time, elect one of its members to be chairman, and such member shall, after the election is approved by the Local Government, become chairman of the committee:

Provided that the committee, instead of electing, may apply to the Local Government to appoint a chairman from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause; and that in either of these cases, or if no election is made within one month from the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government may, if it thinks fit, appoint one of the members of the committee to be chairman.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-chairman or vice-chairmen.

**16.** (1) A chairman shall hold office for three years, and a vice-chairman shall hold office for such term as the committee may, by rule, determine.

Now.]

(2) A chairman or vice-chairman shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as chairman or vice-chairman, or becomes, in the opinion of the Local Government, incapable of acting; and he may be removed from such office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

**17.** If a chairman or vice-chairman refuses to act, or vacates or is removed from his office as such, another chairman or vice-chairman shall be elected or appointed, as the case may be.

*Notification of Elections, Appointments, &c.*

**18.** All elections and appointments of members of committees and of chairmen of committees, and all determinations of the office of such members otherwise than by the expiration of their term of office, shall be notified in the *Panjab Government Gazette*. No such election or appointment shall take effect until it is so notified.

*Conduct of Business.*

**19.** At every meeting of committee the chairman, if present, shall preside. If the office of chairman is vacant, or the chairman is absent from the meeting, and there is a vice-chairman, the vice-chairman, if present, shall preside. If neither chairman nor vice-chairman be present, the members present shall elect one of their number to be chairman of the meeting.

**20.** (1) Every committee shall meet for the transaction of business, at least once in every month, at such time as may be fixed by its rules of business, and also at the time to which any such meeting may be adjourned under such rules:

Provided that, if there be no business to be laid before a committee at any monthly meeting, the chairman may give notice of the same to each member of committee three days before the time appointed for such meeting, and, when such notice is given, the meeting shall not be held.

(2) The chairman, or, in his absence, the vice-chairman, if any, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fourth of the members of the committee, convene a meeting at any other reasonable time.

**21.** (1) Meetings of committee shall be either ordinary or special.

(2) All business may be transacted at an ordinary meeting which is not required by this Act or by any rules made thereunder to be transacted at a special meeting.

**22.** (1) The quorum necessary for the transaction of business at a special meeting of committee shall be one-half of the members of committee for the time being.

(2) The quorum necessary for the transaction of business at an ordinary meeting of committee shall be such number of the members of committee, not less than three, as may from time to time be fixed by its rules of business.

(3) If at any meeting of committee a quorum is not present, the chairman, or in his absence the vice-chairman, may adjourn the meeting to such other day as he thinks fit. Notice of such adjourned meeting shall be given in the manner required by the rules of business, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

Bill, 23. Except as otherwise provided by this Act  
] Vote of majority de- or by rules made under this  
cise. Act, all questions which may  
committee shall be decided by a majority of the  
votes of the members present, the chairman of the  
meeting, in case of an equality of votes, having  
a second or casting vote.

Act 24. (1) Minutes of the proceedings at each  
871, Record and publica- meeting of committee shall  
N. tion of proceedings. be drawn up and recorded  
Bill, in a book to be kept for the purpose, and shall be  
J signed by the chairman of the meeting or of the  
next ensuing meeting, and shall be published in  
such manner as the Local Government may, from  
time to time, direct, and shall, at all reasonable  
times and without charge, be open to the inspec-  
tion of any inhabitant who pays any tax under this  
Act.

(2) A copy of all such minutes shall, within  
three days from the date of the meeting, be for-  
warded to the Deputy Commissioner of the dis-  
trict.

Act 25. In case of emergency, the chairman of the  
1, s. committee, or in his ab-  
ngal Exercise by chairman sence the vice-chairman,  
876, or vice-chairman of shall exercise all powers  
47.] powers of committee. vested in the committee by  
this Act or by any rules made thereunder, unless  
it is by this Act expressly declared that such power  
shall be exercised by the committee at a meeting :

Provided that the chairman or vice-chairman  
shall not act in opposition to, or in contravention  
of, any order of the committee at a meeting.

P. 26. (1) Every committee may, from time to  
tion Rules of business. time, at a special meeting,  
V of make rules consistent with  
tion this Act and with any rules made by the Local  
Government as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and  
special meetings and adjourned meetings  
shall be given;
- (c) the quorum necessary for the transaction  
of business at ordinary meetings;
- (d) the conduct of proceedings at meetings  
and the adjournment of meetings;
- (e) the custody of the common seal and the  
purposes for which it shall be used;
- (f) the division of duties among the members  
of the committee;
- (g) the powers to be exercised by sub-com-  
mittees or members to whom particular  
duties have been assigned;
- (h) the persons by whom receipts may be  
granted on behalf of the committee for  
money paid under this Act;
- (i) the appointment, leave, suspension and  
removal of its officers and servants;
- (j) the term for which the vice-chairman shall  
hold office; and
- (k) all other similar matters.

(2) Every rule made under this section shall  
be published in such manner as the Local Govern-  
ment may, from time to time, direct.

*Joint Committees.*

27. (1) A committee may, from time to time, [N. W. P.  
concur with any other local Bill, section  
Joint committees. authority in appointing, 24; Panjáb  
out of their respective bodies, a joint committee Local Self-go-  
for any purpose in which they are jointly interest- vernment Bill,  
ed, and in appointing a chairman of such joint section 86.]  
committee, and in delegating to such joint com-  
mittee any power which might be exercised by  
either or any of the local authorities so concurring,  
and in framing and modifying regulations as to  
the proceedings of such joint committee, and as to  
the conduct of correspondence relating to the  
purpose for which such joint committee is ap-  
pointed.

(2) If any difference of opinion arises between [N. W. P.  
local authorities acting under this section, it shall Bill, section  
be referred to— 24; Panjáb  
Local Self-go-  
vernment Bill,  
section 45.]

(a) the Deputy Commissioner, if the local  
authorities are in the same district,

(b) the Commissioner of the division, if the  
local authorities are in different districts  
in the same division, or if they are in  
different divisions, the Commissioners  
of such divisions, when they can agree  
as to the decision of the case, and

(c) the Local Government, if the local authori-  
ties are in different divisions, and the  
Commissioners of such divisions cannot  
agree as to the decision of the case;

and when such reference is made, the decision  
thereupon of the Deputy Commissioner, Commis-  
sioner or Local Government shall be final.

*Explanation.*—In this section “local author-  
ity” means a municipal committee, district  
committee, local board or cantonment author-  
ity.

*Officers and Servants.*

28. (1) Every committee shall, from time to [N. W. P.  
Appointment of se- time, at a special meeting, Bill, section  
cretary. cretary. appoint one or more of 33.]  
its members, or, with the sanction of the  
Commissioner of the division, any other person,  
to be its secretary, and may, at a like meeting,  
with the same sanction, remove any person so  
appointed.

(2) A member of committee appointed as se-  
cretary shall receive no remuneration in respect  
of his services. When any other person is ap-  
pointed to be secretary, the committee may,  
with the previous sanction of the Commissioner,  
assign to him such pay as it thinks fit.

29. (1) Subject to the other provisions of this [Panjáb Local  
Employment of other Act and to any rules Self-govern-  
officers and servants. made in this behalf, every ment Bill, sec-  
committee may employ and pay such other officers tion 46; N. W.  
and servants not being members of the committee P. Bill, section  
84.]  
as may be necessary and proper for the efficient  
execution of its duties:

Provided that if, at any time, in the opinion of  
the Deputy Commissioner,

(a) the number of persons employed by the  
committee, or the remuneration assigned  
to those persons, or to any of them, is ex-  
cessive, or

(b) any such person is unfit for his employment,  
the committee shall, on the requirement of the  
Deputy Commissioner, reduce the number or

*Panjáb Municipal Bill, 1883.*  
*Chapter III.—Taxation and Municipal Fund.)*

remuneration of such persons, or, as the case may be, dismiss the unfit person.

(2) If the committee is dissatisfied with such requirement, it may appeal against it to the Commissioner of the division, whose decision shall be final.

*Panjáb Local Self-government Bill, 1883, section 47 and Act I of 1883.* **30. (1)** In the case of Government officials, any committee may—

(a) if the services of such officials are wholly lent to it, contribute to their pensions, gratuities and leave-allowances in accordance with the Government Leave and Pension Code for the time being in force; and

(b) if such officials devote only a part of their time to the performance of duties in behalf of the committee, contribute to their pensions, gratuities and leave-allowances in such proportion as may be determined by the Government.

(2) In the case of servants, not being Government officials, any committee may—

(1) grant leave-allowances, and, in the case of servants appointed before the passing of this Act and not entitled to pension, and of servants drawing less than ten rupees a month, gratuities to such servants; and

(2) if empowered in this behalf by the Local Government—

(a) subscribe in behalf of such servants for pensions, gratuities and leave-allowances under the Government Leave and Pension Code for the time being in force;

(b) purchase from the Government or otherwise annuities for such servants on their retirement;

Provided that such pensions, gratuities, leave-allowances and annuities shall in no case exceed the sum to which, under the Government Leave and Pension Code for the time being in force, such servants would be entitled if the service had been service under Government.

*Contracts.*

*W. P. Bill, 1883, section 36.* **31. (1)** The committee of a municipality of the first class may delegate the first class may delegate Authority to contract. to one or more of its members the power of entering, on its behalf, into any contract whereof the value or amount does not exceed two hundred rupees.

(2) No contract whereof the value or amount exceeds two hundred rupees shall be executed until it has been sanctioned at a meeting of the committee.

*W. P. Bill, 1883, section 36.* **32. (1)** Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing, and shall be signed by the chairman or vice-chairman and the secretary, if he is a member of committee, and, if the secretary is not a member of committee, by another member:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the preceding section, the members so empowered may execute such contract.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the chairman or vice-chairman, and by at least two other members of the committee.

(3) No contract or transfer executed otherwise than in conformity with the provisions of this section shall be binding on the committee:

Provided that this shall not affect any liability of the committee under section 70 of the Indian Contract Act to make compensation for any benefit received. IX of 1883

CHAPTER III.

TAXATION AND MUNICIPAL FUND.

*Taxation.*

**33.** Subject to any general rules or special orders which the Governor may, from time to time, make in this behalf, a committee may, for the purposes of this Act, in the manner hereinafter provided, impose any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

(a) a tax on houses, buildings and lands, either

(i) not exceeding  $7\frac{1}{2}$  per cent. on the annual value thereof; or

(ii) not exceeding one anna per square yard; or

(iii) not exceeding three rupees per running foot of frontage in streets or bázárs;

(b) a tax on persons practising arts or professions or carrying on trades or callings in the municipality;

(c) a tax on vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(d) a tax on menial and domestic servants;

(e) an octroi on animals for slaughter and goods brought within the octroi limits for consumption or use therein; and

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

**34. (1)** To provide further funds for the following purposes, or any special objects. of them, namely:— [Act VII 1874, section 13.]

(a) the lighting of streets, roads and public thoroughfares;

(b) the supply, storage and preservation from pollution of water for drinking and cooking purposes;

(c) any special work approved by the Local Government for promoting the health, comfort or convenience of the inhabitants;

a committee may (subject to the rules or orders last aforesaid) in the manner hereinafter provided, and with the previous sanction of the Local



*Panjab Municipal Bill, 1883.*  
(Chapter III.—Taxation and Municipal Fund.)

Government, impose, in addition to any taxes imposed under section 33, a tax on houses, buildings and lands, either

- (i) not exceeding  $2\frac{1}{2}$  per cent. on the annual value thereof; or
- (ii) not exceeding 4 pies per square yard; or
- (iii) not exceeding one rupee per running foot of frontage in streets or bazárs.

(2) A separate account shall be kept of the receipts and expenditure of every tax levied under this section.

*Explanation.*—In this and the last preceding section, “annual value” means the annual rent for which houses, buildings and lands liable to taxation may reasonably be expected to let:

Provided that—

(1) In municipalities where houses are usually let furnished, it shall not be necessary, in estimating the rental, to make any deduction on account of the furniture, unless the Local Government shall otherwise order:

(2) In the case of land assessed to the land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government shall so direct, the annual value shall be deemed to be double the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; and, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable; and also, when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, double the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

35. With the previous sanction of the Local Government, or of such officer as the Local Government may authorize in this behalf, a committee may, from time to time, by resolution at a special meeting, impose and fix the rate of, or abolish, the following tolls and fees, namely:—

- (a) where no octroi is levied, a toll on vehicles and animals entering the municipality, and on boats moored therein;
- (b) fees on licenses to the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality;
- (c) school-fees;
- (d) fees for the use of, or benefits derived from, hospitals, dispensaries, rest-houses, saráis, slaughter-houses, markets and other public institutions;
- (e) fees at fairs, agricultural shows and industrial exhibitions held within the municipality and under its control;
- (f) fees for notices of demand of any tax, toll or fee due under the Act;
- (g) fees for licenses to carry on offensive or dangerous trades;

(4) fees for permission to make any temporary erection, or for the temporary occupation of any street or other land vested in the committee.

36. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 33 or section 31, or any toll under section 35 (a), within the whole or any part of the municipality for the purposes of this Act.

(2) When such resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee, and the committee shall, at a special meeting, take such objection into consideration.

(4) If no such objection is received, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, together with the objections (if any) which have been submitted as aforesaid, and with its decision thereupon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, together with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals. In giving such direction the committee shall fix a date, not less than one month after the meeting, from which the tax shall come into force:

Provided that no tax shall come into force until it has been notified in the *Panjab Government Gazette*, and such notification shall be conclusive evidence that it has been imposed in the manner provided by this section.

(8) The Local Government may, by notification, and the committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax so imposed.

37. (1) A committee may at a meeting exempt, in whole or in part, from the payment of any tax, toll or fee imposed under this Act, any person who by reason of poverty may be deemed to be unable to pay the same.

Madras Act of 1871, s. 1; Madras Act V of 1876, s. 1876.

Panjab Local Self-government Bill, section 20.]

Madras Act II of 1871, sections 52 & 53.]



*Panjab Municipal Bill, 1883.*  
(Chapter III.—Taxation and Municipal Fund.)

(2) The Local Government may, by notification, and the committee may, by resolution passed at a special meeting and confirmed by the Local Government, exempt from the payment of any tax, toll or fee imposed under this Act, any person or class of persons or any description of property.

Act XV of 1873, section 9; Act VII of 1874, section 5; Bengal Act of 1876, section 369.] **33.** No tax, toll or fee imposed under this Act, and no proceedings of committee at any ordinary or special meeting, shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of making such tax, if the property taxed or assessed be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Madras Act III of 1871, s. 1.] **39.** Any tax imposed under section 33, sub-section (1), clause (a), or under section 34, shall be payable. Tax on houses, buildings and lands when due and payable by the owner of the house, building and land, respectively, from and after the end of the first quarter of the year for which it is assessed.

Madras Act III of 1871, s. 13; Bengal Act V of 1876, s. 34. **40.** The committee shall cause a valuation-list of all houses, buildings and lands on which such tax is imposed to be prepared, containing the name of the street or division in which such property is situate, the designation of the property, either by name or number, sufficient to identify the same, the name of the owner, or if the occupier, and not the owner, is the person liable to pay the tax, the name of the occupier, the annual value, area or length of frontage upon which the property is assessed, and the amount of the tax assessed thereon by the committee.

[Madras Act III of 1871, section 45.] **41.** When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said list, and also in any notice or other proceeding under this Act, as the "owner" or the "occupier" of the property on which the tax is assessed, without further description.

[Madras Act III of 1871, section 46; Bengal Act V of 1876, section 103.] **42.** When the valuation has been completed, the committee shall give public notice thereof, and of the place where the list or copy thereof may be inspected, and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect the entries in such list or copy relating to such property, and to make extracts thereof without charge.

[Madras Act III of 1871, section 47.] **43.** (1) The committee shall at the same time give public notice of a day and hour, not less than one month from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment is increased, shall give special notice thereof to the owners or occupiers of such property.

(2) All objections to such valuation and assessment shall be made at or before the time fixed in the notice.

Madras Act III of 1871, section 48.] **44.** After the objections have been enquired into and the revision of the valuation and assessment has been completed,

the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year for which the assessment is made.

**45.** The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by

inserting any property liable to the tax, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake or fraud, or the value of which has been increased by the construction of any new building or by additions to or alterations in any building thereon, after giving notice to any person interested in such amendment of a day, not less than fifteen days from the date of service of such notice, on which the amendment is to be made;

and any person interested in such amendment may tender his objection to the committee by application in writing at or before the time fixed in the notice.

**46.** It shall not be necessary to prepare a new valuation-list every year; but the committee may adopt the valuation and assessment contained in the list for the preceding year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same public notice of such valuation and assessment as if a new valuation-list had been prepared.

**47.** (1) When any sum is due for any tax leviable under section 33, sub-section (1), clause (a), or under section 34, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill be not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served upon such person;

and if such person do not, within seven days from the service of such notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment of the same, the sum due, together with such fee, shall be deemed to be an arrear of tax.

**48.** If the sum due from the owner of the house, building or land remains unpaid after notice of demand has been duly served, the committee may demand the amount from the occupier for the time being, and may proceed against him in all respects as if he were the owner; and if the amount is paid by, or recovered from, the occupier, he may deduct the amount so paid or recovered from the next and following payments of rent:

*Panjab Municipal Bill, 1883.*  
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Provided that no arrear which has remained due from the owner for more than one year shall be so recovered from the occupier.

W. P.  
section  
]

**49. (1)** Arrears of any tax imposed under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property belonging to the defaulter within those limits.

Madras Act  
of 1871,  
section 79;  
Municipal Act V  
1876, sec-  
154.]

**(2)** In case of non-payment of any octroi tax or of any toll on demand, the person empowered to collect the same may seize any goods on which such octroi is chargeable, or any conveyance, boat or animal on which such toll is chargeable or any part of its burden of sufficient value to satisfy the demand. The committee may cause any property so seized or so much thereof as is necessary to be sold by auction to satisfy such demand, together with the expenses occasioned by the seizure, custody and sale thereof, unless such demand and expenses are in the meantime paid, after the lapse of *five* days from the seizure, and after the issue of a proclamation fixing the time and place of sale, a copy of which shall be served upon the person entitled to the property at least 48 hours before the sale:

Provided that, by order of the chairman or vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of twenty-four hours.

r. Plow-  
s draft  
law, No.  
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**50. (1)** Every person bringing within the octroi limits of any municipality articles liable to octroi tax, any articles upon which an octroi tax has been imposed shall, when required by any person authorized by the committee to assess the octroi tax chargeable, or to collect the tax assessed thereon, and so far as may be necessary for ascertaining the amount of tax chargeable,—

- (a) permit such person to inspect, examine, weigh and otherwise deal with such articles;
- (b) permit such person to separate taxable articles from articles not taxable;
- (c) communicate to such person any information and exhibit to him any document he may possess relating to such taxable articles.

r. Plow-  
s draft  
law, No.  
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**(2)** Every person assessing octroi tax by the authority of the committee shall, on request by the person introducing taxable articles on which such tax is claimed, present him with a bill specifying the articles taxable, the amount claimed; and the rate at which the tax is calculated; and any person receiving payment of the whole or any part of the tax claimed shall on request receipt the said bill accordingly.

Madras Act  
of 1871,  
section 78.]

**51.** The collection of any octroi tax or toll may be leased by the committee, with the previous sanction of the Commissioner of the division, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of such octroi tax or

toll shall be bound by any rules made by the committee for their guidance, and shall have the same powers, and be subject to the same responsibilities, as if they were employed by the committee for the management and collection of such octroi tax or toll. Any dispute between the lessee and any person from whom such tax or toll is demanded shall be referred to the committee, whose decision thereupon shall be final.

**52. (1)** The committee may require the owners or occupiers of houses, buildings or lands to furnish them with returns for purposes of valuation. Returns for purposes of valuation. The committee or any person appointed by them for that purpose may, at any time between sunrise and sunset, enter, inspect and measure any such houses, buildings or lands, after having given 48 hours previous notice in writing to the occupiers thereof.

[Madras Act III of 1876, section 46.]

**(2)** The committee, or any person authorized by them in writing for that purpose, may also, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein they may have reason to believe that there is any vehicle or animal liable to taxation under this Act, for which a license has not been duly taken out.

[Bengal Act III of 1872, section 72.]

**53.** No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Act is provided.

[Bengal Act III of 1866, section 107; Madras Act III of 1871, s. 8.]

**54.** For all sums paid on account of any tax under this Act, a receipt, stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

[Bengal Act III of 1856, section 110.]

*Appeals.*

**55.** Appeals against any tax, toll or fee, other than octroi tax or fees under section 35, clauses (c), (d), (e) and (f), assessed or levied under this Act shall lie to the Deputy Commissioner, unless when he is a member of the committee, in which case the appeal shall lie to the Commissioner of the division.

[Cf. Madras Act III of 1876, section 85.]

**56.** No appeal shall lie against any assessment on any house, land or building, unless it be preferred within one month after the confirmation of the assessment by the committee, and no appeal shall lie against any other tax, toll or fee, unless preferred within one month from the time of such tax, toll or fee being charged:

[Cf. Madras Act III of 1876, section 86.]

Provided that no appeal shall be entertained unless the amount of the assessment, tax, toll or fee to which it relates is deposited with the committee on or before the day on which the appeal is lodged.

**57.** No appeal shall lie against any assessment of octroi tax or the levy of any fee under section 35, clauses (c), (d), (e) and (f), but the decision of the committee on any objection thereto shall be final.

No appeal in certain cases.

*Panjab Municipal Bill, 1883.*  
(Chapter IV.—Powers and Duties of Committees.)

*Municipal Fund.*

N.W. P. Bill, section 2; Act IV of 1873, section 40.] **58.** There shall be for each municipality a municipal fund constituted of which shall be placed all sums received by or on behalf of the committee and any balances standing at the credit of the municipality when this Act came into force.

N.W. P. Bill, section 43.] **59. (1)** Where there is a Government treasury or sub-treasury, the municipal fund shall be kept in the treasury or sub-treasury, or in the bank, if any, to which the Government treasury business has been made over.

(2) In places where there is no such treasury or sub-treasury, or bank, the municipal fund may be deposited with any banker or person acting as a banker who has given such security for the safe custody of the fund and repayment thereof on demand as the Local Government may in each case think sufficient.

CHAPTER IV.

POWERS AND DUTIES OF COMMITTEES.

*Municipal Police.*

Act IV of 1873, section 2; Act VII of 1874, section 32.] **60. (1)** Every committee shall, unless it is relieved of this obligation by the Local Government, make such provision for the maintenance of the establishment ordinarily employed on police-duty within the limits of the municipality as the Local Government may consider necessary.

(2) Subject, in case this Act is made applicable to any military cantonment, to the provisions of section 9 of the Cantonments Act, 1880, the establishment so entertained, whether enrolled under Act V of 1861 or not, shall be under the orders of the District Superintendent of Police, subject to the general control of the Magistrate of the district; and the watch and ward of the municipality, the prevention and suppression of nuisances therein, and the enforcement of the rules and orders of the committee shall be included among its duties.

**61. (1)** The Local Government may relieve any committee of the whole or part of the cost of such establishment, and may enter into an agreement with the committee that, as an equivalent for such relief for any term of years, the committee shall, during the same term, undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the cost of the police-establishment of which the committee is so relieved. When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained shall perform the same duties as if its cost were defrayed from the municipal funds.

(2) The Inspector General of Police may, with the previous sanction of the Local Government, enter into an agreement with any committee, which is unable to provide the entire cost of the police-establishment which the Local

Government considers necessary, that, on the committee making such payment as may be agreed upon, or undertaking any services within the municipality, approved by the Local Government, to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of such payment, he will provide a sufficient police-establishment for the service of the municipality.

(3) The Local Government or the committee may determine such agreement, after twelve months' notice of an intention to do so has been given by the Local Government to the committee or by the committee to the Inspector General of Police; and on the expiration of such notice the agreement shall cease to operate.

**62. (1)** Except in the case of any military cantonment to which this Act is made applicable, the establishment maintained under section 60 or section 61 shall be either part of the general police force enrolled under Act V of 1861 or a body of watchmen, as the Local Government may determine.

(2) When it is part of the general police force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

(3) When it is a body of watchmen, it shall be of such strength and the persons of whom it consists shall be of such grades, and shall receive such rates of pay, as the Local Government shall fix, and they shall possess such powers, perform such duties, enjoy such protection, be subject to such responsibilities and be liable to such penalties as Police-officers enrolled under Act V of 1861 possess, perform, enjoy and are subject and liable to.

(4) Police-officers enrolled under Act V of 1861 may be appointed to command such body of watchmen when the Local Government thinks fit.

**63. (1)** Every person shall be bound to render to any municipal watchman, or officer of such watchmen, when discharging the duties of a Police-officer all the assistance which he is bound to render to a Police-officer.

(2) Any person obstructing such watchman or officer in the discharge of such duties may be arrested without warrant by a Police-officer or by any person belonging to such body of watchmen.

**64.** The appointment, promotion, suspension and punishment of municipal watchmen and officers of such watchmen shall rest with the District Superintendent of Police, subject to the general control of the Magistrate of the district.

**65.** When a committee imposes fees under section 35, clauses (d), and (e), for the use of sarais, markets, and other public institutions for which special police-pro-



*Panjáb Municipal Bill, 1883.*  
(Chapter IV.—Powers and Duties of Committees.)

and by persons hired to carry loads within the limits of the municipality;

- (c) to secure a proper registration of births, marriages and deaths, and to provide for the taking of a census;
- (d) to provide for the inspection and proper regulation of lodging-houses, markets and slaughter-houses, burial and burning places;
- (e) to provide for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;
- (f) to regulate all matters connected with conservancy;
- (g) to regulate for sanitary reasons the crops which may be grown in any place within the limits of the municipality;
- (h) where the collection of an octroi tax has been sanctioned, to fix octroi limits for the purpose of collecting that tax; and
- (i) generally to carry out the purposes of this Act:

XIV of 1879. Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules in respect to any vehicles to which that Act applies.

[New.]

72. (1) In the case of municipalities in mountainous and sub-mountainous tracts, the committee may, from time to time, at a special meeting, make rules for the maintenance of a water-supply in streams and springs, for the preservation of the soil on the ridges and slopes of the hills and in the valleys, for the prevention of landslips and of the formation of ravines and torrents, and for the protection of land from erosion or the deposit thereon of sand, gravel or stones; and may prohibit all persons from doing any acts the prohibition of which it may consider necessary for these purposes.

*Examples.*—Cutting down forest trees on private grounds, unless with the previous sanction of the committee, and quarrying or making excavations in such grounds unless with the like sanction, may be prohibited by rules made under this section.

(2) The committee of a municipality in a mountainous tract may also make rules for the regulation of traffic in the streets.

[N.-W. P. Bill, section 54, sub-section (2); Act IV of 1873, section 21.]

73. (1) In making any rule under section 67, section 71 or section 72, a committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

[N.-W. P. Bill, section 54, sub-section (3); Act IV of 1873, section 15.]

(2) No rule made under section 67, section 71 or section 72 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

*Special Provisions.*

74. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades. melting tallow; boiling offal or blood; or as a soap-house, oil-boiling house, dyeing house or tannery; or as a brick-pottery or lime-kiln; or other manufactory, or place of business from which offensive or unwholesome smells arise;

or as a yard or depôt for hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material;

or as a store-house for kerosine, petroleum, naphtha, or any inflammable oil, spirit or explosive substance;

or as a manufactory of gunpowder or fireworks;

or as a shop for smoking opium or any preparation of opium;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) Such license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be liable to a fine which may extend to fifty rupees, and to a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

75. If it be shewn to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood, or likely to be dangerous to life, health or property, they may, by written notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever disobeys the direction of such notice shall be liable to a fine which may extend to two hundred rupees, and to a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

(3) Nothing in this or the preceding section shall affect the power of the committee to proceed under sections 67, 68 and 69 of this Act, in respect to any place used for any of the purposes mentioned in section 74.

76. (1) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the sanction in writing of the committee.

(2) The committee may, by notice published in such manner as may be prescribed, order the closing of burial and burning places.

[Madras III of sections to 131; gal Act 1876, sec 285 and

[Ben of 1 trades. that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood, or likely to be dangerous to life, health or property, they may, by written notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

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76. (1) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the sanction in writing of the committee.

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(Chapter IV.—Powers and Duties of Committees.)

any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the vicinity thereof to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(3) Private burial-places in such burial-grounds may be excepted from such notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(4) Whoever shall bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, shall be liable to a fine which may extend to fifty rupees for each offence.

77. When any order is made under section 75

or section 76 by any committee, any person aggrieved thereby may appeal within 30 days from the date thereof to the Commissioner when the municipality is of the first class, or to the Deputy Commissioner when the municipality is of the second class; and the order of the appellate authority confirming, setting aside or modifying such order shall be final; and no such order shall be liable to be called in question otherwise than by such appeal.

Provided that such order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

78. The committee may, with the approval of the Deputy Commissioner, fix places for the slaughter of animals, or of any specified description of animals for sale; and when such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place; and whoever slaughters any such animal for sale at any other place shall be liable to a fine which may extend to twenty rupees for each offence.

79. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by rule made under section 71, prohibit bathing in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted, by which water in public places may be rendered foul or unfit for use.

80. When any building, or any part thereof, which projects beyond the regular line of a public street, or beyond the front of the buildings on either side thereof, has fallen down or been taken down in order to be rebuilt or altered, the committee may, by written no-

tice, require the same, when being rebuilt, to be set back to or towards the line of the street or the front of the adjoining buildings; and the land so added to the street shall become part of the public street:

Provided that the committee shall make full compensation to the owner of such building for any damage he may thereby sustain; and, if any dispute shall arise touching the amount of such compensation, it shall be settled in the manner provided by the Land Acquisition Act, 1870, X of 1870 sections 3, 8 to 42, 51 to 53 and 56 to 59, so far as they can be made applicable.

81. (1) Every person intending to erect or re-erect any building within the limits of the municipality shall, if required by rules made under section 71, give notice in writing to the committee, and shall, if required to do so, furnish a plan shewing the levels at which the foundation and lowest floor are proposed to be laid, and the elevation and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions given by the committee within one month after receiving such notice, either prohibiting such erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect to all or any of the matters following, namely, (1) free passage or way in front thereof; (2) space to be left about the same to secure free circulation of air and facilitate scavenging; (3) ventilation and drainage; (4) level and width of foundation and stability of structure; and (5) the regularity of the elevation and the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare.

(2) If such building be begun or erected without giving notice, or without furnishing particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may require it to be altered or demolished, as they may deem necessary, by written notice fixing a time within which the requisition must be complied with.

*Explanation.*—The expression “erect any buildings” includes all additions or alterations which involve new foundations or increased superstructure on existing foundations.

82. (1) The committee may, by written notice fixing a time within which the requisition must be complied with, require the owner or occupier of any house to remove or alter any projection, encroachment or obstruction erected or placed against, or in front of, such house, if the same overhangs or juts into or encroaches upon any public street, or projects into or encroaches upon any drain, aqueduct or sewer in such street:

Provided that, if such projection, encroachment or obstruction were lawfully made before the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by such removal or alteration; and, if any dispute shall arise touching the amount of such compensation, it shall be settled in the manner provided by the Land Acquisition Act, 1870, X of 1870 sections 3, 8 to 42, 51 to 53 and 56 to 59, so far as they can be made applicable.

(2) The committee may give written permission to the owners or occupiers of houses in public

[Bombay VI of 18 sections 34; Bengal Act V of 18 sections to 263; Plowden draft re XXV.]

[Bombay VI of 18 section 42]



*Panjab Municipal Bill, 1883.*  
(Chapter V.—Control.)

streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof, to an extent not exceeding four feet beyond the line of the plinth or basement wall.

[Bombay Act  
VI of 1873,  
section 75.]

**83.** In the event of non-compliance with the terms of any notice under either of the last two preceding

sections, the committee may take such steps as may be necessary to carry out the requisition therein made; and the expenses incurred by them in so doing shall be paid by the person on whom the notice was served.

[Bengal Act V  
of 1876, sec-  
tion 232;  
Madras Act  
III of 1871,  
sections 145 &  
146;  
Bombay Act  
VI of 1873,  
section 45.]

**84.** (1) The committee at a meeting may cause a name to be given to any street, and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces such name or number, or puts up any different name from that put up by order of the committee, shall be liable to a fine which may extend to twenty rupees.

[Madras Act  
III of 1871,  
section 121;  
Bombay Act  
VI of 1873,  
sections  
and 78.]

**85.** (1) Whenever, under the provisions of this Act, or of any rules made thereunder, the committee requires any work to be executed, and such work is executed by the occupier of any house or land, or by the committee at his expense, the occupier, if the owner is the person by whom such work ought to have been executed, may deduct the cost thereof from the next and following payments of rent due or becoming due to the owner, or may recover it from the owner by suit.

(2) If such work is executed by the committee and the expense is not paid on demand by the occupier or owner, the committee may recover the expense by suit from the person by whom the work ought to have been executed, or by distraint of the moveable property of the occupier, who, if the owner is the person by whom the work ought to have been executed, may deduct the amount so recovered from the next and following payments of rent, or may recover it from the owner by suit:

Provided that, if the expense does not exceed Rs. 20, it may be recovered in the manner provided by the first clause of section 49 for the recovery of arrears of any tax under this Act.

[Madras Act  
III of 1871,  
section 164.]

**86.** (1) Every notice issued by the committee under this Act, or under any rule made thereunder, shall be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, shall be posted on some conspicuous part of his place of abode or business.

[Bengal Act  
V of 1876,  
sections  
& 308.]

(2) If the place of abode or business of the owner be not within the limits of the municipality, every such notice addressed to him shall be sent by registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner be not known, every such notice addressed to him may be served upon the occupier.

**87.** The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act.

**88.** The proceeds of all fines imposed under this chapter, or under section 34 of Act V of 1861, on account of nuisances committed within the municipal limits shall be credited to the municipal fund.

**89.** (1) The Local Government may, from time to time, by notification, empower any member of committee or officer in the service of a municipality by name, or any sub-committee appointed by the committee in this behalf, to summon any person accused of any offence created by clause (a) of section 67.

(2) The member of committee or officer or sub-committee so empowered shall have the power of a Magistrate under the Criminal Procedure Code in regard to the issue of summons to persons accused of such offences, and may issue a summons returnable to the Magistrate by whom charges of such offences would ordinarily be tried, giving notice to the Magistrate of the issue of the same.

(3) If it appears to such member of committee or officer or sub-committee that the person so summoned has committed any such offence, he may give such person the option of compounding for the offence by payment of a specified sum of money not exceeding one rupee:

Provided that, when the offence is a continuing one, no such composition shall be accepted unless the offence is first discontinued.

(4) If such person elect to pay the sum of money in consideration of which he is allowed to compound, and pay the same to such member of committee or officer or sub-committee, no further proceedings shall be taken against him for the offence which has been so compounded.

(5) Such member of committee or officer or sub-committee shall keep a book in which he or it shall enter at the time all cases of persons against whom he or it takes action under this section, with the nature of the offence charged, and, should such person appear to him or it to have committed any such offence, the nature of the offence committed, and, if he is allowed to compound for such offence and elects to do so, the sum demanded by way of composition, and the sum received.

(6) All sums received by way of composition under this section shall be paid, as soon as conveniently may be, to the credit of the municipal fund.

## CHAPTER V.

### CONTROL.

**90.** (1) The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(a) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the division or district,

*Panjáb Municipal Bill, 1883.*  
(Chapter V.—Control.)

respectively, occupied by any committee or joint committee, or any work in progress within those limits under its direction;

(b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(c) by order in writing require such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(d) record in writing, for the consideration of such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall regularly submit copies of all its proceedings to the Deputy Commissioner, and shall further submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

W.P. Bill,  
tion 56;  
ujáb Local  
self-govern-  
ment Bill, sec-  
tion 51.]

**91.** The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of the committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

J.W.P. Bill,  
tion 57;  
ujáb Local  
self-govern-  
ment Bill, sec-  
tion 52; Act I  
of 1883, sec-  
tion 30.]

**92.** (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

Panjáb Local  
self-govern-  
ment Bill, sec-  
tion 53.]

**93.** (1) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to such person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

**94.** When a Deputy Commissioner makes any order under section 91, section 92 or section 93, he shall forthwith forward to the Local Government through the Commissioner a copy thereof, with a statement of the reasons for making it; and when the Commissioner makes any order under section 91 or section 93, he shall forthwith forward to the Local Government a copy thereof, with a statement of the reasons for making it and with any explanation which the committee may wish to record.

**95.** (1) It shall be the duty of the Local Government and of all Commissioners and Deputy Commissioners acting under its orders to require that the proceedings of committees shall be in conformity with law and with the rules in force thereunder; and the Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any such proceeding which it shall consider not to be in conformity with law and with the said rules.

(2) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be, from time to time, conferred upon them by rule made in this behalf by the Local Government.

**96.** (1) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council.

(2) When a committee is so superseded, the following consequences shall ensue:—

(a) All members of the committee shall, from the date of the notification, vacate their offices as such members:

(b) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government, from time to time, appoints in that behalf:

(c) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

[Panjáb Local  
Self-govern-  
ment Bill,  
tion 54.]

[Panjáb Local  
Self-govern-  
ment Bill,  
tion 49,  
part of 5]

[N. V.  
Bill, sec-  
tion 59;  
Local  
government  
Bill, sec-  
tion 55 to 57]

*Panjab Municipal Bill, 1883.  
(Chapter VI.—Miscellaneous.)*

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

[N. W. P. Bill, section 60; British Burma Bill, section 8.]

**97.** The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

- (a) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively ;
- (b) as to the division of the municipality into wards, or of the inhabitants into classes or both ;
- (c) as to the number of representatives proper for each ward or class ;
- (d) as to the qualifications of electors and of candidates for election ;
- (e) as to the registration of electors ;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes ; and
- (g) generally for regulating all elections under this Act ;
- (h) for the remission of tax on houses unoccupied for the whole or part of the year, and the notice to be given of a house being unoccupied by persons desiring such remission ;
- (i) as to the arts, professions, trades and callings liable to be taxed in any municipality, the registration and classification of persons engaged therein, the rates at which they may be taxed, the preparation of lists of persons to be taxed, and the penalty to which they shall be liable for practising or trading without payment of the tax ;
- (j) as to the statements of vehicles and animals liable to taxation under this Act to be furnished by the owners or persons in charge of them, the rates at which they may be taxed, the issue of licenses for them on payment of tax, and the penalty for keeping them without a license ;
- (k) as to the classes of menial and domestic servants liable to taxation in any municipality, the rate at which they may be taxed, the returns of such servants to be furnished by the masters, and the time when the masters shall pay the tax imposed in respect of such servants ;
- (l) as to the exhibition of tables of octroi tax, the system under which refunds shall be made on account of that tax when the goods on which the tax was paid are again exported, and the storage of goods declared not to be intended for consumption or use within the municipality into which they are brought ;
- (m) as to the rates of toll chargeable on vehicles or animals entering the municipality, or boats moored therein, the exhibition of tables shewing such rates, the exemptions to be made, and the terms on which residents outside municipal limits may compound for such tolls ; and

- (n) generally as to the assessment and collection of taxes imposed under this Act ;
- (o) as to the authority on which money may be paid from the municipal fund ;
- (p) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (q) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass ;
- (r) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;
- (s) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under the Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;
- (t) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned ;
- (u) as to the returns, statements and reports to be submitted by committees ;
- (v) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 95 ;
- (w) as to the language in which business shall be transacted ; and
- (x) for the guidance of committees acting under sections 26, 29, 67, 73 and 76, and generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

## CHAPTER VI.

### MISCELLANEOUS.

**98.** If any member or servant of a committee is directly or indirectly interested in any contract made with the committee, he shall be thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine which may extend to five hundred rupees :

Provided that no person shall, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the committee.

*Panjāb Municipal Bill, 1883.*  
(Chapter VII.—Supplemental and Temporary Provisions.)

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Nevertheless, it shall not be lawful for such shareholder or member to act as a member of the committee in any matter relating to such contract.

**99. (1)** No suit for compensation for anything done or purporting to be done, or for the omission of anything which ought to have been done, under this Act shall be brought against a committee, or any of its officers, or any person acting under its direction, until the expiration of one month next after notice in writing has been delivered or left at the office of the committee or at the place of abode of such person, stating the circumstances constituting the cause of action and the name or place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

Suits against committees or their officers.

(2) Every such suit shall be commenced within six months next after the accrual of the right to sue, and not afterwards.

(3) And if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

**100.** Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty as member of committee; and he shall be liable to be sued for compensation for the same, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner or by the Local Government.

**101. (1)** Prosecutions under this Act for the infringement of rules may be instituted by the committee or by any person authorized by it in this behalf and not otherwise.

(2) A member of committee under this Act shall be deemed to be a municipal commissioner within the meaning of section 555, Criminal Procedure Code.

**102.** Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

**103. (1)** The authority empowered to make rules under section 7, section 67, section 71, section 72 or section 97 shall, before making them, publish, in such number as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(3) Every rule made under any of the said sections shall be published in the *Panjāb Government Gazette* in English, and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

**104.** All powers conferred by this Act on the Governor General in Council and of Local Government exercisable from time to time may be exercised from time to time as occasion requires.

## CHAPTER VII.

### SUPPLEMENTAL AND TEMPORARY PROVISIONS.

**105. (1)** When a notification is issued under section 6 in respect of the whole area subject to the authority of a committee, withdrawing that area from the operation of this Act, all property which, at the time of the issue of the notification, is vested in the committee, shall vest in the Local Government, and be applied by it, in such manner as it thinks fit, for the promotion of the health, comfort, convenience or interests of the inhabitants.

(2) When a notification is issued under section 6 in respect of a part of the area under the authority of a committee, withdrawing that part from the operation of this Act, such part of the property vested in the committee as the Commissioner of the division may determine shall vest in the Local Government and be applied as aforesaid.

**106. (1)** If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the excepted municipality until again applied thereto by a like notification.

(2) While such exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

**107.** Nothing in or done under this Act shall prejudicially affect the rights of any officer or servant of a committee appointed before the passing of the Act as to tenure of office, salary or pension.

**108.** In all matters connected with this Act, the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

## STATEMENT OF OBJECTS AND REASONS.

THE law at present applicable to municipalities in the Panjáb is contained in Act IV of 1873.

2. Except in a few of the larger municipalities, all the members of the municipal committees constituted under that Act have hitherto been nominated; but, for the reasons stated in Panjáb Government Resolution No. 1777, dated 7th September, 1882, it is thought desirable to give the committees a more representative character than they have hitherto had, and for this purpose it is proposed that, unless where special reasons exist against resorting to a system of election, a portion at least of the members of each committee should be chosen by the inhabitants of the municipality.

3. It is further believed that greater powers of initiating action and of controlling the administration and expenditure of their funds for the benefit of the inhabitants of the municipality may with advantage be given to committees than, except in a few of the more important municipalities, they possess under existing rules, if sufficient powers of control are reserved to prevent the interests of the public from being endangered by neglect, abuse of powers or mistake as to the extent of their powers, on the part of the municipal bodies.

4. It would be possible to carry out the measures necessary for these purposes by rules under the existing Act, but the amendment of the Act appears to be a more suitable mode of giving effect to the proposals of the Local Government, and this course has therefore been preferred.

5. It has also for a considerable time past been known that Act IV of 1873 is very defective in omitting to provide for many of the powers with which it is usually considered desirable to invest municipal bodies and their servants, some of which were expressly given by the later Acts, XV of 1873 and VII of 1874, passed for the North-Western Provinces and British Burma respectively; and serious doubts have arisen as to the validity of some of the bye-laws framed to carry out and supplement its provisions, and as to the authority of municipalities to take action which it is important for the public interest that they should have the power to take. The opportunity has therefore been taken to redraft the entire Act, after referring to the corresponding Acts in force in other parts of India, with a view to remove the defects which have been brought to light by experience of its working for upwards of ten years.

6. The draft is divided into seven chapters nearly corresponding with those of the North-Western Provinces and Oudh Municipalities Bill, but it differs from that Bill in not proposing to treat the new committees as different bodies from the committees now in existence, and it also enters into greater detail in the chapters on the subjects of taxation and of the powers and duties of committees. In some other respects its provisions are necessarily different, being framed with reference to the peculiar circumstances of the Panjáb, and therefore corresponding more or less closely with those of the Panjáb Local Self-government Bill.

7. The preliminary chapter provides for the repeal of Act IV of 1873, and for the procedure to be adopted when it is proposed to establish a new municipality, to alter the limits of an existing municipality, or to withdraw any local area from the operation of the Act. It also provides for the division of municipalities into two classes, it being considered unnecessary to retain the third class committees, the orders and proceedings of which, under the rules now in force, are subject to the confirmation of the Deputy Commissioner before they can take effect. The power given by section 6 to withdraw any local area from the operation of the Act is required to meet cases in which petty municipalities have been established in places where experience has shown that municipal institutions cannot be continued with advantage, or that a sufficient municipal income cannot be raised without having recourse to forms of taxation which would either be extremely unpopular or would not meet with the approval of Government. The third class committees, where it is not necessary to abolish them for reasons of this nature, can be transferred to the second class.

8. Chapter II relates to the organization of committees. The provisions of section 7, as to the appointment or election of the members, are similar to those of the Local Self-government Bill, and, as in that Bill, the circumstances under which election, when once introduced, may be departed from are defined as far as possible. While the existing Act requires only two-fifths of the members to be other than salaried officers of Government, the Bill raises the proportion to two-thirds unless when such officers are elected as members.

9. The term of office, except in the case of members appointed *ex officio*, is to be fixed by the Local Government, but not to exceed three years, and, when this term is adopted, provision is made for the members retiring by rotation.

10. The provisions as to the removal of members are, with slight variations, the same as those contained in the Local Self-government Bill. The incorporation of committees and the control of transfers of property made by them and of investments by them of money in the public funds are also similarly provided for.

11. Section 15 provides for the election of the chairman by the committee, subject to the approval of the Local Government, unless where Government otherwise orders, but enables the



committee, instead of electing, to apply to the Local Government to appoint a chairman from among its members. Vice-chairmen will also be elected when necessary. The term of office of the chairman is fixed by section 16 at three years, if he so long continues to be a member of the committee, but power is given to the Local Government to remove him, if moved to do so by two-thirds of the members of committee present at a special meeting.

12. Sections 19 to 26 deal with the conduct of business and the framing of rules of business. Section 25, following the precedent of the Madras and Bengal Acts, enable the chairman, or, in his absence, the vice-chairman, in cases of emergency, to exercise all powers of the committee which the Act does not require to be exercised by the committee at a meeting.

13. Section 27 provides for the appointment of joint committees when co-operation between different committees is necessary, as in the Panjáb Local Self-government Bill.

14. Sections 28 to 30 relate to the officers and servants to be employed by committees. Of these, only section 28, which deals with the appointment of a secretary, has no corresponding provision in the Panjáb Local Self-government Bill. When a paid secretary is appointed, his appointment, removal, and salary are made subject to the sanction of the Commissioner, with a view to secure the appointment of a competent man to this important office, and to supply the guarantee against arbitrary dismissal, without which it might be difficult to get a competent man to accept office. The power of control in regard to other appointments, given by section 29 to the Deputy Commissioner, has been made applicable to all committees at the suggestion of the Delhi municipal committee, which considered such a check desirable in all cases.

15. Chapter III, on the subject of taxation and the municipal fund, is much fuller than the provisions of the existing Act upon the same subject. Section 7 of Act IV of 1873, which relates to the imposition of taxes, contains no description of the taxes which may be imposed. Section 33 now specifies the taxes which may, with the previous sanction of the Local Government, be imposed for general purposes, and authorizes the imposition of other taxes, with the previous sanction of the Governor General in Council; section 34 provides for additional taxes on property, when necessary for special objects, such as the improvement of the water-supply; and section 35 describes the tolls and fees which the committee may be empowered to levy; while section 36 prescribes the procedure to be followed in imposing taxes; and section 37 provides for exemptions. Some of the taxes specified, such as a tax on professions and tolls on vehicles and animals, are not at present levied in any municipality in the province; but it has been considered desirable to include them, as it may, in some cases, be necessary to find a substitute for octroi, which forms the chief source of income in almost all Panjáb municipalities, and these taxes have been resorted to for this purpose in other provinces. In the case of tolls, it is expressly provided that they may be imposed only where no octroi is levied. Other taxes are at present sanctioned for particular municipalities such as Simla, and it has therefore been necessary to include them, without reference to whether they are suitable for adoption in other cases.

16. Section 8, Act IV of 1873, prohibits the collection of taxes until the assessment has been confirmed as prescribed by rules made by the Local Government. This provision, which, however appropriate in the case of direct taxes, is clearly inapplicable to indirect taxes like the octroi, has been omitted from the present Bill, but sections 39 to 48 lay down rules for the assessment, confirmation and collection of taxes on immoveable property; and sections 49 and 50 provide for the collection of the octroi tax; while section 97 empowers the Local Government to make rules as to the assessment and collection of other taxes.

17. Section 51 gives a power to lease octroi and tolls, which is believed not to exist under the present Act, but which is likely to be found useful in some case.

18. Section 52 enables the committee to call for returns and to enter premises in order to obtain such information as they may require for purposes of taxation.

19. Appeals against taxes or assessments are provided for by sections 55 to 57.

20. Under section 9 of Act IV of 1873, municipal taxes may be collected as if they were arrears of land-revenue. It is not proposed to maintain this rule now that committees are about to be placed in a more independent position than hitherto, and it is not well adapted to indirect taxes like the octroi. Power is, therefore, given by section 49 to seize any articles on which any octroi, tax or toll is chargeable in default of payment, and to recover arrears of taxes generally by distress and sale under the orders of a Magistrate.

21. Chapter IV deals with the subject of the powers and duties of committees, and is also much more in detail than the corresponding sections of Act IV of 1873.

22. Sections 60 to 65 relate to the municipal police. It is necessary to maintain the liability of the municipal fund for the charges of the establishment ordinarily employed on police-duty within municipal limits, as, when the Local Government takes over such charges, this will usually be done in consideration of the committee agreeing to undertake services within the municipality to which the municipal fund can properly be applied, the cost of which has hitherto been borne by Government, and such agreements may be for a limited period and have to be renewed from time to time. Section 61 provides for agreements of this nature.

23. The police-establishment may consist either of a part of the general police force or of a body of watchmen, as the Local Government thinks fit; and section 62 enables the



Local Government to regulate its duties in either case, and, where it is a body of watchmen, to fix its strength and the grades and pay of its members; and makes provisions for the powers, protection, responsibilities and punishment of the members of such body, which are considered to be more suitable than those contained in Act XXIV of 1851, which is the present law on the subject.

24. It is not the practice to entertain separate establishments for the preservation of the peace and the prevention of crime and for watch and ward, members of the general police force or municipal watchmen, as the case may be, being employed on both duties; and it is held to be desirable that they should continue to be available for both duties. Sections 62 to 64 therefore place municipal watchmen on a similar footing to members of the general police force, so far as is possible without enrolling them in that force, bringing them under the same rules as to pay and pension, and making them liable to general service. It is therefore proposed to place them under the orders of the District Superintendent of Police, and the Local Government may relieve committees of any charge for them, in the same way as it may do where a police-establishment enrolled under Act V of 1861 is entertained.

25. Section 66 gives a more detailed statement of the duties of municipal committees and the purposes to which the municipal fund may be applied than is to be found in section 11 of the present Act.

26. Sections 67 to 70 give powers to make rules prohibiting acts of the nature of nuisances. The powers to issue injunctions, and to make conditional orders for the removal of nuisances, have not hitherto been conferred upon committees in the Panjāb, but are taken, with some modifications, from the Municipal Acts in force in the North-Western Provinces and British Burma.

27. Section 71 specifies other purposes for which committees may make rules binding on the public, and section 72 adds a special power to committees in hill stations to make rules on subjects which, in such localities, it has been found necessary to enable committees to regulate. The confirmation of such rules, and the penalties incurred by infringing them, are provided for by section 73. Section 21 of the present Act prescribes a uniform penalty, but it has been thought better to enable the committees, when making a rule, to attach to it an appropriate penalty.

28. Sections 74 to 85 give powers of interference with trades and rights of property which have hitherto usually been taken in bye-laws. Such powers are expressly given in the Municipal Acts of the Bengal, Madras and Bombay Legislatures, and it has been thought better to give them in the Bill than to leave them to depend upon the authority of bye-laws. They may not be required in some of the minor municipalities, but a subsequent provision will admit of these municipalities being excepted from this part of the Bill.

29. Section 89 enables the Local Government to invest members of committee or officers of the committee by name or a sub-committee with the power to summon persons committing offences punishable under section 67 before a Magistrate, and to accept composition for such offences from persons who are willing to pay such composition in preference to appearing before a Magistrate to answer the charge. A provision of this nature was suggested by the Local Government as likely to be suitable in places like Simla, in reply to a proposal to give the secretary to the committee the powers of a Magistrate for the disposal of petty cases of nuisance; and, as the section is framed, no such power will exist unless where the Local Government thinks proper to confer it.

30. Chapter V, relating to control, differs in no material respect from the corresponding provisions of the Panjāb Local Self-government Bill.

31. Section 97 enables the Local Government to prescribe such forms as it may consider necessary, and specifies the subjects on which it may make rules supplementary to the provisions of the Act.

32. Chapter VI contains miscellaneous provisions as to the effect of a member or servant of a committee being interested in any contract with the committee, the liabilities of members, suits against committees, prosecutions for infringement of rules, the acquisition of land, the procedure to be followed in making rules, and the like.

33. Chapter VII provides for the disposal of property vested in committees when the area subject to their authority or part thereof is withdrawn from the operation of the Act under section 6; for excepting municipalities from any provisions of the Act unsuitable thereto; and, in the same way as in the Local Self-government Bill, for the saving of the rights of existing officers and servants, and for the control to which Commissioners and Deputy Commissioners are to be subject in the discharge of their duties under the Act.

D. G. BARKLEY.

*The 3rd September, 1883.*

D. FITZPATRICK,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR  
THE WEEK ENDING THE 11th SEPTEMBER 1883.

GENERAL REMARKS.—The rainfall continues general throughout India. In the Deccan, Konkan and Guzerat the *kharif* crops are thriving; but in Sind, where the river is still low and the rainfall has been slight, the scarcity of water is much felt. In Hyderabad more rain is said to be wanted, while in parts of the Berars a break in the weather would be beneficial. Throughout Central India and Rajputana there has been good rain; more is yet needed in a few places, and the *kharif* crops have not escaped the late drought without considerable injury, but prospects are greatly improved and all fears of scarcity have passed away. In Mysore and Coorg the weather continues generally favourable and the crops are doing well, but in Madras several districts want rain for unirrigated crops.

In Burma the rainfall of the week has been abundant, except in Thayetmyo, where owing to insufficient rain the rice crop is very backward. Floods have damaged the crops in the Cachar and Sylhet districts of Assam and the rainfall has been unequal, but prospects are on the whole fair. In the Central Provinces, Bengal and Behar more rain is needed for rice, while in Chittagong, Orissa and Chota Nagpur the fall has been sufficient. Heavy rain fell in the Central Provinces during the week benefiting the crops. In the North-Western Provinces and Oudh there has been good rain in several districts and prospects are fair, but more rain is still required. A general and abundant fall throughout the Punjab has removed all cause for anxiety in that province.

Harvesting continues in Madras, and sowing of later *kharif* crops in Bombay. No serious damage has as yet been caused by locusts in the Deccan. The early *kharif* crops are being cut in the North-Western Provinces and elsewhere, and harvesting of early rice and jute is going on in Bengal. Sowings of rice have been completed in Burma, where some injury has been done by floods and other causes; but on the whole the prospects of the crop are favourable.

Cholera still lingers in several places, but is abating in the Central Provinces, and the public health is generally much improved.

Prices are returning to their normal average with improving prospects.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Sept. 12th)</b>		
Bellary ...	·47 (average of seven stations).	Standing crops generally good.
Kurnool ...	·51 (average of seven stations).	Standing crops generally good. Harvest indigo, yield fourteen annas. Cattle-disease in seven taluks.
Ganjam ...	2·38 (average of eighteen stations).	Standing crops red and black gram, sugarcane, and cotton thriving. Gingelly damaged by excessive rains. Fever and small-pox continue.
Kistna ...	1·05 (average of twelve stations).	Standing crops generally good, except in three taluks. Rain wanted; canal supply insufficient. Fever, small-pox, dysentery, guinea-worm, and cattle-disease in parts.
Chingleput (Madras) ...	·44 (average of five stations).	Standing crops good, except in one taluk. Harvest <i>khar</i> paddy, &c., yield three-fourths. Small-pox slight in three taluks. Cattle-disease slight in parts.
Coimbatore ...	·28 (average of five stations).	Standing crops <i>cholum</i> damaged by insects in one taluk. Dry crops want rain in seven taluks. Harvest dry crops in parts, yield average. Cholera in three taluks, 4 deaths; fever in parts.
Tanjore ...	·20 (average of two stations).	Standing crops generally good, except in three taluks. Rain much wanted everywhere. Harvest paddy and <i>cumboo</i> , yield below average. Thirty-five deaths from cholera.
Madura ...	.....	Standing crops fading, except in one taluk. Harvest paddy in two taluks, and dry crops in one.
Malabar ...	3·02 (average of fourteen stations).	Harvest continues in eight taluks. First crop in good condition. Cholera in two taluks, 13 deaths; small-pox slight in nine taluks; fever in five taluks.
Travancore ...	·038	Harvesting progressing. Fever prevails. <i>General Remarks.</i> —No rain in Madura. General prospects good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—(Sept. 12th)</b>		
Kurrachee ...	Slight rain in Kurrachee, Manjhand, Sakro, Jerruck, and Tatta.	River at Kotri on 10th 14 feet 6 inches against 17 feet 9 inches on same date last year. Want of water much felt. Fever in six talukas. Cattle-disease in six talukas, some deaths among sheep and goats in Jati. Small-pox in five villages, in districts 26 fresh cases, 1 death, 6 remaining sick. Wheat, red rice, and <i>bajri</i> in Kurrachee 24, 26 and 34, in Manjhand 22, 28 and 40, in Ghorabari 20, 28 and 36, and in Mirpur Botoro 22, 30 and 34 lbs. per rupee, respectively.
Hyderabad ...	Rain in eight talukas, average fall 1·22.	River has risen 1 foot and 8 inches since last week, and was lower by 3 feet and 3 inches on 10th instant than on same date last year. Small-pox in two, fever in four, and cattle-disease in three talukas. Wheat 24, <i>bajri</i> 35, <i>juari</i> 46, red rice 26, and white rice 22 lbs. per rupee.
Ahmedabad ...	1·96	Total rainfall 19·28. Crops healthy. Cholera in Ahmedabad, 15 cases, 9 deaths, in Verungam, 4 cases, 1 death. <i>Bajri</i> 27 and wheat 24½ lbs. per rupee.
Baroda ...	5·93	Total rainfall 43·19. Crops thriving. Cholera disappeared everywhere, except in Patan and Wadaoli where it continues in a mild form. <i>Bajri</i> 27 and rice 21 lbs. per rupee.
Surat ...	4·74	Total rainfall 16·20. Crops healthy. Cholera in Surat, 3 cases, 2 deaths, in Olphad, 2 cases fatal; slight fever in Jalalpur and Pardi. Locusts appeared in a few villages of Bardoli, Chikli, and Pardi talukas, and steps are being taken for their destruction. <i>Juari</i> 37 and <i>agali</i> 43 lbs. per rupee.
Nasik ...	<i>Nil</i>	Partial break in the rain. <i>Kharif</i> crops in fair condition. Locusts throughout the district, doing no damage, save in Calvan. Cholera disappeared. Wheat 28, <i>bajri</i> 28, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	1·31; light rain daily	Total rainfall to date 71·59, being 9·04 above average. Abnormal temperature 0° to 2° cool. Vapour in air normal. Monsoon wind strong.
Poona ...	Maximum at Mawal 7·0.	Standing crops healthy. Cholera 32 cases, 22 fatal. <i>Bajri</i> 39 and <i>juari</i> 17 lbs. per rupee, in Poona <i>bajri</i> 34 and <i>juari</i> 41 lbs. per rupee.
Ahmednagar ...	1·32 in Newasa and from 23 to 95 in all the remaining talukas.	<i>Kharif</i> crops are in good condition. Cholera 35 attacks, 16 deaths. Sowing operations of <i>rabi</i> have not yet commenced. <i>Bajri</i> —maximum 48 lbs. in Jamkhed, minimum 36 lbs. in Akola; <i>juari</i> —maximum 66 lbs. in Newasa, minimum 39 lbs. in Akola.
Sholapur ...	·88	Total rainfall 32·78. <i>Kharif</i> crops good; <i>rabi</i> sowings commenced in places; no damage done by locusts. Cholera 86 cases, 30 deaths. <i>Juari</i> 60 lbs. and <i>bajri</i> 50 lbs. per rupee.
Dharwar ...	Slight rain in eastern talukas, pretty heavy in western talukas; maximum 4·30 in Hangal; 3·08 in Kalghatgi; 2·48 in Mugud; 2·10 in Bankapur; 1·80 in Kod.	More rain is required for rice. Sowing of cotton and other late crops progressing. Ague prevails to a small extent in Mugud, Hangal, and Kalghatgi talukas, and slight cattle-disease in Hangal. <i>Juari</i> 63 lbs. and rice 32 lbs. per rupee.
Kanara ...	Karwar, 8·42; Kumpita, 7·61; Sisi, 11·27; Hallial, 2·32.	Total rainfall 129·78. Weeding and transplanting of rice continue above ghat; cardamums ripening. Small-pox in Kumpita and Honawar. Common rice in Karwar 12½ seers, district average 14½ seers.
Rajkot ...	2·39	Total rainfall 24·66. General health fair. Weather cool. Small-pox in Limra. <i>Bajri</i> 28 lbs and <i>juari</i> 33 lbs. per rupee. <i>General Remarks.</i> —Good rain has fallen in most districts of the Presidency. Crops healthy. Light rain, and slight rise in the river in Sind, where the crops have improved in consequence. Little damage from locusts. Cholera abating; slight fever and small-pox, and cattle-disease in a few places.
<b>Bengal—(Sept. 12th)</b>		
Chittagong ...	3·56	Weather seasonable. Harvesting of <i>aus</i> rice nearly completed; <i>aman</i> rice still being planted in some places. Prospects favourable. Prices stationary. Cholera abating. Cattle-disease still continues.
Dacca ...	·79	<i>Aus</i> rice and jute being cut; <i>roachia</i> paddy being sown. Prospects good.
24-Pergunnahs (Calcutta) ...	1·81	Prospects of both early and late rice good. Early rice being harvested; transplanting of late rice still going on in some parts of districts. Cases of fever and of cattle-disease reported from Bassirhat sub-division. Public health good.
Moorshedabad ...	.....	No report received.
Rajshahye ...	1·83	Weather seasonable and prospects good. <i>Aus</i> rice a fair crop. Fever reported bad over a limited area only.
Burdwan ...	·45	<i>Aus</i> rice being reaped; outturn fair. Prospects of all other crops favourable. Fever prevalent.
Rungpore ...	.....	No report received.
Bhagalpur ...	·51	More rain wanted for winter rice. <i>Bhadai</i> crops being cut, outturn 8 to 12 annas.
Purneah ...	·18	Prospects of crops generally fair. Farming operations normal. Rain wanted. Rivers falling. Health normal.
Patna ...	·64	<i>Makai</i> commenced to be cut; transplanting of paddy going on. More rain wanted. Cholera still reported from Behar sub-division.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Durbhunga ...	30	Very much more rain than has fallen is required. Crops are suffering. General health good.
Hazaribagh ...	3.45	Weather seasonable. Good rain. Prospects of rice crop improving. Harvesting of <i>bladoi</i> crops continue. Some isolated cases of small-pox and cattle-disease reported. General health good.
Cuttack ...	5.10	Weather seasonable. Early rice being reaped with prospects of fair outturn; late rice being weeded and reploughed. Price of rice stationary. Public health good.
<i>General Remarks</i> —General rain fell during the week, but except in Orissa and Coota Nagpore the fall was generally slight. In Central Bengal and Behar the rice crop is suffering from want of rain. In several places elsewhere prospects of this crop are reported to be favourable. Early rice and jute are being reaped with fair results, but in Patna, Julpigoree, and Mymensingh the jute is said to be a poor crop. In Behar harvesting of <i>bladoi</i> crops has commenced generally with expectation of a fair outturn, except in Mozufferpore where they have been greatly destroyed by inundation. Cholera rages and fever has appeared in some districts, but the general health of the province is still fair.		
<b>N. W. Provinces and Oudh—</b>		
Benares (Sept. 11th)	Average 20	More rain wanted to improve crop prospects. Fever continues. Condition of cattle good. Prices steady.
Allahabad ( „ 12th)	Good rain ranging from 1.20 to 3.30 in all nine tahsils.	Harvest prospects improved. Rice crops somewhat damaged; early <i>kharif</i> crops being harvested. Only 1 death from cholera reported. <i>Bajri</i> and <i>juari</i> fallen, <i>arhar</i> , <i>dhan</i> , and <i>kauri</i> risen; other prices fairly steady.
Gorakhpur ( „ 9th)	About 1.0 in four tahsils on 5th.	The rain which has fallen has done much good. Prices steady. More rain required.
Jhansi ( „ 10th)	Jhansi, 1.0; Mau, .50; Moth, .80; Garotha, 1.50.	Weather cloudy with occasional showers. Crops are looking well, their prosperity depends on more rain. Locusts are said to have appeared in pargana Mau, particulars are under enquiry. Prices falling. Health good.
Agra ( „ 11th)	Rain in all parganas from 1.20 to 3.30.	Sporadic cholera and fever in three parganas. Prices falling slightly. Prospects generally much brighter. No cattle-disease reported. Cholera abating.
Bareilly ( „ „ )	Weather showery	Crops improving. Early <i>kharif</i> harvest begun in places. Cholera reported in one village.
Meerut ( „ „ )	Meerut, 3.50; Sardhana, 4.10; Bagpat, 3.20; Ghazabad, 2.60; Hapur, 5.20; Mowana, 1.50.	Prospects immensely improved. Even unirrigated crops will be revived and yield probably an eight-anna crop at least. Health good, a few cases of supposed cholera in Bagunabad. Supplies sufficient. Prices easy.
Kumaun ( „ „ )	...	Weather seasonable. Early rice being cut; outturn poor. Some slight fever, otherwise general health good. No change in prices. Cattle-disease continues.
Lucknow ( „ „ )	Lucknow, .30; Mohanlalganj, .170.	Weather cloudy for the greater part of the week. Wind easterly. Unirrigated rice crops and that sown in <i>uparbars</i> are dying; large <i>juari</i> has also suffered; no injury as yet to the <i>harad</i> crops. Condition of people generally good and of cattle normal. Markets well supplied. Prices steady except at Mohanlalganj, where they are said to be rising a little.
Partabgarh ( „ „ )	Sadr, 2.80; Kunda, .40; Patti, .90.	Crops doing fairly well. More rain wanted. <i>Makka</i> and <i>kakun</i> being cut. Prices steady. Health good.
Sitapur ( „ „ )	Sitapur, .70; Sidhoul in parts, 1.70; Biswan, .40; Misrikh, .80.	More than half the rice crops lost; crops on low lands still good. <i>Bajri</i> and <i>juari</i> in three tahsils healthy.
Fyzabad ( „ 10th)	Sadr, .10; Akbarpur, .70; Bikapur, 1.30; Tanda, 2.10.	The rain in Tanda has somewhat improved prospects in that tahsil; rain still much wanted in all tahsils for the <i>aghani</i> crops.
Rae Bareli ( „ „ )	Sadr, 2.80; Salon, 2.60; Dalman, .30; Digbijaiganj, 1.0.	Prospects of the <i>kharif</i> crops have improved; <i>makka</i> , <i>kodon</i> , <i>juari</i> , <i>bonra</i> , <i>mothi</i> , <i>mash</i> , and <i>saran</i> specially benefited, and from which a fair crop may now be anticipated. More rain required for <i>dhan</i> . General health good. Supplies sufficient. Prices steady.
Cawnpore ( „ 11th)	Average rainfall of nine tahsils, 1.70.	The rain has done much good, but more rain is desirable to prevent injury to crops. Fever prevalent and cholera decreasing except in a few localities and at Bithur, where fresh cases reported. Cattle-disease almost entirely disappeared. Prices slightly lower.
Farrukhabad ( „ „ )	Light scattered rain	Weather cloudy. Save <i>maize</i> and in less degree rice, all crops promise well; some very well; cotton very fine, but too forward and likely to be damaged by later rains.
<i>General Remarks</i> —There has been a fair fall of rain during the week which has materially improved the prospects of the later <i>kharif</i> crops, but more rain is still wanted. The rice crops especially have suffered severely in Lucknow and Sitapur; the early <i>kharif</i> harvest has begun in places. Locusts are reported to have appeared in Jhansi, but no particulars regarding them are yet known. Cholera has appeared in Meerut and Bareilly. Prices are steady or falling.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Punjab—(Sept. 11th).</b>		
Delhi ...	4.4	Health good. Crop prospects much improved. Prices falling.
Hissar ...	.....	Rain throughout the district. Health good. Agricultural prospects much improved. Prices falling.
Umballa ...	2.8	Health good. Crop prospects much improved, but yield expected to be below the average. Prices stationary.
Jullundur ...	5.8	Health good. Crop prospects improving. Prices falling.
Amritsar ...	7.8	Health good. Prices falling.
Sialkot ...	6.0	Health and harvest prospects good. Prices falling.
Ferozepore ...	Sadr, 9.2; Zira, 4.8; Moga, 3.2; Muktsar, 3.4; Jalalabad, 7.0.	Health good. Crop prospects improved. Prices falling.
Lahore ...	8.1	Health good. Crop prospects much improved. Prices falling.
Rawalpindi ...	1.8	Health good. Prospects good in four tahsils and average in three others. Prices falling.
Mooltan ...	No rain	Health and crop prospects good. Prices falling.
Dera Ismail Khan ...	.20	Health good. Prices steady.
Peshawar ...	.20	Health good. Prices falling.
		<i>General Remarks.</i> —Rain throughout the province. Crop prospects much improved. Health good. Prices falling.
<b>Central Provinces—(Sept. 12th)</b>		
Nagpur ...	.97	Weather cool. Prospects good. Cholera 404 cases, 181 deaths. Prices steady.
Jubbulpore ...	8.87	Weather cloudy and rainy. Heavy rain on the 9th. Cotton and other <i>kharij</i> crops thriving. Prospects improved. Wheat 21 and rice 14 seers per rupee. Fever prevalent.
Saugor (Sept. 11th) ...	4.90	Prospects much improved. Prices steady. Health good.
Seoni ...	7.60	Heavy rain throughout the week. Crops much benefited. Cholera slight. Prices falling.
Hoshangabad ...	.....	Weather rainy and cloudy. Nerbudda and Tawa rivers flooded, and crops on the river banks seriously damaged. Fever in Sohagpur.
Khandwa ...	5.20	Wheat 15 and rice 9 seers per rupee.
Raipur ...	1.41	Weather showery. Prospects good. Prices steady.
Sambalpur ...	6.76	Prospects favourable, except at Simoga where the rainfall has been deficient. Prices steady. Preparations for <i>rabi</i> sowings in progress.
		Good rain throughout the week towards the east; rain towards north and west still deficient. Prospects good, except in north and west where slight loss is expected. Fever increasing. Common rice 36 seers per rupee.
		<i>General Remarks.</i> —Rain has continued to fall very generally throughout the provinces, the falls being heaviest in the northern districts. Prospects are favourable. Cholera rapidly abating.
<b>British Burma—(Sept. 8th)</b>		
Akyab ...	12.22	Total rainfall to date 160.75. Two deaths from cholera in the jail and 1 in district, and 4 deaths from small-pox in Koladan. 58 deaths of cattle in three townships, elsewhere health of plough cattle good. Transplanting continues. Crop prospects favourable. Transplanting wages from 6 to 8 annas per day.
Rangoon ...	4.71	Total rainfall to date 66.15. Two deaths from small-pox, otherwise public health good. Price of paddy from Rs. 85 to 94 per 100 baskets.
Bassein ...	6.50	Total rainfall to date 75.40. Public health good. Three deaths of cattle in Kangyidoun township. Ploughing nearly finished, about two-thirds transplanted. Price of paddy from Rs. 85 to 100 per 100 baskets.
Prome ...	2.59	Total rainfall to date 38.08. Public health good. Eighty-nine deaths of cattle from small-pox in two townships, elsewhere health of cattle good. 148,360 acres ploughed, 134,500 acres planted. Young plants in good condition. Price of paddy Rs. 93 per 100 baskets.
Amherst (Moulmein) ...	10.88	Total rainfall to date 142.44. Public health in Moulmein and district good. 224 deaths of cattle in Hlaingbwey township. Crops healthy in Moulmein town. Few holdings remain unploughed. Ploughing, sowing, and transplanting progressing. State of supply of seedlings for transplanting and general appearance of crops fair. No damage from drought, flood or insects.
Toungoo ...	3.65	Total rainfall to date 66.41. Public health and health of plough cattle good. Transplanting progressing. Average price of paddy Rs. 65 per 100 baskets.
Kyoukphyoo (1st Sept.) ...	8.90	Total rainfall to date 133.23. Three deaths from cholera in Pouk-toodoun village, Myabone township; one in old Kyoukphyoo, otherwise public health good. Health of cattle good. Only a few acres remain unploughed. Transplanted paddy progressing favourably; broadcast paddy in good condition.
Kyoukphyoo (8th „ ) ...	9.53	Total rainfall to date 142.76. Two deaths from cholera in Kinechoung doubtful; two deaths in Kalanto village, Kyoukphyoo township; cholera also reported from Ramree township. Health of cattle good. Sowings completed.
Sadoway ...	15.99	Total rainfall to date 181.75. Public health good. Sowing and transplanting finished. Crops looking healthy.
Hanthawaddy ...	.....	Public health and health of cattle good. Ploughing progressing. Ploughing wages 60 baskets of paddy in Hlaing township. Paddy crops in three circles of the Hlaing township inundated. Price of paddy from Rs. 80 to Rs. 100 per 100 baskets.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—contd.</b>		
Pagu ...	6.15	Total rainfall to date 101.21. Few deaths from fever in town, otherwise public health good. Transplanting nearly completed. Flood in river not so high as first. Season favourable. Price of paddy from Rs. 85 to Rs. 90 per 100 baskets.
Tharrawaddy ...	...	No report received.
Thonegwa ...	6.02	Total rainfall to date 69.38. Public health and health of cattle good. Ploughing progressing. Damage to crops from floods in the Thay-ein circle, Donabyoo township, and in the Kyouspouk and Kyone-padouk circles, Shwayloun township. Young crops are slightly damaged by insects in the Papone and Daydayeh townships. Supply of seedlings insufficient in the flooded parts of the Shwayloun township. Transplanting not progressing in the Kyoneinangeh circle, Thonegwa township, on account of high water. Wages of labourers for sowing and transplanting one basket of paddy or one rupee per day. Price of paddy from Rs. 85 to Rs. 90 per 100 baskets.
Henzada ...	5.63	Total rainfall to date 69.28. Public health and health of cattle good. Transplanting progressing. Seedlings and plants in good condition; in Zuloon township plants in 2,580 acres damaged by floods, replanting going on and 350 acres damaged by insects. Information from Myanounng sub-division up to 3rd only.
Thayetmyo (Sept. 1st)	1.15	Total rainfall to date 25.11. Public health good. Ploughing going on. Rainfall hitherto insufficient. Prospects bad in western half of district, only about one-third of land planted yet, in some places seedlings killed by drought.
Thayetmyo ( , 8th)	1.35	Total rainfall to date 26.46. Public health good. 30 deaths of cattle from small-pox in Syndoke, 10 in Myoma and 139 in Thabala circles. Cultivation still very backward for want of rain, about half of the total of paddy land planted. Price of paddy risen from Rs. 95 to Rs. 110 per 100 baskets.
Shwaygyin ...	6.64	Total rainfall to date 119.85. Public health and health of cattle fair. Ploughing nearly finished, except in low tracts which are flooded. Transplanting and sowing progressing. Some fields in low tracts flooded. Prices of paddy Rs. 74 per 100 baskets.
Tavoy ...	8.48	Total rainfall to date 171.06. Public health and health of cattle good. General appearance of the plants good. Area ascertained to have been damaged in western township, 150 acres by inundations and 50 acres by rats.
Mergui (Aug. 25th)	} 11.00 for week ending 25th August.	Total rainfall to date 105.95. Public health and health of cattle good. Area ploughed 33,000 acres and seed sown. Crops healthy. Price of paddy Rs. 75 per 100 baskets.
Mergui (Sept. 1st)		<i>General Remarks.</i> —Rainfall up to date still remains less than last year, but appears gradually making up. Public health good. No increase of cattle-disease and no serious mortality among cattle reported. Sowings completed. Transplanting except in overflooded tracts and in parts of Thayetmyo, where the rainfall has been insufficient, nearly completed. Prospects of crops reported favourable. Price of paddy keeps fairly steady.
<b>Assam—(Sept. 12th)</b>		
Gauhati ...	21 week ending 11th instant.	Weather sultry and hot. Transplanting of <i>sali</i> paddy in progress. Public health fair. Cattle-disease still prevalent in the interior.
Sylhet ...	0.46	State and prospects of crops on the whole good; some damage done to <i>aus</i> in south of district by floods. Small-pox prevalent in Karimganj.
Cachar ...	.....	No report received.
Dibrugarh ...	4.42	Weather seasonable. Transplanting of <i>sali dhan</i> nearly finished. Cattle-disease reported. Public health good.
<b>Mysore and Coorg—(Sept. 12th)</b>		
Bangalore ...	6.3	Standing crops in good condition. Prospects fair. Public health good. Crops thriving. Prospects favourable. Sowing operations continue.
Mysore ...	1.15	A break in the monsoon needed in the western taluka. Prospects of coffee and cardamum crops good. Public health good. No change in prices of food-grains which rule low.
Mercara ...	6.22	<i>General Remarks.</i> —Slight rain in all districts. Sowings active. Standing crops and public health favourably reported on. Prices stationary.
<b>Berar &amp; Hyderabad—(Sept. 12th)</b>		
Amraoti ...	1.53	Crops in good condition. A break in the weather is now necessary. Wheat 16 and <i>juari</i> 26 seers per rupee.
Akola ...	2.53	Crops in good condition.
Hyderabad ...	1.75; total from 1st January 24.63.	Rain very uneven in Hyderabad district. In some places tanks have breached, and crops slightly damaged. In others rain still wanted. No sickness. Prices stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central India States— (Sept. 12th)</b>		
Indore ...	2·08	Prospects good.
Morar (Gwalior) ...	1·21	Prospects good. Cholera decreasing in Gwalior. Prices of food-grains falling.
Sutna ...	2·46	Prospects good.
Rutlam ...	.....	No report received.
Neemuch ...	1·49	Agricultural prospects improved. Public health good.
Goona ...	3·9	Health good.
Bhopal ...	.....	No report received.
Agar ...	.....	No report received.
Nowgong ...	1·45	<i>Kharif</i> prospects improved. More rain is wanted. Prices steady. Public health fair.
Manpur ...	.....	Prospects improving.
<b>Rajputana—</b>		
Abu (Sept. 12th)	5·47	Good rain has fallen and still more is expected, as the clouds are very heavy. Prices falling.
Sirohi ( „ 9th)	2·97	Tanks and wells full. Health good. Crop prospects fair. Weather cloudy.
Marwar ( „ 7th)	3·11	Four months' supply of water in Jodhpore city; tanks and wells filling up. Health good. <i>Bajri</i> crops which had escaped the drought reviving; <i>moth</i> and <i>til</i> being sown. Rains being general and more copious in districts have dispelled fears of famine. Prospects of <i>rabi</i> much brighter. Prices falling. More rain expected as the weather is still cloudy.
Meywar ( „ 9th)	4·33	Tanks and wells filling fast. Health good. <i>Kharif</i> crop injured by late drought. Rain daily.
Harowti ( „ 8th)	Tonk, 2·19	Good rainfalls everywhere. Prospects improved. Health good.
Jhallawar ( „ 7th)	3·46	Good rain has fallen in all the districts. Prospects much improved. Health good.
Ajmere ( „ 11th)	2·28	Prospects favourable. Sufficient rain has fallen for standing crops, but considerably heavier falls are required to fill tanks, except in Merwara where the falls have been heavier. Health improving.
Jeypore ( „ „ )	4·96	Crops thriving. Prospects favourable. Prices falling. Cholera almost stopped.
Blurtipore ...	.....	No report received.
Ulwur (Sept. 11th)	Average 3·30	Prospects greatly improved. Prices falling. Health good.
<b>Nepal—(Sept. 6th)</b>		
Katmandu ...	2·80	Generally cloudy; frequent showers. Prospects good.

E. C. BUCK,  
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.  
HOME DEPARTMENT.

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EXECUTION OF DEEDS, CONTRACTS, &c., ON BEHALF OF THE SECRETARY  
OF STATE.

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No. 1234.

*Extract from the Proceedings of the Government of India, in the Home Department (Judicial),—  
under date Simla, the 12th September 1883.*

Read the following papers relating to the execution of deeds, contracts, &c, on  
behalf of the Secretary of State :—

Home Department Resolution No. 1750, dated the 2nd November 1876.

Ditto ditto No. 684, dated the 31st May 1878.

Read also—

Letter from the Government of Madras, No. 10, dated the 9th January 1883.

„ to Director of Indian Marine, No. 161, dated the 31st January 1883.

„ from Director of Indian Marine, No. 588, dated the 7th February 1883.

„ to Solicitor to the Government of India, No. 245, dated the 20th February 1883.

„ from Solicitor to the Government of India, No. 386, dated the 28th March 1883.

„ to Solicitor to the Government of India, No. 386, dated the 1st May 1883.

„ from Solicitor to the Government of India, No. 624, dated the 25th May 1883.

„ to Government of Madras, No. 892, dated the 20th June 1883.

„ from Government of Madras, No. 373, dated the 16th July 1883.

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RESOLUTION.

In exercise of the power conferred by the thirty-third and thirty-fourth of  
Victoria, Cap. fifty-nine, section two, the Governor-General in Council is pleas-  
ed to declare that the undermentioned classes of contracts referred to in the  
twenty-second and twenty-third of Victoria, Cap. forty-one, section two, may  
be executed as follows in the territories of the Government of India :—

Contracts for the engagement of crews of Indian Government vessels, whether belonging to the Imperial or to Local Governments.	} By the officers in command of such vessels.
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ORDER.—Ordered, that this Resolution be communicated to the Military  
(Marine) Department, and that it be published in the Supplement to the *Gazette  
of India*.

A. MACKENZIE,  
*Secretary to the Government of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 15, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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E. J. DEAN,

*Publisher, Gazette of India.*

### HIGH COURT—Original Side.

#### NOTIFICATIONS.

*Calcutta, the 8th September 1883.*

The following rules, passed by the High Court of Judicature at Fort William in Bengal, are published for general information.

It is ordered that the following rules, under the provisions of Section 645A. of Act XIV of 1882, be read and passed as the rules of the High Court of Judicature at Fort William in Bengal, to take effect from the 1st day of October 1883:—

The Registrar of the High Court in its Original

Registrar to frame  
list of Assessors.

To be approved by  
the Chief Justice.

Jurisdiction shall from  
time to time frame a list,  
to be approved by the  
Chief Justice, without  
whose approval it shall  
have no validity, of persons of nautical skill  
and experience residing or having places of  
business within the jurisdiction of the High  
Court, to act as assessors in any admiralty or  
vice-admiralty cause of salvage, towage or  
collision, under the provisions of Section  
645A. of the Code of Civil

And published in  
the *Calcutta Gazette*.

Procedure, and shall cause  
the list to be published in  
the *Calcutta Gazette*.

Persons named in  
list liable to be sum-  
moned.

2. Any persons named  
in the said list may be  
summoned to act as as-  
sessors in such cause as aforesaid.

3. Every person who  
shall so act as an assessor  
shall be entitled to a fee  
of 4 gold-mohurs for each day's attendance.

4. Either party in any such cause as aforesaid  
may apply that it may be  
heard with the assistance  
of assessors. Unless other-  
wise ordered, the application should be made,  
by summons, as follows:—where the cause is

Amount of Asses-  
sors' fee.

Application to sum-  
mon Assessors.

pending before the Court in its original jurisdiction, to the Judge before whom it is appointed, that the cause shall be heard, or, where the cause is pending in appeal, to the Judges or one of the Judges before whom it is appointed that the cause shall be heard in appeal.

5. Where assessors are to be summoned, this shall be done by a letter under the signature of the Registrar, which may be served in like manner as process under the provisions of the Code of Civil Procedure.

Letter in the nature of summons.

To be served as process.

6. The assessors' fees shall, before each day's hearing, be deposited with the Registrar by the party at whose instance they were summoned, or in default thereof by the other party.

Assessors' fee by whom to be deposited.

7. The Registrar shall pay the fees so deposited with him to the assessors, or, in any case where their attendance is not required, shall, unless, otherwise ordered, refund the same to the party by whom the same was deposited.

How to be disposed of.

8. Unless otherwise ordered, all fees paid to assessors under these rules shall be deemed to be costs in the cause.

To be deemed costs in the cause.

(Sd.) RICHARD GARTH.  
 " ROMESH CHUNDER MITTER.  
 " W. F. McDONELL.  
 " H. T. PRINSEP.  
 " L. R. TOTTENHAM.  
 " J. F. NORRIS.  
 " J. Q. PIGOT.  
 " J. O'KINEALY.  
 " C. J. WILKINSON.  
 " W. MACPHERSON.

The 7th September 1883.

The 14th September 1883.

The Honorable the Chief Justice has granted Mr. C. T. Davis, Chief Clerk of this Court, extension of leave on furlough in India, under Section 131, Chapter 10, of the Civil Leave Code, for twelve months from the 23rd instant.

By Order,

R. BELCHAMBERS,

Registrar.

## SURVEY OF INDIA.

### NOTIFICATIONS.

Simla, the 31st July 1883.

No. 370.—Captain J. R. Hobday, S.C., Assistant Superintendent, 1st Grade, is appointed to officiate as Deputy Superintendent, 4th Grade, with effect from the forenoon of the 25th July 1883, the date on which Major S. H. Cowan, Deputy Superintendent, 4th Grade, proceeded on subsidiary leave preparatory to availing himself of the furlough granted in G. G. O. No. 372, dated the 29th June 1883.

The 4th September 1883.

No. 378.—Lieutenant F. B. Longe, R.E., Assistant Superintendent, Survey of India, is granted privilege leave for one month, under Section 71, Chapter V, of the Civil Leave Code, with effect from such date as he may avail himself of the same.

No. 379.—Mr. M. J. Oglo, Surveyor, 3rd Grade, is granted an extension of privilege leave for eleven days, in continuation of the leave granted to him in Notification No. 359, dated the 28th May 1883.

No. 380.—Mr. A. G. Wyatt, Surveyor, 3rd Grade, is granted furlough to Europe, for two years, under Section 131, Chapter X, of the Civil Leave Code, with effect from 11th November next.

No. 381.—In continuation of Notification No. 367, dated the 10th July 1883, Mr. W. W. McNair, Surveyor, 4th Grade, is permitted to spend a further period of one month of his furlough in India.

The 10th September 1883.

No. 382.—The following promotions are made, with effect from the 5th September 1883, *vice* Mr. N. A. Belletty, Surveyor, 1st Grade, who retired, with effect from the afternoon of the 4th idem :—

Mr. G. B. Scott, Surveyor, 3rd Grade, to be Surveyor, 1st Grade.

Mr. H. Dowman, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

Mr. R. B. Smart, Officiating Surveyor, 4th Grade, is confirmed in that grade.

Mr. C. D. Potter, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

Mr. R. A. Gibson, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

G. C. DEPRÉE, Colonel,

Offg. Surveyor General of India.

## TELEGRAPH DEPARTMENT.

### NOTIFICATION.

Simla, the 5th September 1883.

Offices opened and closed during the month of August 1883 :—

Name of Station.	Where situated.	Date.	REMARKS.
Ellore	Madras Presdy.	23rd	Opened.
Gulistan Karez	Beluchistan	22nd	Closed.
Kushdil	Ditto	22nd	Ditto.
Saharanpur	Punjab	31st	Opened.
Thal Chotiali	Beluchistan	18th July	Ditto.

A. J. L. CAPPEL,

Director General of Telegraphs in India.



**AGENT, GOVERNOR GENERAL, FOR  
CENTRAL INDIA.**

**NOTIFICATION.**

*Indore Residency, the 7th September 1883.*

**No. 2364.**—Major John Biddulph, Political Agent, Bhopawar, is granted forty-two days' privilege leave from 24th September 1883, or from such subsequent date as he may avail himself thereof.

By Order,

C. E. YATE, *Capt.,  
for 1st Asst. Agent, Govr. Genl.,  
for Central India.*

**AGENT, GOVERNOR GENERAL, FOR  
CENTRAL INDIA, P. W. D.**

**NOTIFICATION.—ESTABLISHMENT.**

*Indore, the 4th September 1883.*

**No. 10.**—Central India Administration Notification No. 6, dated 11th July 1883, appointing Mr. T. Knight, Executive Engineer, 2nd Grade, as Officiating Executive Engineer, Gwalior Division, is cancelled, and Mr. Knight is appointed Officiating Executive Engineer, Neemuch Division, until further orders.

By Order,

H. F. WHITE, *M.I., C.E.,  
Offg. Secy. to Agent, Govr. Genl.,  
for Central India, P. W. D.*

**AGENT, GOVERNOR GENERAL, RAJPUT-  
ANA, AND CHIEF COMMISSIONER,  
AJMER-MERWARA.**

**NOTIFICATIONS.**

*Mount Abu, the 3rd September 1883.*

**No. 2225 S.**—Under the provision of Section 9 of the Ajmer Forest Regulation, 1874, the Chief Commissioner of Ajmer is pleased to sanction the following addition to Rule II of the Forest By-Laws, sanctioned in the Rajputana Public Works Department Notification No. 1505 S., dated the 14th June 1875, and published in the *Rajputana Official Gazette* of 19th June 1875:—

- (3) Any Forest Officer not below the rank of an Assistant Conservator of Forests may accept from any person against whom a reasonable suspicion exist that he has committed a breach of any of the foregoing rules a sum of money not exceeding Rs 5 by way of compensation for any damage which has been committed, and may release any property which has been seized as liable to confiscation on payment of the value thereof as estimated by such Officer.

On the payment of such sum of money or such value or both as the case may be to such Officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken under these Rules against such person or property.

*The 10th September 1883.*

**No. 2319 S.**—The Chief Commissioner of Ajmer-Merwara has been pleased to order the following addition being made in this Department Notification No. 2004 S., dated 9th August 1883, nominating the members of the Municipal Committee of Kekree:—

6. Jodha Lumberdar.

By Order,

J. P. STEEL, *Lieut.-Col., R.E.,  
Secy. to the Chief Commr. in the P. W. D.,  
Ajmer-Merwara.*

**ORDERS BY THE VICE-CHANCELLOR  
AND SYNDICATE OF THE CALCUTTA  
UNIVERSITY.**

The undermentioned students have passed the Examinations in Engineering:—

B. C. E.

SECOND DIVISION.

*In Order of Merit.*

Sarkar, Annadaprasad . . . Govt. Engrg. Col., Howrah .  
Mukhopadhyay, Rajendranath . . . Ditto.

L. C. E.

SECOND DIVISION.

*In Order of Merit.*

Warde, Charles P. . . . Govt. Engrg. Col., Howrah.  
Martin, J. Arnold . . . Ditto.  
Ghoshal, Hariprasad . . . Ditto.

**FIRST EXAMINATION IN ENGINEERING.**

*Second Division.*

Hanby, W. . . . Govt. Engrg. Col., Howrah.

G. BELLETT,

*Registrar.*

SENATE HOUSE.

*The 7th September 1883.*

*Weekly Statement of Silver tendered, of Certificates  
issued, and Silver Balance in the Mint.*

DATE.	SILVER TENDERED, ESTI- MATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF MILLION		
		General Treasury.	Currency Depart- ment.	Under Assay.	Assayed.	Held on account of the Cur- rency De- partment.
1883.	R	R	R	R	R	R
Sept. 3	81,658	..	1,53,900	3,11,435	37,87,507	24,08,218
" 4	..	..	..	3,11,435	37,87,507	24,08,218
" 5	..	..	2,28,359	96,908	40,20,855	26,41,476
" 6	75,521	..	15,159	1,57,581	40,36,640	26,57,290
" 7	1,93,135	..	..	3,50,716	40,36,640	26,57,290
" 8	..	..	..	3,50,716	40,36,640	26,57,290

J. F. TENNANT, *Major-Genl., R.E.,*

*Mint Master.*

CALCUTTA MINT.

*The 10th September 1883.*

# COMPTROLLER GENERAL'S OFFICE.

## TELEGRAPHIC STATEMENT OF RECEIPTS AND OUTGOINGS FROM TREASURIES DURING AUGUST 1883

Thousands of Rupees.

	Civil Revenue.	Civil Debt and Remittance Heads.	Forest, Telegraph, and Marine.	Post Office.	Guaranteed Railways.	Military Department.	P. W. Department.	Opening Balance.	TOTAL.
Receipts.	R	R	R	R	R	R	R	R	R
India General	25,01	3,08,67	23	3,50	4,95	92	40,54	2,85,68	6,69,50
Central Provinces	4,38	5,84	1,23	1,83	...	11	55	82,92	96,86
British Burmah	13,06	9,92	2,98	2,18	...	11	1,01	48,82	78,08
Assam	3,56	3,50	12	1,50	...	4	18	33,55	42,45
Bengal	1,06,40	53,91	1,58	7,22	...	5	4,11	1,31,20	3,04,47
N.W. Provinces and Oudh	25,91	46,81	48	2,65	3,86	39	2,35	3,19,49	4,01,94
Punjab	28,97	41,85	68	3,15	6,96	58	7,57	1,19,91	2,09,67
Madras	36,42	53,92	1,00	3,85	8,84	69	68	1,58,53	2,63,98
Bombay	36,47	2,17,21	2,38	5,58	34,15	84	2,75	1,70,99	4,70,37
Remittance Adjust- ment	...	—5,15	...	...	...	...	...	12	—5,03
TOTAL RECEIPTS	2,80,18	7,36,48	10,68	31,46	58,76	3,73	59,74	13,51,26	25,32,29

Outgoings.									
India General	41,97	3,00,66	1,34	45	3,10	17,47	15,79	2,88,72	6,69,50
Central Provinces	4,77	12,82	39	9	...	2,87	2,10	73,82	96,86
British Burmah	6,51	8,40	1,03	2	...	2,16	5,11	54,85	78,08
Assam	3,18	5,84	25	16	...	82	61	31,59	42,45
Bengal	49,40	1,27,10	1,17	7,02	7	1,68	16,03	1,02,00	3,04,47
N.W. Provinces and Oudh	41,11	57,22	87	7,18	5,70	15,74	10,62	2,60,50	4,01,94
Punjab	13,31	44,04	1,55	3,27	3,91	20,73	14,07	1,08,79	2,09,67
Madras	29,20	54,65	1,32	4,11	4,84	13,46	8,09	1,48,31	2,63,98
Bombay	32,48	1,59,16	3,58	4,07	14,18	14,19	15,97	2,26,74	4,70,37
Remittance Adjust- ment	...	...	...	...	...	...	...	—5,03	—5,03
TOTAL OUTGOINGS	2,24,93	7,69,89	11,50	26,37	31,80	89,12	88,39	12,90,20	25,32,29

## SUMMARY OF ACCOUNTS FOR THE FIVE MONTHS ENDING AUGUST 1883.

Lakhs of Rupees

	RECEIPTS.						OUTGOINGS.					
	Accounts till June.	TELEGRAPHIC.		Total. 5 months.	Budget Estimate. 5 months.		Accounts till June.	TELEGRAPHIC.		Total. 5 months.	Budget Estimate. 5 months.	
		July.	August.					July.	August.			
Civil Revenue	14,52	3,45*	2,81*	20,78	20,54	...	...	...	...	...	...	...
Civil Expenditure	...	...	...	...	...	6,57	1,86*	2,27*	10,70	11,01	...	...
Military Department	18	4	4	26	36	2,91	94	89	4,74	4,94	...	...
Public Works Department	2,34	67	59	3,60	...	3,37	91	88	5,16	2,12	...	...
Forest, Telegraph, and Marine Dept. (net)	...	...	...	...	...	5	...	...	5	6	...	...
Post Office Department (net)	12	7	5	24	10	...	...	...	...	...	...	...
Guaranteed and Subsidized Railways	1,61	20	27	2,08	1,28	...	...	...	...	...	...	...
Imperial Loan	1	...	1,48	1,49	2,03	...	...	...	...	...	...	...
Municipal Bills, including Exchange	...	...	...	...	...	7,14	1,31	1,59	10,04	8,12	...	...
Mint and Coinage Accounts	...	...	...	...	...	—22	—4	9	—17	...	...	...
Civil Debt and Remittance (net)	31	—3	—13	15	18	...	...	...	...	...	...	...
Total	19,09	4,40	5,11	28,60	24,49	19,82	4,98	5,72	30,52	26,25	...	...
Opening Balance	14,82	14,09	13,51	14,82	13,81	...	...	...	...	...	...	...
Closing Balance	...	...	...	...	...	14,09	13,51	12,90	12,90	12,08	...	...
GRAND TOTAL	33,91	18,49	18,62	43,42	38,33	33,91	18,49	18,62	43,42	38,33	...	...

\* Includes Forest in Madras and Bombay.

ACCOUNTANT GENERAL'S OFFICE.  
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 6th September 1883.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPHS.				IRRIGATION.				STATE RAILWAYS (CAPITAL).				STATE RAILWAYS (REVENUE).			
Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.	Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.	Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.	Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Assam	June 1883	Aug. 17, 1883	1	Punjab	June 1883	Aug. 16, 1883	1	Garo Hills Survey	June 1883	Aug. 10, 1883	1	Punjab Northern	June 1883	Aug. 23, 1883
2	Port Blair	Do.	Do. 18, "	2	Rajputana	Do.	Do. 24, "	2	Unrisar & Pathankote	Do.	Do. 17, "	2	Bhopal	Do.	Do. 24, "
3	Punjab	Do.	Do. 20, "	3	Bombay	Do.	Do. 27, "	3	State Ry. Stores Branch	Do.	Do. 18, "	3	Rajputana	Do.	Do. 27, "
4	Rajputana	Do.	Do. 24, "	4	British Burma	Do.	Do. 28, "	5	Jhansi-Manikpur	Do.	Do. 20, "	5	Kewari-Ferozepore	Do.	Do. 28, "
5	Bombay	Do.	Do. 27, "	5	Bengal	Do.	Do. 31, "	6	Ranghat-Bhagwanga	Do.	Do. 20, "	6	Northern Bengal	Do.	Sep. 1, "
6	Hyderabad (Imperial)	Do.	Do. 27, "	6	Madras	Do.	Do. 20, "	7	Punjab Northern	Do.	Do. 23, "	7	Kanwa & Dhurua	Do.	Do. 3, "
7	Central India	Do.	Do. 27, "	7	North-Western Provinces and Oudh.	May	Do. 20, "	8	Central Bengal	Do.	Do. 24, "	8	Calcutta & South-Eastern	Do.	Do. 4, "
8	Hyderabad Assigned Districts.	Do.	Do. 28, "	8	British Burma	Do.	Do. 31, "	9	Bhopal Katni Bilaspur Survey.	Do.	Do. 25, "	9	Wardha Coal	Do.	Do. 4, "
9	British Burma	Do.	Do. 31, "	9	Madras	Do.	Sep. 4, "	10	Indus Valley	Do.	Do. 25, "	10	British Burma	Do.	Do. 5, "
10	Coorg	Do.	Aug. 13, "	10	Military Works	May	Do. 25, "	11	Kandahar	Do.	Do. 25, "	11	Nalhati	Do.	July 26, "
12	Bengal	Do.	Do. 25, "	12	Central Provinces	Do.	Sep. 1, "	12	Bombay Railway Surveys.	Do.	Do. 25, "	12	Tirhoot	Do.	Do. 31, "
13	North-Western Provinces and Oudh.	Do.	Do. 25, "	13	British Burma	Do.	Aug. 13, "	13	Rajputana	Do.	Do. 27, "	13	Parua & Gya	Do.	Do. 31, "
14		Do.	Do. 25, "	14	Madras	Do.	Sep. 1, "	14	Holkar	Do.	Do. 27, "	14	Indus Valley	Do.	Aug. 8, "
15		Do.	Do. 25, "	15	British Burma	Do.	Sep. 1, "	15	Wardha Coal	Do.	Do. 27, "	15	Muttra-Hattas	Do.	Do. 13, "
16		Do.	Do. 25, "	16	Central Provinces	Do.	Sep. 1, "	16	Nagpur-Chhattisgarh	Do.	Do. 27, "	16	Cawnpore-Furuckabad	Do.	Do. 13, "
17		Do.	Do. 25, "	17	North-Western Provinces and Oudh.	Do.	Sep. 1, "	17	Dhond-Manmad.	Do.	Do. 27, "	17	East Indian	Do.	Do. 13, "
18		Do.	Do. 25, "	18	British Burma	Do.	Sep. 1, "	18	Western Deccan.	Do.	Do. 27, "	18		Do.	Do. 13, "
19		Do.	Do. 25, "	19	Madras	Do.	Sep. 1, "	19	Northern Bengal	Do.	Do. 27, "	19		Do.	Do. 13, "
20		Do.	Do. 25, "	20	British Burma	Do.	Sep. 1, "	20	Northern Bengal & Tirhoot Extensions.	Do.	Do. 27, "	20		Do.	Do. 13, "
21		Do.	Do. 25, "	21	Madras	Do.	Sep. 1, "	21	Tirhoot	Do.	Do. 27, "	21		Do.	Do. 13, "
22		Do.	Do. 25, "	22	British Burma	Do.	Sep. 1, "	22	India	Do.	Do. 27, "	22		Do.	Do. 13, "
23		Do.	Do. 25, "	23	Madras	Do.	Sep. 1, "	23	Kewari-Ferozepore	Do.	Do. 27, "	23		Do.	Do. 13, "
24		Do.	Do. 25, "	24	British Burma	Do.	Sep. 1, "	24	Madras Railway Surveys.	Do.	Do. 27, "	24		Do.	Do. 13, "
25		Do.	Do. 25, "	25	Madras	Do.	Sep. 1, "	25	Assam & Mymensing.	Do.	Do. 27, "	25		Do.	Do. 13, "
26		Do.	Do. 25, "	26	British Burma	Do.	Sep. 1, "	26	Chitragong Survey.	Do.	Do. 27, "	26		Do.	Do. 13, "
27		Do.	Do. 25, "	27	Madras	Do.	Sep. 1, "	27	Calcutta & South-Eastern	Do.	Do. 27, "	27		Do.	Do. 13, "
28		Do.	Do. 25, "	28	British Burma	Do.	Sep. 1, "	28	North-Western Provinces	Do.	Do. 27, "	28		Do.	Do. 13, "
29		Do.	Do. 25, "	29	Madras	Do.	Sep. 1, "	29	Licht Railway Surveys.	Do.	Do. 27, "	29		Do.	Do. 13, "
30		Do.	Do. 25, "	30	British Burma	Do.	Sep. 1, "	30	Muttra-Hattas	Do.	Do. 27, "	30		Do.	Do. 13, "
31		Do.	Do. 25, "	31	Madras	Do.	Sep. 1, "	31	East Indian	Do.	Do. 27, "	31		Do.	Do. 13, "
32		Do.	Do. 25, "	32	British Burma	Do.	Sep. 1, "	32	East Indian	Do.	Do. 27, "	32		Do.	Do. 13, "
33		Do.	Do. 25, "	33	Madras	Do.	Sep. 1, "	33	East Indian	Do.	Do. 27, "	33		Do.	Do. 13, "
34		Do.	Do. 25, "	34	British Burma	Do.	Sep. 1, "	34	East Indian	Do.	Do. 27, "	34		Do.	Do. 13, "
35		Do.	Do. 25, "	35	Madras	Do.	Sep. 1, "	35	East Indian	Do.	Do. 27, "	35		Do.	Do. 13, "
36		Do.	Do. 25, "	36	British Burma	Do.	Sep. 1, "	36	East Indian	Do.	Do. 27, "	36		Do.	Do. 13, "
37		Do.	Do. 25, "	37	Madras	Do.	Sep. 1, "	37	East Indian	Do.	Do. 27, "	37		Do.	Do. 13, "
38		Do.	Do. 25, "	38	British Burma	Do.	Sep. 1, "	38	East Indian	Do.	Do. 27, "	38		Do.	Do. 13, "
39		Do.	Do. 25, "	39	Madras	Do.	Sep. 1, "	39	East Indian	Do.	Do. 27, "	39		Do.	Do. 13, "
40		Do.	Do. 25, "	40	British Burma	Do.	Sep. 1, "	40	East Indian	Do.	Do. 27, "	40		Do.	Do. 13, "
41		Do.	Do. 25, "	41	Madras	Do.	Sep. 1, "	41	East Indian	Do.	Do. 27, "	41		Do.	Do. 13, "
42		Do.	Do. 25, "	42	British Burma	Do.	Sep. 1, "	42	East Indian	Do.	Do. 27, "	42		Do.	Do. 13, "
43		Do.	Do. 25, "	43	Madras	Do.	Sep. 1, "	43	East Indian	Do.	Do. 27, "	43		Do.	Do. 13, "
44		Do.	Do. 25, "	44	British Burma	Do.	Sep. 1, "	44	East Indian	Do.	Do. 27, "	44		Do.	Do. 13, "
45		Do.	Do. 25, "	45	Madras	Do.	Sep. 1, "	45	East Indian	Do.	Do. 27, "	45		Do.	Do. 13, "
46		Do.	Do. 25, "	46	British Burma	Do.	Sep. 1, "	46	East Indian	Do.	Do. 27, "	46		Do.	Do. 13, "
47		Do.	Do. 25, "	47	Madras	Do.	Sep. 1, "	47	East Indian	Do.	Do. 27, "	47		Do.	Do. 13, "
48		Do.	Do. 25, "	48	British Burma	Do.	Sep. 1, "	48	East Indian	Do.	Do. 27, "	48		Do.	Do. 13, "
49		Do.	Do. 25, "	49	Madras	Do.	Sep. 1, "	49	East Indian	Do.	Do. 27, "	49		Do.	Do. 13, "
50		Do.	Do. 25, "	50	British Burma	Do.	Sep. 1, "	50	East Indian	Do.	Do. 27, "	50		Do.	Do. 13, "
51		Do.	Do. 25, "	51	Madras	Do.	Sep. 1, "	51	East Indian	Do.	Do. 27, "	51		Do.	Do. 13, "
52		Do.	Do. 25, "	52	British Burma	Do.	Sep. 1, "	52	East Indian	Do.	Do. 27, "	52		Do.	Do. 13, "
53		Do.	Do. 25, "	53	Madras	Do.	Sep. 1, "	53	East Indian	Do.	Do. 27, "	53		Do.	Do. 13, "
54		Do.	Do. 25, "	54	British Burma	Do.	Sep. 1, "	54	East Indian	Do.	Do. 27, "	54		Do.	Do. 13, "
55		Do.	Do. 25, "	55	Madras	Do.	Sep. 1, "	55	East Indian	Do.	Do. 27, "	55		Do.	Do. 13, "
56		Do.	Do. 25, "	56	British Burma	Do.	Sep. 1, "	56	East Indian	Do.	Do. 27, "	56		Do.	Do. 13, "
57		Do.	Do. 25, "	57	Madras	Do.	Sep. 1, "	57	East Indian	Do.	Do. 27, "	57		Do.	Do. 13, "
58		Do.	Do. 25, "	58	British Burma	Do.	Sep. 1, "	58	East Indian	Do.	Do. 27, "	58		Do.	Do. 13, "
59		Do.	Do. 25, "	59	Madras	Do.	Sep. 1, "	59	East Indian	Do.	Do. 27, "	59		Do.	Do. 13, "
60		Do.	Do. 25, "	60	British Burma	Do.	Sep. 1, "	60	East Indian	Do.	Do. 27, "	60		Do.	Do. 13, "
61		Do.	Do. 25, "	61	Madras	Do.	Sep. 1, "	61	East Indian	Do.	Do. 27, "	61		Do.	Do. 13, "
62		Do.	Do. 25, "	62	British Burma	Do.	Sep. 1, "	62	East Indian	Do.	Do. 27, "	62		Do.	Do. 13, "
63		Do.	Do. 25, "	63	Madras	Do.	Sep. 1, "	63	East Indian	Do.	Do. 27, "	63		Do.	Do. 13, "
64		Do.	Do. 25, "	64	British Burma	Do.	Sep. 1, "	64	East Indian	Do.	Do. 27, "	64		Do.	Do. 13, "
65		Do.	Do. 25, "	65	Madras	Do.	Sep. 1, "	65	East Indian	Do.	Do. 27, "	65		Do.	Do. 13, "
66		Do.	Do. 25, "	66	British Burma	Do.	Sep. 1, "	66	East Indian	Do.	Do. 27, "	66		Do.	Do. 13, "
67		Do.	Do. 25, "	67	Madras	Do.	Sep. 1, "	67	East Indian	Do.	Do. 27, "	67		Do.	Do. 13, "
68		Do.	Do. 25, "	68	British Burma	Do.	Sep. 1, "	68	East Indian	Do.	Do. 27, "	68		Do.	Do. 13, "
69		Do.	Do. 25, "	69	Madras	Do.	Sep. 1, "	69	East Indian	Do.	Do. 27, "	69		Do.	Do. 13, "
70		Do.	Do. 25, "	70	British Burma	Do.	Sep. 1, "	70	East Indian	Do.	Do. 27, "	70		Do.	Do. 13, "
71		Do.	Do. 25, "	71	Madras	Do.	Sep. 1, "	71	East Indian	Do.	Do. 27, "	71		Do.	Do. 13, "
72		Do.	Do. 25, "	72	British Burma	Do.	Sep. 1, "	72	East Indian	Do.	Do. 27, "	72		Do.	Do. 13, "
73		Do.	Do. 25, "	73	Madras	Do.	Sep. 1, "	73	East Indian	Do.	Do. 27, "	73		Do.	Do. 13, "
74		Do.	Do. 25, "	74	British Burma	Do.	Sep. 1, "	74	East Indian	Do.	Do. 27, "	74		Do.	Do. 13, "
75		Do.	Do. 25, "	75	Madras	Do.	Sep. 1, "	75	East Indian	Do.	Do. 27, "	75		Do.	Do. 13, "
76		Do.	Do. 25, "	76	British Burma	Do.	Sep. 1, "	76	East Indian	Do.	Do. 27, "	76		Do.	Do. 13, "
77		Do.	Do. 25, "	77	Madras	Do.	Sep. 1, "	77	East Indian	Do.	Do. 27, "	77		Do.	Do. 13, "
78		Do.	Do. 25, "	78	British Burma	Do.	Sep. 1, "	78	East Indian	Do.	Do. 27, "	78		Do.	Do. 13, "
79		Do.	Do. 25, "	79	Madras	Do.	Sep. 1, "	79	East Indian	Do.	Do. 27, "	79		Do.	Do. 13, "
80		Do.	Do. 25, "	80	British Burma	Do.	Sep. 1, "	80	East Indian	Do.	Do. 27, "	80		Do.	Do. 13, "
81		Do.	Do. 25, "	81	Madras	Do.	Sep. 1, "	81	East Indian	Do.	Do. 27, "	81		Do.	Do. 13, "
82		Do.	Do. 25, "	82	British Burma	Do.	Sep. 1, "	82	East Indian	Do.	Do. 27, "	82		Do.	Do. 13, "
83		Do.	Do. 25, "	83	Madras	Do.	Sep. 1,								

## Statement of the Affairs of the Bank of Bengal for the week ending 11th September 1883.

LIABILITIES.				ASSETS.			
	R	a.	p.		R	a.	p.
Capital paid-up . . . . .	2,00,00,000	0	0	Government Securities . . . . .	56,61,534	8	0
Reserve Fund . . . . .	35,10,581	4	4	Other authorized Investments . . . . .	52,94,710	0	0
	R	a.	p.	Loans on Government and other authorized Securities . . . . .	1,23,58,269	9	0
Public Deposits at Head Office . . . . .	99,79,477	2	10	Accounts of Credit on Government and other authorized Securities . . . . .	51,89,792	12	3
Public Deposits at Branches . . . . .	1,94,27,586	2	7	Bills discounted and purchased . . . . .	2,01,07,180	15	7
Other Deposits at Head Office and Branches . . . . .	2,29,86,888	2	0	Balances with other Banks . . . . .	6,86,229	0	7
Bank Post Bills, &c. . . . .	4,13,853	10	8	Bullion . . . . .	73,299	6	9
Sundries . . . . .	11,03,661	6	6	Dead Stock . . . . .	11,95,643	6	10
				Stamps . . . . .	8,071	5	0
				Sundries . . . . .	6,24,385	13	1
					5,11,99,116	13	1
					R	a.	p.
				Cash and Cur- rency Notes at Head Office . . . . .	85,76,478	12	2
				Cash and Cur- rency Notes at Branches . . . . .	1,76,46,452	3	8
					2,62,22,930	15	10
					R	a.	p.
					7,74,22,047	12	11
					R	a.	p.
					7,74,22,047	12	11

BANK OF BENGAL,  
Calcutta, 13th September 1883.

J. GORDON,  
Chief Acctt. & Depy. Secretary.

By order of the Directors.  
R. HARDIE,  
Secy. & Treasurer.

## CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

## Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.			
Regt. No.	No. of Notes.	Value.	Name of Claimant.
		R	
164	P 39—17143	50	Nobin Chunder Shaha.
165	P 39—17334	50	Goburdhun Mitra.
166	P 9—98794	50	Babu Gopi Krishna Banerji.
169	P 76—00611	100	Mr. H. R. Heysham, Manager, Money Order Department, Calcutta.
	" —00612	100	
	" —00634	100	
	" —00635	100	
	" —00636	100	
	" —00637	100	
160	P 39—11360	50	Babu Upendra Narain Dutt.
161	P 44—55647	100	Babu Goury Prosad Koondoo.
	" —61833	100	
163	P 44—53697	100	
	" —85690	100	Babu Koylas Chandra Coondoo.

CALCUTTA,  
The 14th September 1883.

J. TAYLOR,  
Asst. Comptlr. Genl., in charge, Paper Currency.

## Calicut Circle.

NOTE WHOLLY LOST OR DESTROYED.			
No. of Note.	Value.	Name of Claimant.	
	R		
J 12—13623	50	Moothoosawmy Pillay, Pensioned Sepoy, Pookara Street, No. 1, Tanjore.	

CALICUT,  
The 3rd September 1883.

## Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.			
Regt. No.	No. of Notes.	Value.	Name of Claimant.
		R	
10	E 19—44309	50	Golan Jelani & Co., Kash- more.
11	E 13—65161	100	Kameez Fatimah Begum, Calcutta.
	" —55587	100	

LAHORE,  
The 5th September 1883.

W. H. EGERTON,  
for Depy. Commr. of Paper Currency.

Report of a Deserter from the 2nd Battalion,  
Devonshire Regiment of Infantry, dated at Jul-  
lundur, this 6th day of September 1883.

Number, Rank, and Name.— No. 2390, Private William Skuse.	Date of Enlistment,—10th February 1872.
Age,—26 years.	At what Place Enlisted,— London.
Size,—5 feet 9 inches.	Parish and County in which Born.—Gravesend, Kent.
Colour of— Complexion, fresh; Hair, brown; Eyes, grey.	Marks,—None.
Date of Desertion,—1st September 1883.	Trade,—None.
Place of Desertion,—Jullun- dur.	Coat or Jacket.— Waistcoat,— Breeches or Trowsers— REMARKS,— Under 12 years' service.

M. C. MORRIS, Lieut.-Colonel,  
Comdg. 2nd Battn., Devonshire Regt.

## TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act, VI of 1878, that in the town of Puntamba, in the Kopergaon Taluka of the Ahmednagar District, the undermentioned treasure was found on the 15th of December 1882, in the dwelling-house of one Vinayak Ganesh

Nedre, to the south side of the chimney which is in the eastern wall of the house :—

Gold ornaments.

	R	a.	p.
4 "Patlias," or bracelets worn by women on the wrist . . . . .	207	8	0
1 "Harpad Revdiachi Mal," beads, 66 in number, strung together . . . . .	30	0	0
4 "2-Gondas" with a silver base to each and 2 beads of gold with which women adorn their hair on the head . . . . .	10	0	0
1 "Rakhdi," a head ornament with a silver base . . . . .	15	0	0
2 "Sarries," gold necklets worn by women . . . . .	250	0	0
1 "Mud," head ornament worn by women . . . . .	25	0	0
2 Rings set with diamonds . . . . .	42	8	0
1 Pair of "Velas," armlets of women . . . . .	173	2	0
1 "Kanthi," a double chain worn by men round their necks . . . . .	155	0	0
17 "Putalis" or Venetian coins strung together . . . . .	102	0	0
	1,010	2	0

Any one who may have a claim to the said treasure, or a portion thereof, may personally or by agent appear before the Mamlatdar of Kopergaon, on the 19th January 1884, when that officer will institute an enquiry into the matter under the provisions of the Act above quoted.

J. ELPHINSTON,  
Acting Collector.

AHMEDNAGAR,  
The 6th September 1883.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act, VI of 1878, that on or about the 25th July 1883, the undermentioned articles, valued at Rs5 0-10, were found within the limits of Kasimagorpuram in Tenkasi Taluk, Tinnevely District, by Mutusami Pillai and three other coolies while excavating earth :—

	R	a.	p.
23 Zinc pieces of wire . . . . .	0	0	6
7½ Silver large coins . . . . .	1	8	0
6 Silver small coins . . . . .	0	2	0
1 Gold piece of string . . . . .	1	8	0
1 Gold screw . . . . .	0	12	0
1 Gold plate bored . . . . .	3	12	0
3 Gold pieces of bracelet . . . . .	1	0	0
2 Gold wire rings . . . . .	2	8	0
7 Gold plates bored . . . . .	15	0	0
1 Gold marriage tie (tali) . . . . .	1	0	0
2 Gold earrings . . . . .	1	0	0
1 Gold earring set with stone . . . . .	5	0	0
2 Gold pieces of waste string . . . . .	12	0	0
4 Gold finger rings . . . . .	2	0	0

	R	a.	p.
2 Gold pieces of wire . . . . .	0	8	0
2 Gold pieces of finger rings . . . . .	0	6	0
11½ Silver coins . . . . .	1	12	0
1 Gold ring set with stone . . . . .	0	4	0
1 Emerald . . . . .	0	0	2
6 Zinc pieces . . . . .	0	0	2
1 Gold string . . . . .	1	0	0
1 gold earring set with emerald . . . . .	4	0	0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Tinnevely, at his Office, on 15th January 1884, at Tinnevely, in order that the matter may be enquired into and determined in accordance with the provisions of the Act.

A. J. B. ATKINSON,  
Acting Collector of Tinnevely.

The 1st September 1883.

WANTED

ENGLISH AND PERSIAN WRITER.

Required for the Commissioner's Office, Peshawar, a Deputy Superintendent and Translator. His work will be entirely with the Commissioner, and confidential, and he must possess a thorough and idiomatic knowledge of English and Persian for correspondence in both languages; pay Rs130, with prospects; apply in own hand-writing with copies of certificates, not originals, to Commissioner, Abbottabad.

POST OFFICE.

NOTIFICATION.

Unclaimed Letters held in the Calcutta General Post Office on 13th September 1883.

Bosanquet & Co.	Lowry, Lt. F. J.	Smallwood, G.
Burrows, H. B.	Ludovic, F. W.	Steele, W. W.
Colbrook, Robert.	Macleod, C. H.	Turner, John T.
Downie, Dr. K. M.	Ross, Lieut. W. C.	Walters, W. H.
Fardell, G. W.	Secretary, the C. V. E.	White, W. M.
FitzWilliam, Hon'ble C.	Society, -	Young, J. D.
Foxley, W.	Secretary to the Tent Club.	Youngs, G. B.
Hardwick, E.		
Lanorgere, V.		

Letters marked "Care of Post Office."

Agist, John.	Douglas, P. H.	M. M. M.
A. Q. R.	Dyett, B. H. R.	Misud, George.
A. X. Y. Z.	Erter, Frau. Merrie.	Moore, Miss L.
Baggs, W. H.	"Felix."	Mosse, W. Forbes.
Baker, C. J. Seymour.	Fergus, Mrs. M.	Nordt, Miss Minnie.
B. B.	Ferrell, Mrs. J. B.	Pearson, H. J. F. G.
Barber, C. J.	Field, Miss Fanny.	Perrins, C. H.
Battersby, Leslie C.	Fount, P. S.	Rains, -
Boswell, Lt.	Gahan, Capt. R. L.	Rathergurd, R. C.
Bradley, Walter.	Gelseid, Leann.	Rode, Capt. J.
Bradshaw, D. E.	Hallewell, J. A.	Ross, C. Henry.
Brown, John.	Haly, J. J.	Ryan, J. H.
Bruntton, Mrs. J.	H. R. A.	Sanford, E. C. Ayshford.
Bullwell, H.	Hilbert, J.	Scott, Montagu Hill.
Burley, Mrs. E.	Horridge, Charles.	Specht, Otto.
Burlington, Charles.	Jugels, H. V.	Spencer, Mrs. L.
Camar, Madame A.	J. B. - B. M.	Stoker, H. W.
Campbell, Dr. M. R.	Jones, H.	Tomlinson, Captn.
Chase, J.	Jones, John.	Joseph S.
Cotton, F.	Karoly, S.	Tucker, Mrs.
Coutt, P. S.	Kavanaugh, P.	Vaughan, Percy.
Crispini, C. Umberto.	Kirkbride, J.	VansAgnew, Lieut. P. A.
Croose, Richard Victoria.	Langley, Manly G.	White, Mrs. S.
Crowther, John.	Lee, Frederick.	Williams, J. M.
Dalvell, Mrs. R. F.	Lynam, B.	Wyndham, W. G.
D'Cruz, Mrs. Bella.	McKay, James D.	

Registered Letters.

Barrett, Captain J. C.	Harrison, W. H.	Nardini, Sig. Raffaello.
Damate, Michael.	Moses, S. H.	Weben, Madame Martha.
Gahan, Capt. R. L. (parcel).	Marshall, Edmund.	Wood, Mrs. Nellie.
	Menzies, Charles.	

E. HUTTON,  
Presidency Post Master.

**GOVERNMENT CINCHONA FEBRIFUGE.**

This preparation is an efficient substitute for Quinine and can be purchased by Government officers for public and charitable purposes, and by any one taking *twenty pounds* at a time, from the Superintendent, Botanical Garden, Calcutta, *for cash only*, at the following rates:—per four ounce tin, *R1-8*; per eight ounce tin, *RS-5*; per pound tin, *R16-8*. The general public can be supplied by the Superintendent, Botanical Gardens, *for cash only*, at the under-noted rates:—per four ounce tin *R5-8*; per eight ounce tin *R10-8*; per pound tin, *R20*. This medicine is also sold by the principal European and Native druggists in Calcutta. Postage 8 annas per four and eight ounce tins, and 12 annas per pound tin, in addition to the foregoing rates.

**گورنمنٹ سنکونا فبري فيوج**

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیوے اونکے جو کوئی ایک مشہد بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ؛ آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ؛ ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ،

اور عوام الناس ہوائیکل گارڈن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس تین کا پانچ روپیہ آٹھ آنہ؛ آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ؛ ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلائی اور دیسی دواخانہ میں مکتی ہی ماسیوے قیمت مذکورہ بالا کے معقول قاک چار رو آٹھ اونس کے تین کا آٹھ آنہ؛ اور ایک پونڈ کے تین کا بارہ آنہ

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The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

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HENRY F. BLANFORD.

*Meteorological Reporter  
to the Government of India.*

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# The Gazette of India.

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CALCUTTA, SATURDAY, SEPTEMBER 15, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

Advertisements and Notices by Private Individuals and Corporations.

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#### Lost

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**N<sup>o</sup> 37.} CALCUTTA, SATURDAY, SEPTEMBER 15, 1883.**

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GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

**RETURNS OF ACCIDENTS ON INDIAN RAILWAYS FOR THE FIRST QUARTER OF 1883.**

No. 933 R. T., dated Simla, the 27th August 1883.

OBSERVATIONS—By the Government of India, Public Works Department.

Read again—

Public Works Department Resolution No. 725 R. T., dated the 20th July 1882.

Public Works Department Resolution No. 623 R. T., dated the 2nd June 1883.

Read also—

Returns of Accidents to trains, &c., on the open lines of railway in India for the quarter ending 31st March 1883.

OBSERVATIONS.—As compared with the corresponding quarter of the previous year with an increase of 248 miles, or 2·51 per cent. in the open mileage, and of 272,088 miles, or 2·72 per cent. in the train mileage, the number of accidents to trains, rolling-stock, permanent-way, &c., shows an increase of 20, or 2·87 per cent. The following are the railways on which the numbers chiefly vary :—

	Increase.	Decrease.
Bombay, Baroda and Central India . . . . .	12	...
Punjab Northern . . . . .	15	...
Indus Valley and Kandahar . . . . .	35	...
Rajputana-Malwa . . . . .	...	18
Wardha Coal . . . . .	...	20
Northern Bengal . . . . .	11	...
Mysore . . . . .	...	16

2. On the Bombay, Baroda and Central India Railway the increase chiefly took place under “miscellaneous accidents,” the number being 8 against 18.

3. On the Punjab Northern and Indus Valley and Kandahar State Railways the cases of fire in trains increased from 5 to 25, and 8 to 25 respectively. The number of cattle "accidents on the latter line also rose from 26 to 33, and that of cases of trains running over obstructions" from 1 to 7.

4. The number of cases in which trains ran over cattle on the Rajputana-Malwa Railway was 23 against 29, and that of "broken rails" 10 against *nil*. Under "fire in trains" and "miscellaneous" there were no accidents, while in the corresponding period of 1882 the accidents under these heads numbered 4 and 8 respectively.

5. Of the decrease of 20 accidents on the Wardha Coal Railway, 8 occurred under "failure of tyres" and 9 under "fire in trains."

6. The increase on the Northern Bengal Railway, and decrease on the Mysore Railway, call for no particular remark.

7. The total number of accidents on the Great Indian Peninsula Railway was 87 against 95, but it appears from the details that, while there was an increase of 17 accidents under "goods trains or parts of goods trains, engines, &c., leaving the rails," there was a decrease of 21 accidents under "fire in trains."

8. On the Sind, Punjab and Delhi Railway there were 6 cases of "failure of couplings" against *nil* in the corresponding quarter of 1882; the number of "miscellaneous accidents" increased from 1 to 20, but owing to decreases under other heads, there was a total increase of 5 accidents only on this line.

9. The casualties resulting from accidents to trains, &c., exhibit a very large reduction, being, among passengers, 4 injured against 14 killed and 31 injured, and, among servants, 2 killed and 6 injured against 2 killed and 10 injured. The decrease in the casualties to passengers is accounted for by the fact that in the corresponding quarter of 1882 13 men were killed and 15 injured in a single accident on the East Indian Railway at Shikohabad, caused by an up-mail train coming into collision with an up-goods train which it was following, and 13 men slightly injured in an accident on the Bombay, Baroda and Central India Railway, caused, through the carelessness of the pointsman, by an up-mail train colliding with some wagons standing on a siding at the Viramgam station.

10. The following table exhibits the number of accidents under the different classes, and the number of persons killed and injured thereby:—

DESCRIPTION OF ACCIDENTS.	Number of accidents.	NUMBER OF PASSENGERS AND OTHERS.		NUMBER OF SERVANTS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Collisions between passenger trains and goods or mineral trains, engines, and vehicles standing foul of the line	16	...	...	1	...	1	...
Collisions between goods trains or parts of goods trains	15	...	4	...	1	...	5
Collisions between light engines	4	...	...	1	...	1	...
Passenger trains or parts of passenger trains leaving the rails	9	...	...	...	...	...	...
Goods trains or parts of goods trains, engines, &c., leaving the rails	72	...	...	...	...	...	...
Trains or engines travelling in the wrong direction through points	9	...	...	...	...	...	...
Trains running into stations or sidings at too high a speed	2	...	...	...	...	...	...
Trains running over cattle on the line	210	...	...	...	...	...	...

DESCRIPTION OF ACCIDENTS.	Number of accidents.	NUMBER OF PASSENGERS AND OTHERS.		NUMBER OF SERVANTS.		TOTAL.	
		Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Trains running over obstructions on the line . . . . .	37	*1	*1	...	...	1	1
Do. do. through gates at level crossings . . . . .	15	...	...	...	...	...	...
The bursting of boilers or tubes, &c., of engines . . . . .	19	...	...	...	...	...	...
The failure of machinery, springs, &c., of engines . . . . .	66	...	...	...	...	...	...
Do. of tyres . . . . .	1	...	...	...	...	...	...
Do. of wheels . . . . .	1	...	...	...	...	...	...
Do. of axles . . . . .	14	...	...	...	...	...	...
Do. of brake apparatus . . . . .	1	...	...	...	...	...	...
Do. of couplings . . . . .	31	...	...	...	...	...	...
Do. of tunnels, bridges, viaducts, culverts, &c. . . . .	1	...	...	...	...	...	...
Broken rails . . . . .	16	...	...	...	...	...	...
The flooding of portions of permanent-way . . . . .	1	...	...	...	...	...	...
Fire in trains . . . . .	95	...	...	...	...	...	...
Fire at stations or involving injury to bridges or viaducts . . . . .	4	...	...	...	...	...	...
Other accidents . . . . .	77	...	...	...	5	...	5
TOTAL . . . . .	716	1	5	2	6	3	11

11. The number of derailments of "goods trains, or parts of goods trains, engines, &c.," has increased from 53 to 72. This increase appears to be due to there being 26 accidents of this description against 9 in the corresponding quarter of 1882 on the Great Indian Peninsula Railway, and 9 against 1 on the East Indian Railway.

12. The cattle accidents were, as previously noticed, numerous on the South Indian, Indus Valley and Kandahar, and Rajputana-Malwa Railways. There were out of a total of 210 accidents, 43 on the South Indian, 33 on the Indus Valley and Kandahar, and 23 on the Rajputana-Malwa Railway.

13. The cases of "bursting of boilers or tubes, &c., of engines" numbered 19, of which 11 occurred on the Sind, Punjab and Delhi Railway, and 8 on the Indus Valley and Kandahar. As compared with the corresponding previous quarter, there was a reduction of 11 accidents under this head.

14. The number of "failures of machinery, springs, &c., of engines" was the largest on the Indus Valley and Kandahar Railway, being 35 out of a total of 66.

15. There was only one case of "failure of tyres" against 10 in the corresponding quarter of 1882.

16. There were 14 cases of "failure of axles," 31 cases of "failure of couplings," and 16 cases of "broken rails." Of these numbers 8, 11 and 10 respectively occurred on the Rajputana-Malwa Railway alone.

17. Of 95 cases of "fire in trains" 21 took place on the Great Indian Peninsula, 25 on the Punjab Northern, and 25 on the Indus Valley Railway. On the Great Indian Peninsula, as already noted in a previous paragraph, there was a decrease of 21 accidents under this class.

\* Not passengers: see footnote to Table No. II of Abstract.

18. The casualties to passengers from causes other than accidents to trains, &c., were :—

	Killed.	Injured.
From falling between carriages and platforms . . . . .	...	2
Falling on to the platform, ballast, &c., when getting into or out of trains .	1	4
Falling out of carriages during the travelling of trains . . . . .	4	15
Other accidents . . . . .	1	6
TOTAL .	6	27

19. And the accidents to servants in the employ of Railways or of contractors, whilst performing duties connected directly with the transit of passengers and goods, from causes other than accidents to trains, &c., were :—

	Killed.	Injured.
During shunting operations . . . . .	3	11
Falling off engines, vans, wagons, &c. . . . .	5	5
Coming in contact with overbridges, &c., during the travelling of trains .	1	...
Getting on or off trains, engines, &c. . . . .	5	6
Whilst loading, unloading or sheeting . . . . .	1	8
Whilst braking, spragging or chocking wheels . . . . .	...	1
Whilst working at cranes or capstans . . . . .	...	2
Whilst working on the permanent-way or in sidings . . . . .	2	2
Whilst walking along the line on the way home or to work . . . . .	1	...
Whilst walking, crossing or standing on the line . . . . .	7	11
Whilst attending to the machinery of engines, cleaning them, &c. . . . .	...	2
Whilst attending to gates at level crossings . . . . .	2	...
Falling off ladders, scaffolds, platforms, &c. . . . .	...	2
By falling of lamps, wagon doors, timber, weights, &c. . . . .	1	6
Whilst coupling or uncoupling wagons . . . . .	3	6
Miscellaneous . . . . .	6	14
TOTAL .	37	76

20. Of other persons killed and injured by running trains, &c., 4 were killed and 2 injured whilst passing over the line at level crossings; 21 were killed and 4 injured whilst trespassing on the line; 3 committed suicide; and 2 were killed and 4 injured from miscellaneous causes.

21. The following table shows the total number of persons killed and injured from causes connected with the working of trains, as compared with the corresponding quarter of 1882:—

	1ST QUARTER 1882.		1ST QUARTER 1883.	
	Killed.	Injured.	Killed.	Injured.
<i>Passengers.</i>				
From causes beyond their own control . . .	14	29	...	4
From misconduct or want of caution . . .	10	28	6	27
<i>Servants.</i>				
From causes beyond their own control . . .	3	25	4	11
From misconduct or want of caution . . .	40	85	35	71
<i>Others.</i>				
Whilst passing at level crossings . . .	3	1	4	2
Trespassers, including suicides . . .	29	6	24	4
Other persons . . .	2	2	2	4
TOTAL .	101	176	75	123

22. In addition to the above, 14 persons are reported to have been killed and 44 injured in yards, workshops, &c., and 91 passengers to have met death in carriages and at stations from causes unconnected with the working of trains.

RESOLUTION.—The attention of the Government and Officers concerned should be invited to the increase in the numbers of derailments of “goods trains, or parts of goods trains, engines, &c.,” on the Great Indian Peninsula Railway, and cases of “fire in trains” on the Punjab Northern and Indus Valley State Railways.

ORDER.—Ordered, that this Resolution, together with the abstract returns compiled by the Government of India, be communicated to the Governments, Administrations, and Officers noted in the margin for information.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.  
The Chief Commissioners, Central Provinces, Assam, and British Burma.  
The Residents, Hyderabad and Mysore.  
The Agents to the Governor General for Rajputana, Central India, and Biluchistan.  
The Director General of Railways.  
The Consulting Engineers to the Government of India for Guaranteed Railways.

Ordered also, that copies be forwarded to the Secretary of State for information of Her Majesty's Government.

Ordered further, that this Resolution, with the abstract returns, be published in the Supplement to the *Gazette of India*.

R. A. SARGEAUNT, *Major, R.E.*,  
*Offg. Under-Secretary.*





[illegible]

See Inclusion of the Branch State lines worked by the Company.

## TABLE

NUMBER OF PERSONS reported during the First Quarter of 1883, as KILLED or INJURED on the several RAILWAYS open for traffic, and, so far as practicable, the Nature and Causes of the

[illegible]











TABLE NO. 4.—ACCIDENTS ON RAILWAYS, INCLUDING PASSENGERS, GOODS, AND VEHICLES.

SEE ALSO TABLE NO. 4.

PROVINCIAL STATE—continued.

	NALHATI.				NORTHERN BENGAL.				KASHMIR-DEHRA.				TIRHUT.			
	Number of Passengers and others.		Number of Servants.		Number of Passengers and others.		Number of Servants.		Number of Passengers and others.		Number of Servants.		Number of Passengers and others.		Number of Servants.	
	No.	Killed.	Injured.	Total all Classes.	No.	Killed.	Injured.	Total all Classes.	No.	Killed.	Injured.	Total all Classes.	No.	Killed.	Injured.	Total all Classes.
ons between passenger trains, or parts of passenger trains	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ons between passenger trains and goods or mineral trains, engines and vehicles	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ading foul of the line	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ons between goods trains, or parts of goods trains	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..
ons between light engines	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
ger trains, or parts of passenger trains leaving the rails	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
trains, or parts of goods trains, engines, &c., leaving the rails	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
or engines travelling in the wrong direction through points	..	..	..	..	4	..	..	..	..	..	..	..	..	..	..	..
a running into stations or sidings at too high a speed	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
a running over cattle on the line	..	..	..	..	9	..	..	..	..	..	..	..	..	..	..	..
Ditto over obstructions on the line	1	..	..	..	2	..	..	..	4	..	..	..	1	..	..	..
Ditto through gates at level-crossings	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ursting of boilers or tubes, &c., of engines	1	..	..	..	7	..	..	..	..	..	..	..	..	..	..	..
ailure of machinery, springs, &c., of engines	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
o of tyres	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
o of wheels	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
o of axles	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..
o of brake apparatus	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
o of couplings	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
o of tunnels, bridges, viaducts, culverts, &c.	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
en rails	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
flooding of portions of permanent-way	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
in cuttings or embankments	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
in trains	..	..	..	..	3	..	..	..	..	..	..	..	..	..	..	..
at stations, or involving injury to bridges or viaducts	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
r accidents	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOTAL ALL CLASSES	3	..	..	..	34	..	..	..	4	..	..	..	7	..	..	..
of Passenger-miles	701,924	..	..	..	8,544,125	..	..	..	842,264	..	..	..	5,679,756	..	..	..
of Servants employed	154	..	..	..	1,672	..	..	..	148	..	..	..	1,128	..	..	..
	9,054	..	..	..	189,137	..	..	..	6,246	..	..	..	89,093	..	..	..



TABLE No. 3.—ACCIDENTS TO TRAINS, ROLLING-STOCK, PERMANENT-WAY, &c., reported during the First Quarter of 1883, &c.—concluded.

SEE ALSO TABLE No. 4.														
NATIVE STATES—concluded.														
GAKHWAR OF BARODA'S.					MYSORE.					JODHPUR.				
No.	Number of Passengers and others.		Number of Servants.		Total all Classes.		Number of Passengers and others.		Number of Servants.		Total all Classes.		Number of Passengers and others.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
	No.		No.		No.		No.		No.		No.		No.	
ions between passenger trains or parts of	..	..	..	..	..	..	..	..	..	..	..	..	..	..
enger trains	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ions between passenger trains and goods	..	..	..	..	..	..	..	..	..	..	..	..	..	..
mineral trains, engines and vehicles stand-	..	..	..	..	..	..	..	..	..	..	..	..	..	..
foul of the line	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ions between goods trains, or parts of	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ds trains	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ions between light engines	..	..	..	..	..	..	..	..	..	..	..	..	..	..
nger trains, or parts of passenger trains,	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ing the rails	..	..	..	..	..	..	..	..	..	..	..	..	..	..
s trains, or parts of goods trains, engines,	..	..	..	..	..	..	..	..	..	..	..	..	..	..
leaving the rails	1	..	..	..	..	..	..	..	..	..	..	..	..	..
is or engines travelling in the wrong	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ction through points	..	..	..	..	..	..	..	..	..	..	..	..	..	..
is running into stations or sidings at too	..	..	..	..	..	..	..	..	..	..	..	..	..	..
a speed	..	..	..	..	..	..	..	..	..	..	..	..	..	..
is running over cattle on the line	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Ditto over obstructions on the line	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Ditto through gates at level-crossings	..	..	..	..	..	..	..	..	..	..	..	..	..	..
bursting of boilers or tubes, &c., of engines	..	..	..	..	..	..	..	..	..	..	..	..	..	..
failure of machinery, springs, &c., of engines	..	..	..	..	..	..	..	..	..	..	..	..	..	..
to of tyres	..	..	..	..	..	..	..	..	..	..	..	..	..	..
to of wheels	..	..	..	..	..	..	..	..	..	..	..	..	..	..
to of axles	..	..	..	..	..	..	..	..	..	..	..	..	..	..
to of brake apparatus	..	..	..	..	..	..	..	..	..	..	..	..	..	..
to of couplings	..	..	..	..	..	..	..	..	..	..	..	..	..	..
to of tunnels, bridges, viaducts, cul-	..	..	..	..	..	..	..	..	..	..	..	..	..	..
verts, &c.	..	..	..	..	..	..	..	..	..	..	..	..	..	..
ten rails	..	..	..	..	..	..	..	..	..	..	..	..	..	..
flooding of portions of permanent-way	..	..	..	..	..	..	..	..	..	..	..	..	..	..
s in cuttings or embankments	..	..	..	..	..	..	..	..	..	..	..	..	..	..
in trains	..	..	..	..	..	..	..	..	..	..	..	..	..	..
at stations, or involving injury to bridges	..	..	..	..	..	..	..	..	..	..	..	..	..	..
viaducts	..	..	..	..	..	..	..	..	..	..	..	..	..	..
or accidents	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOTAL ALL CLASSES	1	..	..	..	..	..	9	..	..	..	..	..	716	1 5 2 6 3 11
of Passenger-miles	1,390,601	..	..	..	..	..	5,914,482	..	..	..	..	..	2,702,144	727,890,455
of Servants employed	285	..	..	..	..	..	715	..	..	..	..	..	663	120,514
	..	..	..	..	..	..	74,647	..	..	..	..	..	24,030	10,277,038



1st Quarter of 1883, distinguishing the different Classes of ACCIDENTS, the Number of PASSENGERS and OTHERS Killed or Injured thereby.

Year.	22. Slips in cuttings or embankments.	23. Fire in trains.	24. Fire at stations, or involving injury to bridges or viaducts.	25. Other accidents.	Total all Classes.	NUMBER OF PASSENGERS AND OTHERS.		NUMBER OF SERVANTS.		TOTAL ALL CLASSES.		Mean miles of Railway open.	Number of Passengers carried.	Train-mileage of all descriptions.	Passenger-mileage.	PER MILE OPEN.			TOTAL PASSENGERS.			
						Killed.	Injured.	Killed.	Injured.	Killed.	Injured.					Number of Passengers carried.	Train-mileage of all descriptions.	Passenger-mileage.	Killed.	Injured.	Killed.	Injured.
...	...	2	...	6	57	...	4	1	...	1	4	1,653	2,917,293	2,538,561	209,985,436	1,765	1,536	127,033	...	1'371	...	0'019
...	...	5	...	...	33	...	...	...	...	...	...	861	1,070,053	462,265	49,688,649	1,243	537	57,710	...	...	...	...
...	...	5	...	1	57	...	...	...	...	...	...	655	1,103,191	370,777	31,799,788	1,693	566	48,549	...	...	...	...
...	...	21	...	11	87	...	...	...	2	...	2	1,457	1,625,201	2,420,754	96,281,452	1,115	1,660	66,036	...	...	...	...
...	...	...	...	18	33	...	...	1	1	1	1	461	1,931,442	479,024	53,198,511	4,189	1,041	115,398	...	...	...	...
...	...	...	1	...	10	...	...	...	...	...	...	192	701,812	202,515	25,642,427	3,646	1,052	133,207	...	...	...	...
...	...	4	...	20	64	...	...	...	1	...	1	663	961,937	743,812	54,055,568	1,450	1,129	81,470	...	...	...	...
...	...	1	...	2	11	...	...	...	...	...	...	546	583,479	417,452	30,438,769	1,067	763	55,672	...	...	...	...
1	...	25	...	3	40	...	...	...	...	...	...	422	441,550	218,537	21,159,009	1,046	518	50,140	...	...	...	...
...	...	25	2	2	126	*1	*1	...	2	1	3	660	360,001	485,501	10,200,276	545	736	29,091	...	...	...	...
...	...	...	...	...	72	...	...	...	...	...	...	1,138	1,291,370	1,072,876	75,309,208	1,134	942	66,133	...	...	...	...
...	...	3	...	...	9	...	...	...	...	...	...	45	31,180	21,717	816,586	693	483	18,146	...	...	...	...
...	...	...	...	7	21	...	...	...	...	...	...	43	238,244	20,013	2,853,454	5,633	465	66,359	...	...	...	...
...	...	...	...	1	3	...	...	...	...	...	...	27	34,247	9,954	701,924	1,257	365	25,759	...	...	...	...
...	...	3	1	...	34	...	...	...	...	...	...	230	181,694	189,137	8,544,125	790	822	37,148	...	...	...	...
...	...	...	...	...	4	...	...	...	...	...	...	32	28,335	6,246	342,264	878	193	10,613	...	...	...	...
...	...	...	...	2	7	...	...	...	...	...	...	134	150,965	89,092	5,679,756	1,120	661	42,150	...	...	...	...
...	...	...	...	...	3	...	...	...	...	...	...	29	90,431	11,207	1,782,707	3,118	386	61,473	...	...	...	...
...	...	...	...	...	1	...	...	...	...	...	...	86	141,677	33,391	4,191,809	1,638	386	48,460	...	...	...	...
...	...	...	...	...	8	...	...	...	...	...	...	128	175,956	119,452	4,189,266	1,375	933	32,729	...	...	...	...
...	...	...	...	4	22	...	...	...	...	...	...	161	474,632	175,627	14,344,656	2,948	1,091	89,097	...	...	...	...
...	...	...	...	...	4	...	...	...	...	...	...	193	182,560	67,107	7,677,588	946	348	39,780	...	...	...	...
...	...	...	...	...	1	...	...	...	...	...	...	59	73,989	17,244	1,390,601	1,254	292	23,570	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	121	96,020	71,847	5,014,482	794	619	48,880	...	...	...	...
...	...	1	...	...	9	...	...	...	...	...	...	86	78,636	24,030	2,702,144	914	279	31,420	...	...	...	...
...	...	...	...	...	...	...	...	...	...	...	...	19	†	†	†	...	...	...	...	...	...	...
1	...	95	4	77	716	1	5	2	6	3	11	10,106	14,971,915	10,277,038	727,890,455	1,484	1,019	72,159	...	1'371	...	0'
...	...	...	...	...	...	...	...	...	...	...	...	14,177,406	10,004,950	787,223,059	1,438	1,014	79,952	0'987	2'186	0'018	0'	

## DEPARTMENT OF FINANCE AND COMMERCE.

LEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF AUGUST 1883 PUBLISHED IN PAGES 1522, 1523, 1530 AND 1531 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 8th SEPTEMBER 1883.

[illegible]



**STATEMENTS OF IRRIGATION OPERATIONS OF FASL RABI OF 1882-83 IN THE PUNJAB.**

*Comparative Abstract of Irrigation and Rainfall in Canal Districts of the Punjab.*

Area irrigated, 1882-83 . . .	Acres.	421,778
Ditto ditto 1881-82 . . .		434,816
Net decrease . . .		13,038

(1) These figures differ from those shown in the return for corresponding crop of 1981-82, in consequence of the areas remitted before the preparation of demand statements which included in the figures shown in statement for rabi, 1981-82, having been excluded from those entered in the present return.

(2) These figures differ from those shown in the return for rabi, 1981-82, in consequence of the inclusion for those of Lahore in the present return.

*Statement in Acres of Crops irrigated in Canal Districts.*

\* These figures differ from those shown in the return for corresponding crop of 1881-82, the cause of which is explained in note appended to Statement No. 1.

*Statement in Acres of Crops irrigated in Canal Divisions.*

\* These figures differ from those shown in the return for corresponding crop of 1891-92, the cause of which is explained in note appended to Statement No. 1.

R. HOME, *Colonel, R.E.,*  
*Joint-Secretary to Govt., Punjab, P. W. D., Irrigation Branch.*

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL KHARIF IN THE NORTH-WESTERN PROVINCES, 1883-84, UP TO 31st JULY 1883.

CANAL DIVISION.	WATER DISTRIBUTED DURING JULY, 1883.					Total area of irrigation during current fasl.	Total area for the corresponding period of last year.	ZILA.	LAND IRRIGATED (APPROXIMATE).								RAIN-FALL.	REMARKS.		
	Depth in Canal at regulating gauge in feet.	Gross Consumption, cubic feet per second.	Actual average throughout.	Allotted discharge.	Actual average throughout.				Sugarcane.	Indigo.	Rice.	Cotton.	Other food-grains.	Fodder crops.	Miscellaneous.	Total.				
CANAL DIVISION.	(Northern)	10-00	7-17	950	97	43,583	45,585	Saharanpur	16,774	1,794	15,329	367	61	218	1,181	35,724	9-9	15-3	Supply— entering head of Ganges Canal . . . . . 4,337 Lower Ganges Canal . . . . . 1,128 Expend— Ganges Canal . . . . . 2,116 Lower Ganges Canal . . . . . 1,665 Escaped— Anupshahr Branch, Ganges Canal . . . . . 293 Meerut Division, ditto . . . . . 112 Bulandshahr ditto, ditto . . . . . 163 Narora ditto, Lower Ganges Canal . . . . . 210 Mainpuri ditto, ditto . . . . . 104 Cawnpore ditto, ditto . . . . . 632 Etawah ditto, ditto . . . . . 4-9 Bhognipur ditto, ditto . . . . . 274 Percolation from the Narora Division . . . . . 62 Deduct drainage water . . . . . 5,837 172 5,665	
	(Anupshahr)	7-00	4-47	1,100	288	44,169	54,280	Muzaffarnagar	41,867	4,671	15,888	1,151	106	398	2,570	66,551	13-2	14-6		
	(Meerut)	8-10	5-41	925	1,214	54,907	63,012	Meerut	63,248	17,493	4,588	5,830	776	1,207	2,355	95,497	6-7	12-1		
	(Bulandshahr)	7-20	5-28	925	33	60,107	59,676	Bulandshahr	6,082	53,039	14	7,447	1,191	781	1,353	69,907	10-8	12-2		
	(Aligarh)	5-50	4-50	1,340	454	70,172	71,986	Aligarh	588	45,504	196	2,780	98-6	28	1,455	51,537	15-3	11-0		
CANAL DIVISION.	(Narora)	9-00	4-43	975	93	43,459	13,351	Muttra	1,111	9,956	...	9,419	98	19	1,247	21,850	12-1	12-2	Executive Engineer, Northern Division, Ganges Canal, reports that "during the early part of July, there was fair rain; on the 17th of July there was a fall of 9-6 inches at Roorkie, but only 1-8 inches at Mainpuri, 12 miles below Roorkie. Rice crops only took water till very nearly the end of the month, when a general demand commenced; without early rain crops will suffer." Executive Engineer, Meerut Division, Ganges Canal, reports that "with the decrease in rainfall has been very deficient and a drought is coming. South of Meerut up to end of month there was hardly any demand the rajahs all running into escapes to maintain supply at a fair navigable height above mile 60. The rice crop has in July expanded in the northern half of the Division and is very nearly what it was last year." Executive Engineer, Bulandshahr Division, Ganges Canal, reports that "all irrigation stopped on the 9th, the volume in rajahs and Mat branch was escaping after 1-8th. The water taken in the early days of the month was for sugarcane and indigo; no new irrigation was done this month." Executive Engineer, Mainpuri Division, Lower Ganges Canal, reports that there was a partial demand for water up to the 18th. After that date there was no demand. The new irrigation done during the month is 1,119 acres against 287 in July 1882. The average rainfall over the division during the month has been 6-3"; the maximum 10-7 inches fell at Jhibramau, zila Farkhabad, and the minimum 2-3 inches at Bilon, zila Mainpuri. Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports that the decrease is due to the reasons noted in the return for May. Executive Engineer, Etawah Division, Lower Ganges Canal, reports that the decrease in indigo and sugarcane is due to reasons given in previous returns. Executive Engineer, Bhognipur Division, Lower Ganges Canal, reports that very little new irrigation was effected during the month. Weather cloudy with occasional showers in the 10th, and heavy general rain between the 16th and 26th stopped all demand for the remainder of the month.	
	(Mainpuri)	7-00	3-13	600	74	24,212	33,923	Agra	1,278	4,450	3	1,038	1-4	94	462	7,429	12-8	13-6		
	(Cawnpore)	8-20	5-55	825	490	43,955	46,923	Etah	1-3 6	26,217	140	742	701	71	1,100	30,277	8-9	12-3		
	(Etawah)	5-80	2-99	975	416	59,986	63,870	Mainpuri	2,890	34,257	309	611	1,497	154	1,543	41,761	9-8	15-2		
	(Bhognipur)	7-00	5-39	950	450	25,445	21,072	Fatehgarh	2,234	14,831	376	210	623	159	86	18,519	8-1	14-6		
TOTAL, UPPER AND LOWER GANGES CANALS.	...	...	...	...	...	...	...	Etawah	5,273	42,484	262	86	971	168	883	50,127	10-6	12-0	Executive Engineer, Meerut Division, Ganges Canal, reports that "with the decrease in rainfall has been very deficient and a drought is coming. South of Meerut up to end of month there was hardly any demand the rajahs all running into escapes to maintain supply at a fair navigable height above mile 60. The rice crop has in July expanded in the northern half of the Division and is very nearly what it was last year." Executive Engineer, Bulandshahr Division, Ganges Canal, reports that "all irrigation stopped on the 9th, the volume in rajahs and Mat branch was escaping after 1-8th. The water taken in the early days of the month was for sugarcane and indigo; no new irrigation was done this month." Executive Engineer, Mainpuri Division, Lower Ganges Canal, reports that there was a partial demand for water up to the 18th. After that date there was no demand. The new irrigation done during the month is 1,119 acres against 287 in July 1882. The average rainfall over the division during the month has been 6-3"; the maximum 10-7 inches fell at Jhibramau, zila Farkhabad, and the minimum 2-3 inches at Bilon, zila Mainpuri. Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports that the decrease is due to the reasons noted in the return for May. Executive Engineer, Etawah Division, Lower Ganges Canal, reports that the decrease in indigo and sugarcane is due to reasons given in previous returns. Executive Engineer, Bhognipur Division, Lower Ganges Canal, reports that very little new irrigation was effected during the month. Weather cloudy with occasional showers in the 10th, and heavy general rain between the 16th and 26th stopped all demand for the remainder of the month.	
	...	...	...	...	...	...	...	Cawnpore	4,846	41,337	1,290	23	688	...	1,399	49,583	10-6	10-8		
	...	...	...	...	...	...	...	...	Delhi	...	30	...	11	...	32	73	8-0	13-2		
	...	...	...	9,525	3,679	443,990	473,708	Gurgaon	1,025	4,796	...	14	1,335	84	141	264	16,659	9-5		13-0
	...	...	...	...	...	...	...	...	Delra Dún	768	...	3,176	...	...	...	301	4,245	27-3		36-1
Eastern Jumna Canal.	...	...	...	...	...	...	...	Bijnor	948	...	...	...	...	...	...	970	11-6	17-5	Executive Engineer, Meerut Division, Ganges Canal, reports that "with the decrease in rainfall has been very deficient and a drought is coming. South of Meerut up to end of month there was hardly any demand the rajahs all running into escapes to maintain supply at a fair navigable height above mile 60. The rice crop has in July expanded in the northern half of the Division and is very nearly what it was last year." Executive Engineer, Bulandshahr Division, Ganges Canal, reports that "all irrigation stopped on the 9th, the volume in rajahs and Mat branch was escaping after 1-8th. The water taken in the early days of the month was for sugarcane and indigo; no new irrigation was done this month." Executive Engineer, Mainpuri Division, Lower Ganges Canal, reports that there was a partial demand for water up to the 18th. After that date there was no demand. The new irrigation done during the month is 1,119 acres against 287 in July 1882. The average rainfall over the division during the month has been 6-3"; the maximum 10-7 inches fell at Jhibramau, zila Farkhabad, and the minimum 2-3 inches at Bilon, zila Mainpuri. Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports that the decrease is due to the reasons noted in the return for May. Executive Engineer, Etawah Division, Lower Ganges Canal, reports that the decrease in indigo and sugarcane is due to reasons given in previous returns. Executive Engineer, Bhognipur Division, Lower Ganges Canal, reports that very little new irrigation was effected during the month. Weather cloudy with occasional showers in the 10th, and heavy general rain between the 16th and 26th stopped all demand for the remainder of the month.	
	...	...	...	...	...	...	...	Tarai	1,270	...	1,325	...	...	...	...	2,595	14-2	20-9		
	...	...	...	...	...	...	...	Pilibhit	813	...	1,306	...	...	...	...	2,119	16-6	22-7		
	...	...	...	...	...	...	...	Bareilly	4,668	...	4,744	...	7	...	...	9,412	9-7	20-2		
	...	...	...	...	...	...	...	Jhansi	13	...	...	4	...	...	...	22	10-3	14-7		
TOTAL	...	...	...	...	...	...	...	Hamirpur	10	...	...	...	...	...	37	51	16-9	15-2	Executive Engineer, Eastern Jumna Canal, reports that there was a partial demand for water up to the 18th. After that date there was no demand. The new irrigation done during the month is 1,119 acres against 287 in July 1882. The average rainfall over the division during the month has been 6-3"; the maximum 10-7 inches fell at Jhibramau, zila Farkhabad, and the minimum 2-3 inches at Bilon, zila Mainpuri. Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports that the decrease is due to the reasons noted in the return for May. Executive Engineer, Etawah Division, Lower Ganges Canal, reports that the decrease in indigo and sugarcane is due to reasons given in previous returns. Executive Engineer, Bhognipur Division, Lower Ganges Canal, reports that very little new irrigation was effected during the month. Weather cloudy with occasional showers in the 10th, and heavy general rain between the 16th and 26th stopped all demand for the remainder of the month.	
	...	...	...	...	...	...	...	TOTAL	157,012	300,759	48,986	40,057	8,386	3,438	16,270	574,908	...	...		
	...	...	...	...	...	...	...	TOTAL FOR THE SAME PERIOD LAST YEAR	190,943	304,377	52,136	40,302	8,600	5,285	15,759	617,402	...	...		
	...	...	...	...	...	...	...	Increase	...	...	...	...	...	...	511	...	...	...		
	...	...	...	...	...	...	...	Decrease	33,931	3,618	3,150	245	214	1,847	...	42,494	...	...		

W. P. V. HORST,



STATEMENT OF TRAFFIC ON UPPER AND LOWER GANGES CANALS FOR THE MONTH OF JULY 1883.

	UPPER GANGES CANAL.						LOWER GANGES CANAL.						UPPER AND LOWER GANGES CANALS.						REMARKS.														
	PRINCIPAL ITEMS OF LOCAL TRAFFIC.						PRINCIPAL ITEMS OF LOCAL TRAFFIC.						PRINCIPAL ITEMS OF THROUGH TRAFFIC.																				
	Up.			Down.			Up.			Down.			Up.			Down.																	
	Mds.	Nos.	Total up and down.	Mds.	Nos.	Total up and down.	Mds.	Nos.	Total up and down.	Mds.	Nos.	Total up and down.	Mds.	Nos.	Total up and down.	Mds.	Nos.	Total up and down.															
GRAINS.																																	
Wheat	80	...	5,785	...	...	5,785	...	...	525	...	...	525	...	...	...	...	...	...	...	...	...	...	...	...									
"	2,151	...	2,151	...	...	2,151	...	...	2,027	...	...	2,027	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	...	...	...	...	...	...	42	...	...	42	...	...	...	...	...	...	...	...	...	...	...	...									
Ordnance	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
Or mixed grain	...	...	1,331	...	...	1,331	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
Urd	...	...	725	...	...	725	...	...	124	...	...	124	...	...	...	...	...	...	...	...	...	...	...	...									
Mung	125	...	125	...	...	125	...	...	60	...	...	60	...	...	...	...	...	...	...	...	...	...	...	...									
Arhar	50	...	50	...	...	50	...	...	401	...	...	401	...	...	...	...	...	...	...	...	...	...	...	...									
Masuri	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	...	...	...	...	...	...	14	...	...	14	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
Indian-corn	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
TOTAL	2,406	...	10,167	...	...	10,167	...	...	2,668	...	...	2,668	...	...	...	...	...	...	8,230	...	...	...	...	...									
"	...	...	219	...	...	219	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	80	...	...	80	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	650	...	...	650	...	...	25	...	...	25	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	735	...	...	735	...	...	94	...	...	94	...	...	...	...	...	...	...	...	...	...	...	...									
Materials	499	...	46,346	...	...	46,346	...	...	6,573	...	...	6,573	...	...	...	...	...	...	...	...	...	...	...	...									
neous goods	34,249	...	10,172	...	...	10,172	...	...	206	...	...	206	...	...	...	...	...	...	...	...	...	...	...	...									
"	659	...	9,033	...	...	9,033	...	...	3,232	...	...	3,232	...	...	...	...	...	...	...	...	...	...	...	...									
"	4,271	...	15,968	...	...	15,968	...	...	345	...	...	345	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	319,360	...	...	319,360	...	...	6,900	...	...	6,900	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	5,136	...	...	5,136	...	...	99	...	...	99	...	...	...	...	...	...	...	...	...	...	...	...									
es and un-	163	...	4,044	...	...	4,044	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
quared timber.	...	...	6,382	...	...	6,382	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
is and squared	333	...	6,049	...	...	6,049	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
amber.	...	...	190	...	...	190	...	...	82	...	...	82	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	2,130	...	...	2,130	...	...	351	...	...	351	...	...	...	...	...	...	...	...	...	...	...	...									
neous timber	601	...	1,529	...	...	1,529	...	...	702	...	...	702	...	...	...	...	...	...	...	...	...	...	...	...									
"	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
AND TOTAL	43,911	1,783	1,06,116	335,81	13,675	7,804	35,090	77,820	48,765	85,624	5,507	6,011	43,845	667	49,352	6,678	63,093	15,598	141,140	412,517	204,233	428,115	...	...									
URING CORRE-	62,598	17	29,753	170,582	92,351	170,599	13,948	1,768	50,221	62,208	2,359	100	8,062	12	10,421	112	78,905	1,885	88,036	231,034	166,941	232,919	...	...									
ING PERIOD OF	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
FEAR.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
INCREASE	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...									
DECREASE	18,687	...	...	...	...	...	...	...	273	...	15,131	...	...	...	...	...	...	15,812	...	...	...	...	...	...									
Particulars.																																	
Upper Ganges Canal (local).												Lower Ganges Canal (local).										Total, Upper and Lower Ganges Canals.											
1882.												1883.										1882.											
3,392												1,791										1,813											
69,329												1,20,586										3,98,266											
31,797												33,083										1,45,167											
Tonnage, including weight of timber and bamboos												Ton mileage										Value of goods											
R												R										R											

W. P. V. HORST,

W. P. V. HORST,

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXXII of 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 19TH AUGUST 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 18TH AUGUST 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 19TH AUGUST 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 18TH AUGUST 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.	R	R
4th Aug. 1883	<i>Guaranteed.</i> Eastern Bengal . . .	172	1,17,499	683	172	(a) 63,556	317	16,24,859	469	(a) 16,41,937	477	17,078	...
18th ditto .	Oudh and Rohilkhand . . .	547	70,071	128	547	90,326	165	20,00,014	181	23,16,932	212	3,16,918	...
18th ditto .	Sind, Punjab & Delhi . . .	676	1,45,179	215	749	2,08,961	279	36,80,496	270	47,37,576	319	10,57,080	...
18th ditto .	Madras . . . . .	861	1,10,311	128	861	1,13,799	132	27,99,939	162	25,98,460	151	...	2,01,479
18th ditto .	South Indian . . . . .	655	66,920	102	655	66,506	102	15,15,371	115	15,58,613	119	43,242	...
18th ditto .	Great Indian Peninsula . . .	1,450	3,54,604	245	1,451	4,79,283	330	1,35,36,934	463	1,43,63,928	494	8,26,994	...
18th ditto .	Bombay, Baroda and Central India . . .	461	1,16,623	253	461	1,67,082	362	41,88,478	451	47,00,856	510	5,12,378	...
	<b>TOTAL</b> . . . . .	4,822	9,81,207	203	4,896	11,89,513	243	2,93,46,091	301	3,19,18,302	326	25,72,211	...
18th Aug. 1883	<i>State.</i> East Indian . . . . .	1,507	6,71,114	445	1,509	8,85,461	587	1,72,99,680	570	2,02,93,167	672	29,93,487	...
31st ditto .	Calcutta and South-Eastern . . . . .	33	2,350	71	56	4,630	83	75,097	124	1,15,599	109	40,502	...
5th ditto .	Nalhati . . . . .	27	1,115	41	27	1,443	53	26,466	48	31,556	58	5,090	...
31st ditto .	Northern Bengal . . . . .	230	23,708	103	239	26,380	110	7,09,700	152	7,75,423	166	65,723	...
31st ditto .	Tirhoot . . . . .	75	11,887	158	166	17,093	103	2,48,872	149	3,26,177	93	77,305	...
1st July 1883	Patna-Gya . . . . .	57	7,511	132	...	(b) . . .	...	(c) 1,49,019	162	(d) 1,36,913	150	...	12,136
5th Aug. 1883	Muttra-Hathras . . . . .	29	2,084	72	29	2,357	81	43,358	74	48,447	84	5,089	...
8th ditto .	Cawnpore-Furrakhabad . . .	87	4,756	55	87	6,161	71	1,30,112	75	1,28,736	74	...	1,376
8th ditto .	Dildarnagar-Ghaziपुर . . .	12	384	32	12	682	57	18,752	78	20,005	83	1,253	...
5th ditto .	Rajputana-Malwa . . . . .	1,117	1,60,699	144	1,117	2,00,850	180	41,09,271	183	48,28,577	216	7,19,306	...
8th ditto .	Wardha Coal . . . . .	45	4,700	104	45	12,869	286	2,06,914	230	2,85,600	317	76,686	...
15th ditto .	Nagpur & Chhattisgarh . . .	98	4,230	43	149	8,993	60	2,41,481	123	5,91,104	198	3,49,623	...
15th ditto .	Rangoon and Irrawaddy Valley . .	161	16,298	101	161	16,354	102	5,58,685	172	5,40,154	167	...	18,531
18th ditto .	Sindia . . . . .	75	5,643	75	75	6,832	91	1,24,016	82	1,22,249	81	...	1,766
18th ditto .	Punjab Northern . . . . .	409	43,325	106	419	58,087	139	11,55,818	143	12,16,681	145	60,863	...
15th ditto .	Indus Valley and Kandahar . . .	660	22,209	34	660	1,26,562	192	16,09,967	121	30,45,529	231	14,35,562	...
15th ditto .	Muttra-Achnera . . . . .	23	1,128	49	23	1,460	63	21,852	47	28,144	61	6,292	...
18th ditto .	Kaunia-Dhurla . . . . .	32	965	30	32	1,556	49	28,962	45	37,463	58	8,501	...
15th ditto .	Rewari-Ferozepore . . . . .	...	...	...	89	7,380	83	...	...	1,26,822	71	1,26,822	...
	<b>TOTAL</b> . . . . .	3,170	3,12,992	99	3,386	4,99,689	148	94,60,372	148	1,24,05,179	183	29,14,807	...
4th Aug. 1883	<i>Assisted Company.</i> Bengal Central . . . . .	...	...	...	...	(b) . . .	...	...	...	(e) 38,927	62	38,927	...
15th Aug. 1883	<i>Native States.</i> Bhavnagar-Gondal . . . . .	194	7,573	39	193	9,664	50	3,87,719	99	4,31,587	111	43,868	...
18th ditto .	Nizam's . . . . .	121	14,038	116	121	14,288	118	3,36,050	137	3,08,698	127	...	27,356
18th ditto .	Mysore . . . . .	86	4,284	50	86	4,632	56	1,09,665	63	1,01,775	59	...	7,886
18th ditto .	Jodhpore . . . . .	19	300	16	19	600	32	(f) 1,229	8	14,089	37	12,860	...
	<b>TOTAL</b> . . . . .	420	26,195	62	419	29,384	70	8,34,663	99	8,56,149	102	21,486	...
	<b>GRAND TOTAL</b> . . . . .	9,919	19,91,508	201	10,210	26,04,047	255	5,69,40,806	285	6,55,11,724	320	85,70,918	...
	<b>GROSS ESTIMATED EXPENSES</b> . . . . .	...	...	...	...	...	...	2,85,37,167	143	3,22,38,330	158	...	...
	<b>NET RECEIPTS</b> . . . . .	...	...	...	...	...	...	2,84,03,639	142	3,32,73,394	162	48,69,765	...

(a) Exclusive of the Company's share of the earnings of the Bengal Central Railway (estimated for period subsequent to 4th August 1883).  
(b) Return not received.  
(c) Total receipts from 1st April to 21st July 1883.  
(d) Total receipts from 1st April to 4th August 1883.  
(e) Total receipts from 24th June to 19th August 1882.  
(f) Total receipts from 1st April to 22nd July 1883.







# The Gazette of India.

PUBLISHED BY AUTHORITY.

N<sup>o</sup> 38. } SIMLA, SATURDAY, SEPTEMBER 22, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Panjab Municipal Bill, 1883.

SUPPLEMENT No. 38.

## PART I.

### Government of India Notifications, Appointments, Promotions, &c.

#### HOME DEPARTMENT.

##### NOTIFICATIONS.—JUDICIAL.

*Simla, the 19th September 1883.*

**No. 1264.**—In exercise of the powers conferred by Section 8, Act XVII of 1875 (The Burma Courts Act, 1875), the Governor General in Council is pleased to establish a Court to be called the Court of the Extra Assistant Commissioner of the 3rd Class of Pyindaye, the local limits of the jurisdiction of which shall be those of the Pyindaye Circle in the Thongwa district.

##### EDUCATION.

*The 19th September 1883.*

**No. 313.**—The services of Mr. H. P. Jacob, on special duty with the Education Commission, are replaced at the disposal of the Government of Bombay.

A. MACKENZIE,  
*Secy. to the Govt. of India.*

#### FOREIGN DEPARTMENT.

##### NOTIFICATIONS.—JUDICIAL.

*Simla, the 18th September, 1883.*

**No. 2759 I.**—In exercise of the power conferred by Section 22 of Act X of 1882 (The Code of Criminal Procedure, 1882), the Governor-General

in Council is pleased to appoint Major John Bid-dulph, Political Agent in Bhopawar, to be a Justice of the Peace within the limits of the pergunna of Manpur.

**No. 2760 I.**—In exercise of the powers conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the officers holding for the time being the appointments specified below, being European British subjects, to be Justices of the Peace within the territories of Native Chiefs included in the Central India Agency:—

- (1) All Political Agents accredited to Native States within the Central India Agency.
- (2) The 1st Assistant to the Governor-General's Agent in Central India.

**No. 2761 I.**—In exercise of the powers conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the officers holding for the time being the appointments specified below, being European British subjects, to be Justices of the Peace within the territories of Native Chiefs included in the Rajputana Agency:—

- (1) All Political Agents accredited to Native States within the Rajputana Agency.
- (2) The 1st Assistant to the Governor-General's Agent in Rajputana.

##### POLITICAL.

*The 20th September, 1883.*

**No. 2770 I.**—With reference to Foreign Department Notification, No. 2672P., dated the 4th

December, 1877, His Excellency the Viceroy and Governor-General is pleased to recognize as hereditary the title of "Rai" thereby conferred, as a personal distinction, upon Jagmohan Singh, Talukdar of Raipur-Bichur, in the Partabgurh District, in Oudh.

No. 2772 I.—His Excellency the Viceroy and Governor-General is pleased to recognize the title of "Dewan" as the hereditary title of Rudr Partab Singh, Talukdar of Urayadli, in the Partabgurh District, in Oudh.

No. 2774 I.—In recognition of his services, His Excellency the Viceroy and Governor-General is pleased to confer upon Rao Sahib Krishnaji Ballal Sugtankar, Mamlatdar of Hubli, in the Dharwar Collectorate of the Bombay Presidency, the title of "Rao Bahadur," as a personal distinction.

No. 2291 G.—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Jean Frame, as Consul for Austria, at Bassein.

No. 2294 G.—Foreign Department Notification, No. 1136G., dated the 19th April, 1883, provisionally recognizing the appointment of Mr. S. G. Hedderwick, as Acting Consular Agent for the United States of America, at Moulmein, during the absence on leave of Mr. W. G. Reddie, is hereby cancelled.

GENERAL.

The 19th September, 1883.

No. 2273 G.—Major (Brevet Lieutenant-Colonel) C. B. Euan-Smith, c.s.i., Political Agent of the 3rd Class, is posted as Political Agent, Bikanir, with effect from the date of assuming charge.

The 20th September, 1883.

No. 2239 G.—Pandit Suraj Narayen, Attaché to the Resident at Hyderabad, sub. *pro tem.*, is confirmed in his appointment, with effect from the 11th September, 1882. This cancels the notification of the promotion of Mir Ahsan-ul-Hak, as published in Foreign Department Notification, No. 818G., dated the 15th March, 1883.

Mir Ahsan-ul-Hak, Officiating Attaché to the Resident at Hyderabad, is confirmed in his appointment, with effect from the 24th November, 1882, consequent on the transfer of Muhammad Raza to the Madras Civil Service. Mir Ahsan-ul-Hak held the appointment of Attaché, sub. *pro tem.*, from the 11th September to the 23rd November, 1882, *vice* T. Ranga Rao.

C. GRANT,

Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 19th September 1883.

No. 3290.—In exercise of the powers conferred by Section 46 of the Native Passenger Ships Act, 1876, the Governor General in Council is pleased to direct the following alterations to be made in the Schedules (A and B) of medicines and medical appliances referred to in Rule II of the Rules made under the provisions of that section, and published in the *Gazette of India* under Notification No. 298 (Commerce and Trade), dated the 8th August 1877 :—

ALTERATIONS.

Name of article.		For 100 passengers and under.	From 100 to 200 passengers.	From 200 to 300 passengers.	From 300 to 400 passengers.
For	Sir W. Burnett's disinfecting fluid ... ..	7 gallons ...	12 gallons ...	17 gallons ...	22 gallons
	Norton's carbolic acid ... ..	30 gallons ...	45 gallons ...	60 gallons ...	70 gallons
Read	Chloride of zinc (Burnett's solution) ... ..	2 quarts ...	3 quarts ...	4 quarts ...	5 quarts
	or Jeyes' perfect purifier (liquid)	1 gallon ...	1 gallon ...	2 gallons ...	2 gallons
	Acid,* carbolic	} 1 cwt. ...	} 1½ cwt. ...	} 2 cwt. ...	} 2½ cwt.
	or Jeyes' sanitary powder ...				

\* A powder containing not less than 20 per cent. of pure carbolic or cresylic acid.

The 21st September 1883.

No. 3417.—Privilege leave for fifteen days is granted to Mr. J. Westland, B.C.S., Comptroller General and Head Commissioner of Paper Currency.

Mr. A. C. Tupp, B.C.S., is appointed to officiate as Comptroller General and Head Commissioner of Paper Currency during the absence of Mr. Westland.

Mr. Tupp received charge of the said offices after noon on the 19th September 1883.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 3420.

C. P. C.

PAGE 37.

Section 81.

Add the following to the Exception under this Section :—

“the rule of proportions being applied in the case of service paid partly from the Port fund and partly from other sources.”

D. M. BARBOUR,  
*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 21st September, 1883.*

### APPOINTMENTS.

#### No. 509.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Right Hon'ble the Secretary of State for India :—

Lieutenant Harry Frere Loch, Royal Irish Regiment, Officiating Wing Officer, 1st Native Infantry,—25th August, 1882.

#### No. 510.—COMMISSARIAT DEPARTMENT—

Lieutenant S. C. F. Peile, Sub-Assistant Commissary General, 2nd class, to be Sub-Assistant Commissary General, 1st class, with effect from 18th July, 1883, *vice* Captain M. R. Spence, deceased.

No. 511.—Lieutenant H. James, Bengal Staff Corps, Wing Officer, 4th Native Infantry, to be a Sub-Assistant Commissary General, 2nd class, on probation, with effect from the 4th September, 1883.

#### No. 512.—VOLUNTEER CORPS—

*2nd Punjab Volunteer Rifle Corps.*

The Hon'ble Sir Charles Umpherston Aitchison, K.C.S.I., C.I.E., Lieutenant-Governor of the Punjab, to be Honorary Colonel.

*East Indian Railway Volunteer Rifle Corps.*

The Reverend Edward Grosvenor Ashley Bowen to be Honorary Chaplain.

*Nagpore Volunteer Rifle Corps.*

William Brittain Jones, Esquire, C.S.I., C.S., Chief Commissioner of the Central Provinces, to be Honorary Colonel, *vice* Sir J. H. Morris, K.C.S.I., C.S., resigned.

*Lucknow Volunteer Rifle Corps.*

Captain Charsley Thomas, Agra Volunteer Rifle Corps, to be Major-Commandant, *vice* Major S. C. E. Hartwell, resigned.

## COMMANDS.

No. 513.—The following Military letter from the Right Hon'ble the Secretary of State for India is published for general information :—

MILITARY.

INDIA OFFICE;

No. 262.

*London, 16th August, 1883.*

*To His Excellency the Most Hon'ble the Governor General of India in Council.*

MY LORD MARQUIS,—I have to inform Your Lordship that Her Majesty has been pleased to approve of the appointment of Major-General His Royal Highness the Duke of Connaught, K.G., to succeed Lieutenant-General Sir R. O. Bright, K.C.B., in the command of a Division in the Bengal Presidency.

I have, &c.,

(Sd.) KIMBERLEY..

### FURLOUGH AND LEAVE.

No. 514.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel A. D. Butter, Bengal S. C., Wing Commander and 2nd-in-Command, 42nd Native Infantry, (m. c.) for 182 days, under rules IX and XV of the regulations of 1868.

Lieutenant H. S. Massy, Bengal S. C., Squadron Officer, 19th Bengal Lancers, (p. a.) for one year, under rule I of the regulations of 1875.

No. 515.—The undermentioned officer has been granted an extension of furlough by the Right Hon'ble the Secretary of State for India :—

Major C. S. Beauchamp, R.E., (m. c.) for two months.

### LONDON GAZETTE.

No. 516.—The following extracts are published :—

*“London Gazette,” dated the 14th August, 1883, page 4018.*

“WAR OFFICE;

*Pall Mall, 14th August, 1883.*

Staff.—Major-General His Royal Highness Arthur William Patrick Albert, Duke of Connaught Strathearn, K.G., &c., &c., to be a Major-General on the staff of the Army in India, to

command a Division in the Bengal Presidency, *vice* Lieutenant-General Sir R. O. Bright, K.C.B., whose period of service in that appointment is about to expire. Dated 22nd October, 1883."

"*London Gazette*," dated the 21st August, 1883, pages 4113-4114.

"WAR OFFICE;

*Pall Mall*, 21st August, 1883.

#### MEMORANDA.

\* \* \* \* \*

Maharajah Nripendro Narain Bahadoor of Cooch Behar to have the honorary rank of Major in the Army. Dated 22nd August, 1883.

INDIA OFFICE;

20th August, 1883.

The Queen has approved of the following promotions among the Officers of the Staff Corps and Indian Military Services made by the Governments in India:—

#### BENGAL STAFF CORPS.

*To be Lieutenant-Colonels.*

Major Fitzherbert Coddington. Dated 12th June, 1883.

Major Henry Charles Anthony Szczepanski. Dated 13th June, 1883.

Major Stephen Beckett. Dated 13th June, 1883.

Major Thomas Augustus Scott. Dated 13th June, 1883.

Major Travers Dodgson Madden. Dated 13th June, 1883.

Major George Campbell Ross. Dated 19th June, 1883.

*To be Major.*

Captain Robert Patch. Dated 12th June, 1883.

*To be Captain.*

Lieutenant George Lindsay Garstin. Dated 30th May, 1883.

#### BENGAL ARMY.

Cavalry.

*To be Lieutenant-Colonel.*

Major and Brevet Lieutenant-Colonel Henry Charles Kemble. Dated 10th June, 1883.

#### BREVET.

*To be Colonels.*

Lieutenant-Colonel Patrick Wheeler, Bengal Infantry. Dated 1st July, 1881.

Lieutenant-Colonel Henry Hamer Stansfeld, Bengal Infantry. Dated 1st July, 1881.

Lieutenant-Colonel Leopold Exxel Evans, Bengal Infantry. Dated 1st July, 1881.

Lieutenant-Colonel Edward Morris Cherry, Madras Cavalry. Dated 20th August, 1882.

Lieutenant-Colonel Charles Herbert Bergman, Bengal Infantry. Dated 12th September, 1882.

Lieutenant-Colonel William Stephen Alexander Lockhart, C.B., Bengal Infantry. Dated 6th April, 1883.

*To be Lieutenant-Colonel.*

Major John Chalmers, Bengal Unattached List. Dated 27th June, 1883."

#### PROMOTIONS.

**No. 517.**—The following promotion is made, subject to Her Majesty's approval:—

#### BENGAL STAFF CORPS.

*To be Lieutenant-Colonel.*

Major (Brevet Lieutenant-Colonel) John Francis FitzGerald Cologan,—20th September, 1883.

#### **No. 518.**—COMMISSARIAT DEPARTMENT—

Sergeant and Officiating Sub-Conductor Thomas Davis to be Sub-Conductor, *vice* Sub-Conductor H. G. Hein, pensioned, from the 11th July, 1883.

#### **No. 519.**—ORDNANCE DEPARTMENT—

Sub-Conductor William Henry Smith, on probation, is confirmed in his present grade from the 28th February, 1883.

#### **No. 520.**—SUBORDINATE MEDICAL DEPARTMENT—

1st Class Assistant Apothecary Henry D'Lacy to be 2nd Class Apothecary from the 9th February, 1883, *vice* Apothecary Richard Higginson, pensioned.

1st Class Assistant Apothecary William Mann to be 2nd Class Apothecary from the 16th February, 1883, *vice* Apothecary Henry William Johnson, pensioned.

Passed Hospital Apprentice William Forrester to be 2nd Class Assistant Apothecary from the 9th February, 1883, *vice* Assistant Apothecary Henry D'Lacy, promoted.

Passed Hospital Apprentice Patrick Wilkins O'Gorman to be 2nd Class Assistant Apothecary from the 16th February, 1883, *vice* Assistant Apothecary William Mann, promoted.

#### **No. 521.**—NATIVE ARMY—

*16th Native Infantry.*

Subadar Narain Sing to be Subadar-Major, *vice* Buldeo Patack, invalided,—16th April, 1883.

#### RETIREMENTS.

**No. 522.**—Lieutenant Charles Blenheim Porter, Bengal S. C., is transferred to the Half-pay List, with effect from the 7th October, 1883, subject to Her Majesty's approval.

#### REWARDS.

#### **No. 523.**—ORDER OF BRITISH INDIA—

His Excellency the Governor General in Council is pleased to admit the undermentioned Native Officers to the 2nd Class of the Order of British India from the dates specified:—

#### MADRAS.

*To the 2nd Class, with the title of "Bahadur."*

Subadar Vencatachellum, Queen's Own Sappers and Miners, *vice* Pensioned Subadar-Major Bowany Sing, "Bahadur," deceased,—8th May, 1883.

Subadar Andeenaroydoo, 30th Native Infantry, *vice* Pensioned Subadar-Major Curpanah, "Bahadur," deceased,—15th May, 1883.

## VOLUNTEER CORPS.

**No. 524.**—His Excellency the Governor General in Council is pleased to sanction the formation of a Naval Artillery Volunteer Corps, to be designated the "Calcutta Naval Artillery Volunteer Corps."

The corps will be attached for administrative purposes to the Administrative Battalion, Presidency Volunteers.

## APPOINTMENTS.

**No. 525.**—CALCUTTA NAVAL ARTILLERY VOLUNTEER CORPS—

Lieutenant J. M. Brebner, R.N.R., to be Commander.

Lieutenant E. W. Petley, R.N., to be Lieutenant.  
Mr. J. E. King to be Sub-Lieutenant.

G. CHESNEY,

*Secretary to the Government of India.*

## PUBLIC WORKS DEPARTMENT.

## NOTIFICATIONS.

*Simla, the 15th September 1883.*

**No. 213.**—The services of Mr. R. F. Coppin, Assistant Engineer, 1st Grade, are transferred from the Establishment under the Director General of Railways to that under the Government of Madras, Railway Branch.

**No. 214.**—That portion of Public Works Department Notification No. 286, dated 4th December 1882, which relates to the transfer of Captain B. Scott, R.E., Assistant Engineer, 1st Grade, is hereby cancelled.

**No. 215.**—The services of Lieutenant J. Burn-Murdoch, R.E., Executive Engineer, 4th Grade (temporary rank), and Acting Deputy Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, are placed at the disposal of the Director General of Railways.

*The 17th September 1883.*

**No. 216.**—The Right Hon'ble the Secretary of State for India has commuted the leave for six months on private affairs granted in Public Works Department Notification No. 117, dated 8th May 1883, to Mr. G. F. Mathew, C.I.E., Officiating Manager, His Highness the Nizam's State Railway, into leave on medical certificate for twelve months.

*The 19th September 1883.*

**No. 217.**—Mr. C. H. Mackie, in Class III of the State Railway Locomotive Department, is transferred from the Establishment under the orders of the Chief Commissioner, British Burma, to that under the orders of the Director General of Railways.

**No. 219.**—Mr. W. R. Gilbert, Executive Engineer, 4th Grade, temporary rank, British Burma, reverted to his substantive rank of Assistant Engineer, 1st Grade, from the 20th August 1883.

*The 20th September 1883.*

**No. 220.**—Mr. C. V. MacIvor, Executive Engineer, 2nd Grade, Railway Branch, has been granted by Her Majesty's Secretary of State for India an extension of furlough for two months on sick certificate, in continuation of the extension for six and three months previously granted.

*The 21st September 1883.*

**No. 221.**—Mr. D. J. Clincey, Assistant Engineer, 3rd Grade, Assam, having passed the examination prescribed in paragraphs 16-18, Chapter II, of the Public Works Code, on 5th September 1883, is promoted to Assistant Engineer, 2nd Grade, with effect from that date.

## TELEGRAPH.

*The 19th September 1883.*

**No. 218.**—The Governor General in Council is pleased to make the following permanent and officiating promotions in the Indian Telegraph Department, with effect from the dates specified and until further orders:—

Names.	From	To	With effect from
Mr. T. Blissett	Superintendent, 2nd Grade	Superintendent, 1st Grade	31st Aug. 1883.
Mr. J. Burke	" 3rd "	" 2nd "	31st " "
Mr. C. E. Pitman, C.I.E.	" 4th "	" 3rd "	31st " "
Mr. E. A. Boyd	Asst. Supdt., 1st "	" 4th "	31st " "
Mr. J. M. Lane	Superintendent, 2nd "	Officiate as Supdt., 1st Grade	31st " "
Mr. W. C. Darling	" 3rd "	" 2nd "	31st " "
Mr. M. J. Brind	Asst. Supdt., 1st "	" 4th "	10th May 1883.
Mr. W. H. M. Hare	" " 1st "	" 4th "	17th July 1883 to 9th August 1883 inclusive and from 31st August 1883.

W. S. TREVOR, Colonel, R.E.,

*Secy. to the Govt. of India.*







# The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, SEPTEMBER 22, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th September, 1883, and is hereby promulgated for general information :—

#### ACT No. XIII of 1883.

*An Act to declare the law in force in certain lands which have been or hereafter may be ceded by the Baháwalpur State for occupation by the Indus Valley State Railway.*

WHEREAS Act X of 1880 (*to declare the law in force in certain lands annexed to the Multán District*) provides that all enactments which, on the second day of September, 1879, were in force in the Multán district and not in force in the lands occupied by the Indus Valley State Railway, and the works, premises and stations thereof, within the limits of the Baháwalpur State, which have been ceded to the British Government in full sovereignty by that State, and have been declared by the Governor General in Council to be subject to the Lieutenant-Governorship of the Panjáb, and have by the Lieutenant-Governor of the Panjáb been annexed to the Multán district, shall be deemed to have come into force in the said lands on that day;

and whereas it is expedient to make like provision for certain other lands occupied by the same

Railway, and the works, premises and stations thereof, within the limits of the same State, which have, since the second day of September, 1879, been ceded to the British Government in full sovereignty by the same State, and have been declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and have by the same Lieutenant-Governor been annexed to the same district;

and whereas it is also expedient to make like provision for any lands to be hereafter occupied by the same Railway, and the works, premises and stations thereof, within the limits of the same State, which may be ceded to the British Government in full sovereignty by the same State, and may be declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and may by the same Lieutenant-Governor be annexed to the same or some other district;

It is hereby enacted as follows :—

Repeal of Act X of 1880. 1. Act X of 1880 is hereby repealed.

2. All enactments which, on the date on which any such lands as are referred to in the preamble to this Act have been, or may hereafter be, annexed to the Multán or any other district, were, or shall be, in force in that district, and not in the said lands, shall be deemed to have come, or, as the case may be, shall come, into force in the said lands on that date.

D. FITZPATRICK,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September, 1883, and is hereby promulgated for general information :—

## ACT NO. XIV OF 1883.

THE NORTH-WESTERN PROVINCES  
AND OUDH LOCAL BOARDS ACT,  
1883.

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56. Section 11, clause (c), Act III of 1878, amended.  
 57. Sections 12, 13 and 15 of same repealed.  
 58. New section substituted for section 14 of same.

*Amendment of the Oudh Local Rates Act, 1878.*

59. Section 11, clause (c), Act IV of 1878, amended.  
 60. Sections 12 and 14 of same repealed.  
 61. New section substituted for section 13 of same.

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64. New section to follow section 7 of Act XVII of 1878.  
 65. Amendments of sections 6 and 17 of same Act.

*An Act to provide for the constitution of Local Boards in the North-Western Provinces and Oudh.*

WHEREAS it is expedient to make better provision for the constitution of local bodies in each district in the North-Western Provinces and Oudh to administer the expenditure of that portion of the rates levied on land which is applicable to local purposes in that district, and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to the like purposes; It is hereby enacted as follows:—

*Preliminary.*

1. (1) This Act may be called the North-Western Provinces and Oudh Local Boards Act, 1883.  
 Short title.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh; and  
 Local extent.

(3) It shall come into force on the first day of November, 1883.  
 Commencement.

2. In this Act, unless there is something repugnant in the subject or context,—  
 Definition of "prescribed."

"Prescribed" means prescribed by rules made under section 47.

*Constitution of Local Boards and District Boards.*

3. (1) The Local Government shall, by order in writing, for the purposes of this Act, divide each district into sub-districts.  
 Formation of sub-districts.

(2) There shall be excluded from the sub-districts formed under this section such portions of the district as are for the time being included in the limits of a military cantonment or of a municipality, and, unless the Local Government otherwise directs, the portions of the district (if any) in which Act XX of 1856 (*an Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bāzars in the Presidency of Fort William in Bengal*) is in force.

(3) The Local Government may, from time to time, by order in writing, vary any order made under this section.

4. There shall be established for each sub-district a local board having authority over that sub-district, and for each district a district board having authority over the entire district, except such portions thereof as are excluded from the sub-districts under section 3, sub-section (2).  
 Establishment of local boards for sub-districts and of district boards for districts.

5. (1) The local board for a sub-district shall consist of so many elected members and so many nominated members as the Local Government may, from time to time, fix in this behalf:

Provided that the nominated members shall not exceed in number one-fourth of the board.

(2) The elective members of a local board shall be elected in manner prescribed.

(3) The persons entitled to vote at the election shall be nominated by the Local Government or determined in such other manner as may be prescribed:

Provided that the persons entitled to vote at the election of a member shall not be less than twenty-five in number.

(4) A person to be qualified for election must, at the time of his election, be an elector, and reside, or own landed property, or carry on trade or business, in the sub-district.

(5) The nominated members shall be such persons as the Local Government may, subject to the rules made under section 47, from time to time, nominate in this behalf.

6. (1) The district board for a district shall, except as next hereinafter provided, consist of all persons who for the time being are members of the local boards of the sub-districts comprised in that district.  
 Constitution of district boards.

(2) The Local Government may, if it thinks fit, by notification in the official Gazette, direct that the district board for a district shall consist of so many of the elected members of each local board as it thinks fit, elected in this behalf by the local board in manner prescribed, and such of the nominated members of each local board as the Local Government may appoint in this behalf:

Provided that the nominated members of local boards so appointed by the Local Government shall not exceed in number one-fourth of the district board.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 7-14.*

(3) The Local Government may, by notification in the official Gazette, rescind any direction issued under sub-section (2) with effect from the date on which all the persons holding office as members of the district board at the date of the notification shall, under the provisions of this Act, have vacated their offices as such members.

7. (1) The term of office of a member of a local board and of a member of a district board elected or appointed under section 6, sub-section (2), shall be fixed, from time to time, by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election, nomination or appointment.

8. A member of a local board and a member of a district board elected or appointed as aforesaid may resign by notifying in writing his intention to do so to the Local Government; and, on the acceptance by the Local Government of such resignation, the member shall be deemed to have vacated his office as such member.

9. The Local Government may, from time to time, remove any member of a local board or of a district board elected or appointed as aforesaid who refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the local board, or, when he is a member of the district board, without sufficient excuse neglects for more than six consecutive months to be present at the meetings of that board.

10. (1) When the place of an elected member of a local board or of a member of a district board elected as aforesaid becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in manner prescribed to fill the place:

Provided that the Local Government may, subject to the limitation of the proportion of nominated members of a local board fixed by section 5, and to the limitation of the proportion of appointed members of a district board fixed by section 6, direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a nominated member of a local board or an appointed member of a district board becomes vacant as aforesaid, the Local Government may, if it thinks fit, but subject to the rules made under section 47, nominate or appoint, as the case may be, a new member to fill the place.

(3) A person elected, nominated or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election, nomination or appointment.

11. Every district board shall be a body corporate by the name of the district board of its district, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, to transfer any moveable property and, with the previous approval in writing of the Commissioner of the division, any immovable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

12. The several local boards and district boards constituted under this Act shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

*Chairmen and Vice-chairmen.*

13. (1) Every local board shall, from time to time, elect one of its members to be chairman.

(2) The term of office of a chairman so elected shall be the residue of his term of office as a member of the board.

(3) If the chairman so elected dies, resigns or is removed from his office as a member of the board; resigns the office of chairman or becomes incapable of acting, the board shall elect another of its members to be chairman for the period during which the person so dying, resigning, removed or becoming incapable would have been entitled to continue in office, and no longer.

(4) If, when any meeting is held, the office of chairman is vacant or the chairman is absent from the meeting, the members present shall elect one of their number to be chairman of the meeting.

14. (1) Every district board shall, on first coming into existence and thereafter whenever the term of office of its chairman expires under this Act, take into consideration, at a special meeting convened for the purpose within the time prescribed, the appointment of a chairman, and, if the meeting is attended by not less than three-fourths of the members of the board, may, by a majority of the members present,—

(a) determine whether the chairman shall be elected, or his appointment shall be left to be made by the Local Government, and

(b) if it is determined that the chairman shall be elected, elect one of its members to be chairman; and

the Local Government may, if it approves of the person so elected, declare him to be chairman of the board.

(2) If no such meeting is held within the time prescribed, or if three-fourths of the members of the board are not present at the meeting, or, where several meetings are convened under this section, at any of those meetings, or if no such election takes place, or if the person elected is not approved of by the Local Government, the Local Government shall appoint as chairman, by name or by virtue of his office, such person as it thinks fit.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 15-24.*

**15.** At a special meeting held under section 14, or at another special meeting held for this purpose, the district board shall elect one or two of its members to be its vice-chairman or vice-chairmen.

**16.** (1) The term of office of an elected chairman of a district board shall be the residue of his term of office as member of the board.

(2) The term of office of an appointed chairman of a district board shall be such term, not exceeding three years, as the Local Government may, from time to time, by rule prescribe.

(3) The term of office of a vice-chairman of a district board shall be one year, or when at the time of his election the residue of his term of office as member is less than one year, the residue of that term.

**17.** (1) A chairman of a district board may resign by notifying in writing his intention to do so to the Local Government; and, on such resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

(2) A vice-chairman of a district board may resign by notifying in writing his intention to do so to the board; and, on such resignation being accepted by the board, he shall be deemed to have vacated his office.

**18.** The Local Government may remove any chairman or vice-chairman of a district board from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be chairman or vice-chairman, or if he without sufficient excuse neglects for more than six consecutive months to be present at the meetings of the board.

**19.** (1) If an elected chairman of a district board dies, resigns, is removed or becomes incapable of acting, a special meeting of the board shall be held within the period prescribed, and a new chairman shall be elected or appointed in manner provided by section 14.

(2) If an appointed chairman of a district board dies, resigns, is removed or becomes incapable of acting, the Local Government shall appoint another chairman.

(3) If a vice-chairman of a district board dies, resigns, is removed or becomes incapable of acting, the board shall, at a special meeting held for this purpose, select one of its members to be vice-chairman in his place.

(4) A chairman or vice-chairman elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office:

Provided that a person so elected shall go out of office on ceasing to be a member of the board.

**20.** Notwithstanding anything in the foregoing sections, a chairman appointed by the Local Government under section 14, sub-section (2), or section 19, shall, if he is not already a member of the district board, become a member thereof by virtue of such appointment, and continue to be a member thereof while he holds the office of chairman.

**21.** A chairman of a local board, and a chairman or vice-chairman of a district board, if otherwise qualified, shall on going out of office be again eligible for election or appointment.

**22.** (1) At every meeting of a district board the chairman, if present, shall preside.

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

*Notification of Elections, &c.*

**23.** All elections, nominations and appointments of members of local boards and district boards, and of chairmen of district boards, and all vacancies in those offices, shall be notified in the local official Gazette.

*Duties of District Boards.*

**24.** Every district board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Local Government may, from time to time, make and impose, provide for the control and administration of the following matters within the area subject to its authority:—

- (a) the construction, repair and maintenance of public roads and other means of communication;
- (b) the planting and preservation of trees on the sides of roads and on other public ground;
- (c) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, staging-houses, inspection-houses and other public institutions, and the construction and repair of all buildings connected with these institutions;
- (d) the construction and repair of public wells, tanks and water-works, and the supply of water from them and from other sources;
- (e) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Local Government;
- (f) the establishment and management of pounds, including, where the Cattle-trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate of the district under that Act as may be transferred to the district board by the Local Government:



*N.-W. P. and Oudh Local Boards Act, 1883—Sections 25-33.*

- (g) the management of such public ferries as may be entrusted to its charge under section 7A of the Northern India Ferries Act, 1878, as amended by this Act;
- (h) the regulation of encamping-grounds and, where the Sarais Act, 1867, is in force, of sarais and paraos, including such functions of the Magistrate of the district under that Act as the Local Government may, from time to time, direct;
- (i) the institution, holding and management of agricultural shows and industrial exhibitions;
- (j) the maintenance of any building or other property which is vested under this Act in the district board, or may be placed by the Local Government under the management of that board; and
- (k) any other local works or measures likely to promote the health, comfort, convenience or interest of the public.

*Duties of Local Boards and their Relations to District Boards.*

**25.** Every local board shall, in the sub-district Local board to be agent under its authority, be the agent of the district board, and, as such agent, shall have such authority and discharge such duties in respect of all or any of the matters specified in section 24 as the district board may, by written authority in that behalf, from time to time, confer or impose upon it.

**26.** The district board may, by a resolution Control of district board over local Boards. passed by two-thirds of the members present at a meeting, either on complaint made to it or of its own motion, reverse or vary any order or other proceeding of any local board within the district:

Provided that, except for reasons recorded in writing, no such resolution shall be passed until the local board has been allowed an opportunity of showing cause against the same.

*Joint Committees.*

**27. (1)** A district board may, from time to time, Joint committees. concur with any other district board, or with the board of any municipality, or with a cantonment authority, or with more than one such board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee, and in delegating to any such committee any power which might be exercised by either or any of the boards or authorities, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

(2) If any difference of opinion arises between boards or authorities acting under this section, the decision thereon of the Commissioner of the division if the areas under the boards and authorities are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

*Conduct of Business.*

**28. (1)** A meeting of a district board or local board shall be either ordinary or special Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**29. (1)** The quorum necessary for the transaction of business at a special meeting of a district board or local board shall, except where otherwise provided by this Act, be one-half of the whole board. Quorum.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a district board or local board shall be such number or proportion of the members of the board as may, from time to time, be fixed by the rules made under this Act:

Provided that, if at any ordinary or special meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

**30. (1)** Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before a meeting of a district board or local board shall be decided by a majority of the votes of the members present. Vote of majority decisive.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

**31.** The Civil Surgeon of the district, the Executive Engineer of the division, and the Inspector of Schools of the circle, shall Certain officers entitled to attend and speak. be entitled to attend any meeting of a district board or local board, and to address the board on any matter affecting respectively sanitation, public works and public instruction.

**32. (1)** Every resolution passed by a district board or local board at a meeting shall be recorded in a book kept for the purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting. Resolutions to be recorded.

(2) A copy of every resolution passed by a local board at a meeting shall, within ten days from the date of the meeting, be forwarded to the district board.

(3) A copy of every resolution passed by a district board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Magistrate of the district.

**33.** Every district board, and, with the previous sanction of the district board, every local board, may, from time to time, make rules consistent with this Act and with any rules made under this Act by the Local Government as to— Power to make rules as to conduct of business.

(a) the time and place of its meetings;

(b) the quorum necessary for the transaction of business at ordinary meetings;

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 34-40.*

- (c) the conduct of proceedings at meetings;
- (d) the division of duties among the members of the board; and
- (e) the persons by whom receipts may be granted on behalf of the board for money paid under this Act.

*Officers and Servants.*

**34.** (1) Every district board and every local board shall, from time to time, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person or persons, to be its secretary or secretaries, and may remove any person so appointed.

(2) If a secretary appointed under this section is a member of the board, he shall receive no remuneration in respect of his services. If he is not a member of the board, the district board may, with the previous sanction of the Commissioner of the division, assign to him such pay as it thinks fit.

**35.** Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, every district board may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the local boards in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner of the division.

Pensions and allowances of Government officials serving boards.

**36.** In the case of a Government official, any district board may—

(1) if his services are wholly lent to it, contribute to his pension, gratuities and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension, gratuities and leave-allowances in such proportion as may be determined by the Government.

**37.** In the case of a servant not being a Government official referred to in section 36, any district board may—

(1) grant him leave-allowances and, if his monthly pay is less than ten rupees, gratuities; and

(2) if empowered in this behalf by the Local Government—

- (a) subscribe in his behalf for pension, gratuities and leave-allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force; or
- (b) purchase for him from the Government or otherwise an annuity on his retirement;

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under the Government.

*District Fund.*

**38.** There shall be formed for each district a fund, to be called the district fund, and there shall be placed to the credit thereof—

(a) the balance (if any) of the allotments made for the district under section 11 of the North-Western Provinces Local Rates Act, 1878, or of the Oudh Local Rates Act, 1878, which may be available for expenditure in the district on the day on which the district board comes into existence; III of 1878.  
IV of 1878.

(b) all sums which may, from time to time, be allotted by the Local Government to the district fund under section 11 of the North-Western Provinces Local Rates Act, 1878, or of the Oudh Local Rates Act, 1878, as amended by this Act; III of 1878.  
IV of 1878.

and, subject to such exceptions and conditions as the Local Government may, from time to time, make and impose, the following, namely:—

(c) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871; I of 1871.

(d) the proceeds of public ferries payable into the district fund under section 7A of the Northern India Ferries Act, 1878, as amended by this Act; XVII of 1878

(e) receipts from encamping-grounds under the regulation of the district board;

(f) the sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen or felled thereon;

(g) receipts from property vested in the district board;

(h) rents and profits accruing from nazul and other property placed by the Local Government under the management of the district board;

(i) other sums assigned to the district fund by the Local Government;

(j) sums contributed to the district fund by local bodies or private persons; and

(k) all other sums received by or on behalf of the district board in the carrying out of this Act.

**39.** (1) The district fund shall be vested in the district board, and the balance standing at the credit of the fund shall be kept in the Government treasury of the district or in the bank to which the Government treasury business has been made over.

(2) Subject to such rules as the Governor General in Council may, from time to time, make in this behalf, the district board may, from time to time, with the previous sanction of the Local Government, invest any portion of the district fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of the same nature. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the district fund.

**40.** (1) The district fund shall be charged with the payment of the expenses incurred in auditing the accounts of the district and local boards, and such portion of the cost of the

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 41-45.*

Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Local Government to be equitably debitable to the district board in return for services rendered to the board by those Departments.

(2) Subject to the charges specified in sub-section (1), the district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 24, 34, 35, 36 and 37 within the area subject to the authority of the district board, and, with the sanction of the Local Government, outside that area when such application of the fund is for the benefit of the inhabitants of that area.

*Control.*

Control of Commissioner and Magistrate over boards and joint committees.

district board, may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property within the limits of the division or district respectively occupied by any local board, district board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents, relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(2) If any difference of opinion arises between officers exercising the powers conferred by sub-section (1), it shall be referred—

- (a) if it arises between two or more Magistrates in the same division, to the Commissioner; and
- (b) if it arises between two or more Magistrates in different divisions or between two or more Commissioners, to the Local Government;

and the decision thereon of the Commissioner or of the Local Government, as the case may be, shall be final.

**42. (1)** A Commissioner may, by order in writing, suspend within his division the execution of any resolution or order of a local board, district board or joint committee, and may prohibit the doing of any act which is about to be done or is being done within his division in pursuance of, or under cover of, this Act, if, in his opinion, such resolution, order or act is in excess of the powers conferred by law, or the execution of such resolution or order, or the doing of such act, is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public

(2) When the Commissioner makes any such order, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order, or direct that it continue in force with or without modification, permanently, or for such period as it thinks fit.

**43. (1)** In cases of emergency, the Magistrate Extraordinary powers of the district may provide for the execution of any work, or the doing of any act, which a district board or local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the district board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balance of the district fund to pay the expense, or as much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

**44. (1)** If at any time it appears to the Local Government that any district board has made default in performing, or has inefficiently performed, any duty imposed on it by this or any other Act for the time being in force, the Local Government may, by order in writing, direct the district board to perform that duty, or to take such measures as the Local Government may think proper for the performance thereof, and may fix a time within which the duty shall be performed or the measures shall be taken.

(2) If the order is not obeyed to the satisfaction of the Local Government within the time fixed, the Local Government may appoint the Magistrate of the district to execute it, and may direct that the expense of executing it shall be paid, within such time as it may fix, to the Magistrate by the district board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the district fund to pay the expense, or so much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

**45. (1)** If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and super-

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 46-51.*

(2) When the district board of a district is so superseded, the following consequences shall ensue:—

- (a) all members of the board and all members of the local boards of the district shall, as from the date of the order, vacate their offices as such members;
- (b) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that, behalf;
- (c) all property vested in the district board shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the local boards and district board shall be re-established, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for nomination, appointment or election.

*Liability of Members of Boards.*

46. A person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a local board or of the district board; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

*Forms and Rules.*

47. The Local Government may, from time to time, frame forms for any proceeding for which it considers that a form should be provided, and make rules consistent with this Act—

- (a) as to the method and time of election of elective members of local boards, and, where a notification under section 6, sub-section (2), is in force, of elective members of district boards;
- (b) as to the nomination of members of local boards under section 5;
- (c) as to the mode of convening ordinary and special meetings respectively, the notice to be given of such meetings, the business that may be transacted at ordinary and special meetings respectively, and the majority by which any question which may come before a board at a meeting shall be decided;
- (d) as to the division of duties among the members of the board;
- (e) as to the mode of entering into and executing contracts and transfers of property on behalf of district boards, and the authority on which money may be paid from the district fund;
- (f) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of district

and the conditions subject to which, such plans and estimates may be sanctioned;

- (g) for the guidance of district boards when suits or other proceedings are intended to be, or have been, instituted by or against them in Civil Courts;
- (h) as to the office or offices through which correspondence of, and with, local boards and district boards and representations to the Local Government under this Act shall pass;
- (i) as to the accounts to be kept, and as to the manner in which those accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (j) as to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned;
- (k) as to the returns, statements and reports to be submitted by local boards and district boards respectively;
- (l) as to the language of the board;
- (m) as to the qualifications requisite in the case of persons appointed to offices requiring professional skill; and
- (n) generally, for the guidance of local boards, district boards and officers of Government in all matters connected with the carrying out of this Act and for settling their relations to one another.

48. The Local Government shall, before making any rules under section 47, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

49. Every rule made under section 47 shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by section 48.

*Supplemental Provisions.*

50. Where any land is required for the purposes of this Act, the Local Government may, at the request of the district board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the district board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the district board.

51. (1) If any member, officer or servant of a local board, district board or joint committee appointed under this Act is, otherwise than with the permission in writing of the Commissioner

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 52-59.*

any contract made with such board or committee, he shall be deemed to have committed an offence of 1860, under section 168 of the Indian Penal Code :

(2) A person shall not by reason of being a shareholder in, or a member of, any incorporated or registered company be held to be interested in any contract entered into between the company and a board or committee, but he shall not take part in any proceedings of the board or committee relating to any such contract.

of 1879. **52.** Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

*Exceptional Provisions.*

**53.** If the circumstances of any district or part of a district are, in the opinion of the Local Government, such that all or any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the district or part from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or part until again applied thereto by a like notification.

**54.** When a sub-district is excepted, under section 53, from the provisions of this Act requiring that a certain proportion of the members of a local board shall be elected, the Local Government may itself appoint all such members.

**55.** When a district is excepted, under section 53, from all the provisions of this Act, a committee shall be appointed for the control and administration in that district of the matters mentioned in section 24, or of such of them as the Local Government may, from time to time, specify; and the Local Government shall, from time to time, determine the manner in which the members of the committee shall be appointed and removed, define the functions and authority of the committee, and place at its disposal, subject to such control as the Local Government thinks fit, the amounts mentioned in clauses (a) and (b) of section 38, and such of the sources of income mentioned in the other clauses of that section as the Local Government thinks fit :

Provided that not less than one-half of the members of the committee shall be persons who own landed property, or reside or carry on trade or business, in the district, and are not in the service of Government.

*Amendment of the North-Western Provinces Local Rates Act, 1878.*

**56.** For section 11, clause (c), of the North-Western Provinces Local Rates Act, 1878, the following shall be substituted, namely:—

“(c) Subject to the appropriation directed by clause (a), the Lieutenant-Governor may, from time to time, reserve from such fund such amounts as he thinks fit to be applied in or for the benefit

of each district for expenditure on all or any of the following matters:—

- (1) the maintenance of the village and road police and the district-post;
- (2) the construction, repair and maintenance of lunatic asylums;
- (3) the registration of traffic; and
- (4) any other matter tending to promote the welfare of the district which it is in his opinion necessary to place under provincial and not under local administration.

“(d) Subject as aforesaid, the Lieutenant-Governor may allot from such fund such amounts as he thinks fit to the district fund constituted under the North-Western Provinces and Oudh Local Boards Act, 1883 :

“Provided that the amounts so reserved and allotted in any year for the benefit of any district shall not be less than nine-tenths of the proceeds of the rates assessed under the first clause of section four and the first clause of section five in such district in such year.”

**57.** Sections 12, 13 and 15 of the said North-Western Provinces Local Rates Act, 1878, are repealed.

**58.** For section 14 of the said North-Western Provinces Local Rates Act, 1878, the following shall be substituted, namely:—

“14. Accounts of the receipts in respect of all rates levied under this Act shall be kept in each district, and shall at all reasonable times be open to the inspection of the district board constituted for the district under the North-Western Provinces and Oudh Local Boards Act, 1883.

“An abstract of such accounts shall also be published annually in the local official Gazette.”

*Amendment of the Oudh Local Rates Act, 1878.*

**59.** For section 11, clause (c), of the Oudh Local Rates Act, 1878, the following shall be substituted, namely:—

“(c) Subject to such appropriation, the Chief Commissioner may, from time to time, reserve from such fund such amounts as he thinks fit to be applied in, or for the benefit of, each district for expenditure on all or any of the following matters:—

- (1) the construction, repair and maintenance of lunatic asylums;
- (2) the registration of traffic; and
- (3) any other matters tending to promote the welfare of the district which it is in his opinion necessary to place under provincial and not under local administration.

“(d) Subject as aforesaid, the Chief Commissioner may allot from such fund such amounts as he thinks fit to the district fund constituted under the North-Western Provinces and Oudh Local Boards Act, 1883 :

“Provided that the amounts so reserved and allotted in any year for the benefit of any district shall not be less than one-half of the proceeds of the rates assessed in such district in such year.”



*N.-W. P. and Oudh Local Boards Act, 1883—Sections 60-65.*

**60.** Sections 12 and 14 of the said Oudh Local Rates Act, 1878, are repealed.

**61.** For section 13 of the said Oudh Local Rates Act, 1878, the following shall be substituted, namely:—

“13. Accounts of the receipts in respect of all rates levied under this Act shall be kept in each district, and shall at all reasonable times be open to the inspection of the district board constituted for the district under the North-Western Provinces and Oudh Local Boards Act, 1883.

“An abstract of such accounts shall also be published annually in the local official Gazette.”

*Contracts made by, and Government officers employed by, Committees under the North-Western Provinces and Oudh Local Rates Acts.*

**62.** Every contract entered into, whether in its own name or in the name of the Government, by the committee appointed in a district under section 15 of the North-Western Provinces Local Rates Act, 1878, or section 14 of the Oudh Local Rates Act, 1878, may be enforced by and against the district board constituted for that district under this Act, in like manner as it might have been by and against the committee if this Act had not been passed.

**63.** A Government officer employed under the committee appointed in a district as aforesaid at the time when a district board comes into existence for the district under section 12 of this Act shall be deemed to be similarly employed

by the board, and shall not be dismissed from that employment without the sanction of the Local Government.

*Amendment of the Northern India Ferries Act, 1878.*

**64.** After section seven of the Northern India Ferries Act, 1878, the following shall be inserted, namely:—

“7A. The Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh may direct that any public ferry wholly or partly within the area subject to the authority of a district board in any district in the North-Western Provinces or Oudh, as the case may be, be managed by that board, and may further direct that all or any part of the proceeds from such ferry be paid into the district fund of that district; and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.”

**65.** In section six of the same Act, after the words “section seven,” and in section seventeen of the same Act, after the words “section seven” where they first occur, the following shall be inserted, namely:—“and section 7A.”

D. FITZPATRICK,

*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September, 1883, and is hereby promulgated for general information :—

ACT No. XV OF 1883.

THE NORTH-WESTERN PROVINCES  
AND OUDH MUNICIPALITIES  
ACT, 1883.

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*An Act to make better provision for the Organization and Administration of Municipalities in the North-Western Provinces and Oudh.*

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the North-Western Provinces and Oudh; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the North-Western Provinces and Oudh Municipalities Act, 1883.

Short title.

- (2) It extends to the territories for the time being administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh; and

Local extent.

- (3) It shall come into force on the 1st day of November, 1883.

Commencement.

2. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

- (a) "Municipality" means a local area to which this Act has been applied under section 4 or section 5.

- (b) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service.

- (c) "Prescribed" means prescribed by rules made by the Local Government under this Act.

3. (1) The Local Government may, from time to time, by notification published in the official Gazette, and in such other manner as the Local Government may from time to time determine, declare its intention to apply this Act to any town or to any group of towns in the immediate neighbourhood of one another.

- (2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of the Act, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

- (2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under subsection (1), the Local Government may, by a notification in the official Gazette, apply this Act to the local area.

5. The Local Government may, by notification in the official Gazette, apply this Act to any local area which is a municipality established under the North-

Special rule as to application of Act to towns to which Act XV of 1873 applies.

*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter II.—Organization of Municipal Boards—Sections 6-13.*

Western Provinces and Oudh Municipalities Act, 1873, and shall, within three months from the date on which this Act comes into force, so apply it to every such local area unless before the expiration of that period—

- (a) the Act has been applied under section 4 to some local area in which that local area is comprised; or
- (b) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

## CHAPTER II.

## ORGANIZATION OF MUNICIPAL BOARDS.

*Constitution of Boards.*

6. There shall be established for each municipality a municipal board having authority over that municipality, and consisting of—

Board to consist of elected and appointed members.

- (a) so many elected members as may be determined in manner prescribed, representing wards of the municipality or particular classes of the inhabitants; and
- (b) such person or persons (if any), not exceeding in number one-fourth of the board, as the Local Government may, subject to the rules made under section 64, from time to time, appoint in this behalf.

7. (1) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Act has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices, for the purpose of preparing and submitting, within such further time not exceeding three months from the date of the meeting as the Local Government may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

(2) The Local Government may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

8. Notices under section 7 shall be issued to the following persons, namely:—

Persons to be invited to meeting.

- (a) all Honorary Magistrates having jurisdiction within the limits of the municipality;
- (b) when the municipality comprises any local area for which a municipal committee has been appointed under the North-Western Provinces and Oudh Municipalities Act, 1873, the members of that committee;
- (c) when the municipality comprises any local area for which a panchayat has been appointed under Act XX of 1856, the members of that panchayat; and
- (d) any leading residents of the municipality not included under the foregoing clauses who in the opinion of the Magistrate of the district should be allowed to take part in the discussion.

9. The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section, submit through the Magistrate of the district to the Local Government proposals regarding the following matters, namely:—

Matters to be considered at the meeting.

- (a) the division of the municipality into wards;
- (b) the number of representatives proper for each ward;
- (c) the provision (if any) to be made for the special representation of any classes of the community;
- (d) the qualifications of electors and of candidates for election;
- (e) the registration of electors;
- (f) the nomination of candidates, the time of election and the mode of recording votes; and
- (g) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

10. (1) The Local Government shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

(2) The Local Government may, after the municipal board has come into existence as herein-after provided, from time to time amend, after consulting the board, the rules made under this section; but no amendment made under this sub-section shall take effect until six months after it has been published in the official Gazette.

(3) Elective members of the board shall be elected in accordance with the rules made under this section and for the time being in force.

11. (1) The term of office of a member of a municipal board shall be fixed, from time to time, by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

12. A member of a municipal board may resign by notifying in writing his intention to do so to the Local Government, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

13. The Local Government may, from time to time, remove any member of a municipal board who refuses to act or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the board.

Removal of member.

Resignation of member.

*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter II.—Organization of Municipal Boards—Sections 14-20.*

**14. (1)** When the place of an elected member of a municipal board becomes vacant by his resignation, removal or death, a new member shall be elected in manner prescribed to fill the place:

Filling of casual vacancies.

Provided that the Local Government may, subject to the limitation of the proportion of appointed members of the board fixed by section 6, clause (b), direct in any such case that the vacancy shall be left unfilled.

(2) When the place of an appointed member of a municipal board becomes vacant as aforesaid, the Local Government may, if it thinks fit, but subject to the rules made under section 64, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

**15.** Every municipal board shall be a body corporate by the name of the municipal board of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules made under section 64, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

**16.** A municipal board shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

**17. (1)** When a municipal board comes into existence under section 16 for a municipality constituted under this Act, and that municipality comprises within its limits a local area which is a municipality under the North-Western Provinces and Oudh Municipalities Act, 1873, the following consequences shall ensue, namely:—

Consequences of establishment of municipal board where municipal committee exists or Act XX of 1856 is in force.

- (a) the said North-Western Provinces and Oudh Municipalities Act shall cease to apply to the local area;
- (b) the municipal committee (if any) constituted under that Act for the local area shall cease to exist;
- (c) all property vested in that committee shall vest in the municipal board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;
- (d) every right and liability belonging to or incurred by the committee may be enforced by and against the board in like manner as it might have been enforced by and against the committee if this Act had not been passed;
- (e) a Government officer employed by the committee at the time when the board comes into existence shall be deemed to be similarly employed by the board, and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the board shall be substituted for the committee in all legal proceedings by or against the committee pending at the time when the board comes into existence.

(2) When a municipal board comes into existence under section 16 for a municipality constituted under this Act, and that municipality comprises within its limits a local area in which Act XX of 1856 (*an Act to make better provision for the appointment and maintenance of Police Chaudhairs in Cities, Towns, Stations, Suburbs and Bazaris in the Presidency of Fort William in Bengal*) is in force, that Act shall cease to have effect in the local area, and every panchayat constituted under that Act for the local area shall cease to exist.

*Chairman and Vice-chairman.*

**18.** A municipal board shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Local Government, but not otherwise, become chairman of the board:

Provided that—

- (a) If the office of chairman remains vacant for three months from the date of the first meeting of the board, or in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Local Government may in its discretion appoint such person as it thinks fit by name or by virtue of his office to be chairman; and
- (b) in such municipalities as the Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of this section, the Local Government may, from time to time, appoint such person as it thinks fit by name or by virtue of his office to be chairman.

**19.** In every municipality the board shall, from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

**20. (1)** The term of office of a member of the board elected to be chairman shall be the residue of his term of office as member.

Term of office of chairman and vice-chairman.

(2) The term of office of any other person elected to be chairman, or of a chairman appointed by the Local Government, shall be such term not exceeding three years as the Local Government may, from time to time, by rule prescribe.

(3) The term of office of a vice-chairman shall be one year: Provided that when at the time of his election as vice-chairman the residue of his term of office as member of the board is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(4) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter II.—Organization of Municipal Boards—Sections 21-31.*

**21. (1)** A chairman of a municipal board may resign by notifying in writing his intention to do so to the Local Government, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

*Resignation of chairman or vice-chairman.*

**(2)** A vice-chairman of a municipal board may resign by notifying in writing his intention to do so to the board, and, on his resignation being accepted by the board, he shall be deemed to have vacated his office.

**22.** The Local Government may remove any chairman or vice-chairman of a municipal board from his office as such chairman or vice-chairman if he refuses to act or becomes incapable of acting or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the board.

**23. (1)** If an elected chairman or vice-chairman dies or resigns his office, or is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

*Casual vacancies in office of chairman or vice-chairman.*

**(2)** If a chairman appointed by the Local Government dies, resigns his office or is removed, the Local Government shall appoint another chairman.

**(3)** A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office. Provided that if a person so elected is a member of the board at the time of his election, he shall go out of office on ceasing to be a member.

**(4)** A person going out of office under subsection (3) shall, if otherwise qualified, be again eligible for election or appointment.

**24.** When a person not already a member of the board is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the board by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

*Notification of Elections, Appointments and Vacancies.*

**25.** Every election and appointment of a member or chairman of a municipal board and every vacancy in the office of member or chairman shall be notified in the official Gazette.

*Notification of elections, appointments and vacancies.*

*Joint Committees.*

**26. (1)** A municipal board may, from time to time, concur with any other municipal board, or with a district board, or with a cantonment authority, or with more than one such board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they

*Joint committees.*

are jointly interested, and in appointing a chairman of the committee, and in delegating to any such committee any power which might be exercised by either or any of the boards or authorities, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

**(2)** If any difference of opinion arises between boards or authorities acting under this section, the decision thereon of the Commissioner of the division, if the areas under the boards and authorities are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

*Conduct of Business.*

**27. (1)** A municipal board shall meet for the purpose of holding transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

**(2)** The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fifth of the members of the board, convene either an ordinary or a special meeting at any other time.

**28. (1)** A meeting of a municipal board shall be either ordinary or special.

**(2)** Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**29. (1)** The quorum necessary for the transaction of business at a special meeting of a municipal board shall be one-half of the whole board.

**(2)** The quorum necessary for the transaction of business at an ordinary meeting of a municipal board shall be such number or proportion of the members of the board as may, from time to time, be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting whether there is a quorum present thereat or not.

**30. (1)** At every meeting of a municipal board the chairman, if present, shall preside.

**(2)** If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

**(3)** In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

**31. (1)** Except as otherwise provided by this Act, or by any rule made by the Local Government

*Vote of majority decisive.*



*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter II.—Organization of Municipal Boards—Sections 32-40.*

under this Act, all questions which may come before any meeting of a municipal board shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

**32.** The Civil Surgeon of the district, the Executive Engineer of the division, and the Inspector of Schools of the circle, shall be entitled to attend any meeting of the board, and to address the board on any matter affecting respectively sanitation, public works and public instruction.

**33.** (1) Every resolution passed by a municipal board at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may, from time to time, direct.

(2) A copy of every resolution passed by a municipal board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Magistrate of the district.

**34.** (1) Every municipal board may, from time to time, at a special meeting, make rules consistent with this Act and any rules made under this Act by the Local Government as to—

- (a) the time and place of its meetings;
- (b) the manner of convening ordinary and special meetings respectively and of giving notice thereof;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings, and the adjournment of meetings;
- (e) the division of duties among the members of the board;
- (f) the persons by whom receipts may be granted on behalf of the board for money paid under this Act; and
- (g) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Local Government may from time to time direct.

*Officers and Servants.*

**35.** (1) Every municipal board shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(2) If a person who is an officer in the service of the Government, and who is not a member of the board, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the board by virtue of such appointment, and shall continue to be a member of the board as long as he holds the office of secretary.

(3) When a member of the board is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases, the board may, with the previous sanction of the

Commissioner, assign to a secretary any such pay as it thinks fit.

**36.** Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal board may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

**37.** In the case of a Government official employed by a municipal board, the board may—

(1) if his services are wholly lent to it, contribute to his pension, gratuities and leave allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension, gratuities and leave allowances in such proportion as may be determined by the Government.

**38.** In the case of a servant not being a Government official referred to in section 37, a board may—

(1) grant him leave allowances and, if his monthly pay is less than ten rupees, gratuities; and

(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension, gratuities and leave allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement;

Provided that no pension, gratuity, leave allowance or annuity shall exceed the sum to which under the Government Civil Pension and Leave Codes for the time being in force, he would be entitled if the service had been service under the Government.

*Contracts.*

**39.** (1) A municipal board may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the board at a meeting.

**40.** (1) Every contract made by or on behalf of a municipal board whereof the value or amount exceeds twenty rupees shall be in writing.

(2) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary:

Provided that the board may delegate to one or more of its members the power of executing an



*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter III.—Taxation and Municipal Fund—Sections 41-47.*

contracts which he or they are empowered to enter into under section 39, sub-section (1).

(3) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the board.

### CHAPTER III.

#### TAXATION AND MUNICIPAL FUND.

##### *Taxation.*

41. Subject to any general rules or special Taxes which may be orders which the Governor imposed. General in Council may, from

time to time, make in this behalf, a municipal board may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 42, any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

(a) a tax on houses, buildings and lands situate within the municipality, not exceeding seven and a half per centum of the annual value of the houses, buildings and lands;

(b) a tax on persons exercising professions or carrying on trades or dealings in the municipality;

(c) a tax on vehicles and on animals used for riding or driving or as beasts of burthen, when such vehicles or animals are kept within the municipality;

(d) a tax on vehicles and on animals as aforesaid entering the municipality, and on boats moored therein;

(e) an octroi on goods or animals brought within the municipality for consumption or use therein; and

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

42. (1) A municipal board may resolve at a Procedure in imposing special meeting to propose taxes. the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1), the board shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant of the municipality objecting to the proposed tax may, within a fortnight from the publication of the notice, submit his objection in writing to the board, and the board shall, at a special meeting, take his objection into consideration.

(4) If no objection is submitted within the said period of a fortnight under sub-section (3), or if the objections so submitted, having been considered as aforesaid, are deemed insufficient, the board may forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid.

(5) The Local Government on receiving proposals under sub-section (4) may sanction the same, or refuse to sanction them, or return them to the board for further consideration.

(6) When the Local Government sanctions any proposals which, under section 41, sub-section (2), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council, with the objections (if any) received through the board; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal board have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the board may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

43. A tax imposed under this Act shall not be Tax not invalid for invalid for defect of form, defect of form.

and when any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier.

44. A municipal board, by a resolution passed at a special meeting and confirmed by the Local Government, or the Local Government with the previous sanction of the Governor General in Council, may abolish or reduce any tax imposed under the foregoing sections.

45. All taxes leviable in any local area under the North-Western Provinces and Oudh Municipalities Act, 1873, at the time when a municipal board having authority over that local area comes into existence under this Act, shall be deemed to have been imposed and assessed under this Act. XV of 1873.

46. Arrears of any tax imposed under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property belonging to the defaulter within those limits.

##### *Municipal Fund.*

47. (1) There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(a) all sums received by or on behalf of the board;

(b) all fines realized in cases in which prosecutions are instituted under this Act or section 34 of Act V of 1861 for offences committed within the municipality;

(c) when there has been included within the municipality any municipality constituted under the North-Western Provinces and Oudh Municipalities Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the municipal board came into existence; and XV of 1873.

(d) when there has been included within the municipality any local area in which the said Act XX of 1856 was in force at the time when the municipal board came into existence, the amount (if any) then available under section 36 of that Act for the

*N.-W. P. and Oudh Municipalities Bill, 1883.**Chapter IV.—Powers and Duties of Municipal Boards generally—Sections 48—55.*

purposes of cleansing, lighting and improvement in that local area.

(2) The municipal fund shall, subject to the provisions of this Act, be applicable, at the discretion of the municipal board, to all the purposes of this Act within the limits of the municipality, and, with the previous sanction of the Local Government, to like purposes beyond those limits, when such application of the fund is for the benefit of the inhabitants of the municipality.

48. (1) In places where there is a Government Custody and investment treasury or sub-treasury, or of municipal fund. a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(2) In places where there is no such treasury or sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

(3) A municipal board may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of the like nature. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

## CHAPTER IV.

POWERS AND DUTIES OF MUNICIPAL BOARDS  
GENERALLY.*Municipal Police.*

49. Every municipal board shall maintain a police-establishment. watch and ward, for the prevention and suppression of nuisances and for the enforcement of the rules and orders of the board.

50. Subject to the provisions of section 9 of the Constitution of establishment. Cantonments Act, 1860, the establishment maintained under section 49 shall, as the board with the approval of the Local Government may from time to time direct, be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions, as the board may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

51. If the establishment maintained under section 49 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf; and shall perform such duties, and be liable to such penalties, as village-policemen appointed under

the North-Western Provinces Village and Road Police Act, 1873, or under the Oudh Laws Act, XVI of 1873 1876, as the case may be, perform and are liable to, XVIII of 1876

52. If the establishment is part of the general Duties of municipal police force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

53. In any municipality in which section 31 of Act V of 1861 is in force, every watchman under this Act shall have the powers of a police-officer under that section.

*Conservancy and General Improvement.*

54. Every municipal board, so far as the municipal fund at its disposal will permit, but subject to any agreement between the board and the Local Government as to the application of that fund, shall, after providing for the maintenance of the police-establishment referred to in the foregoing sections,—

- (1) provide for the construction, maintenance, repair and cleansing of the public streets, roads, drains, tanks and watercourses;
- (2) cause those streets and roads to be watered and lighted;
- (3) provide for the establishment, maintenance and management of schools and dispensaries and of other public institutions for the promotion of education or for the benefit of the public health, and control and administer all such institutions within the municipality, except where they may, by order of the Local Government, have been excepted from the operation of this section;
- (4) provide for the establishment, maintenance and management of poor-houses, markets and other works of public utility; and
- (5) generally do all acts and things calculated to promote the health, comfort, convenience or interests of the inhabitants of the municipality.

*Power to make and enforce Rules.*

55. (1) A municipal board may, from time to time, at a special meeting, make rules—

- (a) for prohibiting, preventing and punishing such acts or omissions within the municipality as may, in the opinion of the board, cause or tend to cause any common injury, danger or annoyance to the public, or to people in general, who dwell or occupy property in the vicinity, or injury, obstruction, danger or annoyance to persons who have occasion to use any public right, or may, in its opinion, be prejudicial to the public health, safety or convenience, or offences, against public decency;
- (b) for protecting from injury or interference anything within the municipality being the property of Her Majesty or of the board;

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter V.—Control—Sections 56-60.*

- (c) for prohibiting or controlling the establishment or maintenance of markets, sārāis and halting places, and controlling the management of the same and of any places of public entertainment and resort;
- (d) for controlling and regulating the use and management of burial and burning grounds;
- (e) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, where those conveyances, animals or persons are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;
- (f) for securing a proper registration of births, marriages and deaths;
- (g) for defining the cases, manner and times in and at which officers of the board may enter on private property for the enforcement of rules made under this section;
- (h) in hilly tracts, for regulating or prohibiting the cutting of trees or shrubs, or the excavation or removal of soil, where such regulation or prohibition appears necessary for the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, the protection of land against erosion, or the deposit thereon of sand, stones or gravel; and
- (i) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, a municipal board may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(3) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

(4) Notwithstanding anything contained in the foregoing portion of this section, the municipal board of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under sub-section (1) in respect of any vehicles to which that Act applies.

**56.** Subject to any orders which the Local Government may, from time to time, make in this behalf, a municipal board may order any person not to do, or not to omit to do, within the municipality, anything the doing of, or the omission to do, which is a public nuisance.

**57. (1)** The Local Government may invest, within the limits of the municipality, a municipal board with the powers of a Magistrate of a district as described in section 133 of the Code of Criminal Procedure, and with power to make conditional orders of the nature referred to in that section, in respect of all or any

acts or omissions punishable under rules made in exercise of the power conferred by section 55, clauses (a), (b), (c), (d) and (h).

(2) Sections 133 to 142 (both inclusive) of the Code of the Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers: X of 1882.

Provided that, for the purposes of such proceedings, section 133 of the Code shall be read as if for the words "before himself or some other Magistrate of the first or second class" the words "before the District Magistrate or some magistrate of the first or second class appointed by him in this behalf" were substituted.

(3) The Local Government may, whenever it thinks fit, withdraw the powers with which it has invested a board under this section.

**58.** A municipal board may, at a special meeting, delegate to one or more committees of its members any of the powers vested in the board by section 56, or with which the board may have been invested under section 57.

## CHAPTER V.

### CONTROL.

**59.** The Commissioner of the division or the Magistrate of the district, when he is not a member of the municipal board, may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the division or district respectively occupied by any municipal board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any book or document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

**60. (1)** The Commissioner of the division or the Magistrate of the district may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal board or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter V.—Control—Sections 61-64.*

(2) When a Commissioner or Magistrate makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently, or for such period as it thinks fit.

**61. (1)** In cases of emergency, the Magistrate Extraordinary powers of the district may provide for the execution of any work, or the doing of any act, which a municipal board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is from time to time possible, from that balance, in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers conferred on him by this section.

**62. (1)** If at any time it appears to the Local Government that a municipal board has made default in performing any duty imposed on it by or under this or any other Act, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Magistrate of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate by the board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

**63. (1)** If a municipal board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare that board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a board is so superseded, the following consequences shall ensue :—

(a) All members of the board shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that behalf.

(c) All property vested in the board shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the board shall be reconstituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for being members.

**64. (1)** The Local Government may, from time to time, frame forms for any proceeding of a municipal board for which it considers that a form should be provided, and make rules consistent with this Act—

(a) as to the appointment of members of a municipal board ;

(b) as to the language of the board ;

(c) for the assessment and collection of taxes imposed under this Act, and for preventing evasion of the same ;

(d) as to the authority on which money may be paid from the municipal fund ;

(e) as to the conditions on which property vested in the board may be transferred by sale, mortgage, lease, exchange or otherwise ;

(f) as to the qualifications requisite in the case of persons appointed by the board to offices requiring professional skill ;

(g) as to the intermediate office or offices, if any, through which correspondence between boards and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass ;

(h) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of boards, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;

(i) as to the accounts to be kept by boards, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;

(j) as to the preparation of estimates of income and expenditure of boards, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;

(k) as to the returns, statements and reports to be submitted by boards ; and

(l) generally, for the guidance of boards and public officers in all matters connected with the carrying out of this Act.

(2) In making rules under clause (c), the Local Government may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter VI.—Supplemental—Sections 65-74.*

## CHAPTER VI.

## SUPPLEMENTAL.

**65. (1)** If any member, officer or servant of a board is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the board, he shall be deemed to have committed an offence under section 168 of the *Indian Penal Code*.

**(2)** A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the board, but he shall not take part in any proceedings of the board relating to any such contract.

**66.** Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the board, and a suit for compensation may be instituted against him by the board with the previous sanction of the Commissioner, or by the Secretary of State for India in Council.

**67.** Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the municipal board, proceed to acquire it under the provisions of the *Land Acquisition Act, 1870*; and, on payment by the board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the board.

**68. (1)** The authority empowered to make rules under section 10, section 55, or section 61 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

**(2)** Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

**69.** A Court shall not take cognizance of an offence punishable under this Act, or the rules made under this Act, except on the complaint of the municipal board or of some person authorized by the board in this behalf.

**70.** Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against

this Act or the rules made under it, or from being liable under that other law to any higher punishment or penalty than that provided by this Act or the rules made under it: Provided that a person shall not be punished twice for the same offence.

**71.** All rules made under the North-Western Provinces and Oudh Municipalities Act, 1873, or any Act thereby repealed, and in force in any local area comprised in a municipality constituted under this Act at the time the municipal board for that municipality comes into existence under section 16, shall, as far as may be, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

**(2)** The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

**72.** The Local Government may, from time to time, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

- (a) to exclude from a municipality any local area comprised therein and defined in the notification, or
- (b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

**73. (1)** Any inhabitant of a municipality or local area in respect of which a notification has been published in the Gazette under section 72 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

**(2)** When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may by a notification in the official Gazette exclude the local area from the municipality or include it therein, as the case may be.

**74. (1)** When a local area is excluded from a municipality under section 73—

- (a) this Act and all rules, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and
- (b) the Local Government shall, after consulting the municipal board, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the municipal board shall vest in Her Majesty for the benefit of the local area, and in



*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter VII.—Exceptional Provisions—Sections 75-79.*

what manner the liabilities of the board shall be apportioned between the board and the Secretary of State for India in Council, and on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

**75.** When a local area is included in a municipality under section 73, this Act and all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included shall apply to the local area.

**76.** Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

**77.** Every member of a municipal board constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

## CHAPTER VII.

### EXCEPTIONAL PROVISIONS.

**78. (1)** If it appears to the Local Government that the circumstances of any municipality are such that the provisions of this Act requiring that a certain proportion of the members of a municipal board be elected are unsuited thereto, the Local Government may, by notification in the official Gazette, exempt the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the

case may be, to the excepted municipality until again applied thereto by a like notification of the Local Government:

Provided that no notification shall be issued under this section in respect of a municipality for which a municipal board has come into existence unless its issue has been sanctioned by the Governor General in Council.

(2) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (1), the Local Government may appoint such of the members of the municipal board as would otherwise have been elected.

**79. (1)** The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, withdraw from the operation of this Act or the North-Western Provinces and Oudh Municipalities Act, 1873, the area of any municipality constituted under that Act.

(2) When a notification is issued under this section in respect of any municipality, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the municipal board or municipal committee shall vest in Her Majesty, and the liabilities of the board or committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

D. FITZPATRICK,

Secretary to the Government of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART V.

Bills introduced into the Council of the Governor General for making  
Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th September, 1883:—

No. 20 OF 1883.

### THE PANJÁB MUNICIPAL BILL, 1883.

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71. Additional power to make rules.
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76. New burial or burning places.  
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99. Suits against committees or their officers.
100. Liability of members for loss, waste or misapplication.
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107. Saving of rights of existing officers and servants.
108. General powers of Local Government and Commissioners.

*Panjab Municipal Bill, 1883.*  
(Chapter I.—Preliminary.)

*A Bill to make better provision for the organization and administration of Municipalities in the Panjab.*

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the Panjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

t IV of  
3, sec-  
1.]

1. (1) This Act may be called the Panjab Municipal Act, 1883:

Short title.

(2) It extends only to the territories under the Government of the Lieutenant-Governor of the Panjab:

Local extent.

Commencement.

(3) And it shall come into force on the passing thereof.

t IV of  
3, section

2. (1) Act IV of 1873 (the Panjab Municipal Act, 1873) is hereby repealed.

(2) But all extensions and appointments made, and all limits defined, under the said Act shall be deemed to be respectively made and defined under this Act, and an extension of any particular provision of the said Act shall be deemed to be an extension of the corresponding provision of this Act:

Provided that, when a first election is held under this Act in any municipality, the term of office of any member of committee appointed before this Act comes into force shall cease when the elected members take office, unless the Local Government shall otherwise direct.

(3) And all taxes imposed and sanctioned under the said Act shall be deemed to have been imposed and sanctioned under this Act.

(4) And all assessments, bye-laws, rules and regulations of any kind, relating to matters provided for by this Act, which may heretofore have been made or approved by the Local Government, shall be deemed to have been made under this Act.

(5) And all proceedings taken under any such assessment, bye-law, rule or regulation shall be deemed to be as valid as if they had been taken under this Act.

3. In this Act, unless there be something repugnant in the subject or context,—

Interpretation-clause.

“Committee” means a municipal committee appointed under the provisions of this Act:

“Municipality” means any town or group of towns to which this Act is applied:

“Inhabitant” means any person ordinarily residing or carrying on business, or possessing immoveable property, and any person declared by the Local Government to be an inhabitant, in any town to which this Act applies, or to which the Local Government has by notification declared its intention to apply it:

“Street” mean: any way, road, street, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way; and also the roadway and footway over any public bridge or causeway:

“Owner” includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account

or as agent or trustee for any other person or society, or for any religious or charitable purpose, or who would receive the same if the land or building were let to a tenant:

Provided that no such agent or trustee shall be liable to do anything required by this Act to be done by the owner unless he has in his possession sufficient funds belonging to the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act if he can prove that he had not in his possession funds belonging to the owner sufficient for the purpose:

“Casual vacancy” means a vacancy occurring in a committee by the death, resignation or removal of a member of committee:

“Notification” means a notification published by authority of the Local Government in the *Panjab Government Gazette*:

“Pre-scribed” means pre-scribed by rules made by the Local Government under this Act.

4. (1) The Local Government may, from time to time, by notification, declare its intention to apply this Act or any of its provisions to any town or group of towns in the territories under such Government.

(2) Every such notification shall define the limits of the town or group of towns to which it relates, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the consent of the Governor or General in Council, so include any military cantonment.

(3) A copy of every notification under this section, together with a translation of the same in the local vernacular, shall be affixed in some conspicuous place in the court-house of the district in which the town or group of towns to which it relates is situate, and in one or more conspicuous places in such town or group of towns; and the Deputy Commissioner shall certify to the Local Government the date on which the copy and translation aforesaid were so affixed. The date so certified shall be deemed to be the date of publication of the notification.

5. (1) If any inhabitant objects to the application of the Act, or of the provisions thereof specified in the notification, he may, within six weeks from the date of publication of the notification, submit his objection in writing through the Deputy Commissioner to the Local Government; and the Local Government shall take his objection into consideration.

(2) When six weeks from the date of the said publication have expired, and the Local Government has considered and passed orders upon any such objections which may have been submitted to it, the Local Government may, by notification, declare such town or group of towns to be, for the purposes of this Act, a municipality of the first or second class, and apply this Act or the provisions thereof specified in the notification to such municipality.

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

1 V 6. The Local Government may, at any time, by notification, alter the limits of any municipality, or order that it be transferred from one class to another, or withdraw any local area to which this Act or any of its provisions may have been applied or extended from the operation of this Act or of the said provisions:

Provided that, when such notification applies this Act or any of its provisions to any local area not previously subject thereto, it shall not be published unless and until the provisions of section 4 and section 5, sub-section (1), have been complied with, and the period specified in section 5, sub-section (2), has expired, and all objections submitted to the Local Government have been disposed of as in that sub-section provided.

## CHAPTER II.

### ORGANIZATION OF COMMITTEES.

#### *Constitution of Committees.*

7. (1) There shall be established by notification for each municipality a committee having authority over such municipality, and consisting of such number of members, not less than six, as the Local Government may direct.

(2) Such members may be appointed by the Local Government, either by name or by official designation, or may be elected from among the inhabitants in accordance with rules made under this Act, or some may be appointed and some elected as the Local Government may direct:

Provided that—

(1) when the Local Government has directed that all or any of the members shall be elected, they shall not be appointed by the Local Government unless—

- (a) the electors do not elect a sufficient number of members; or
- (b) a sufficient number of candidates do not present themselves for election; or
- (c) a majority of the electors declare that they so desire; or
- (d) by order of the Local Government, subject to the sanction of the Governor General in Council, for any other good and sufficient reason affecting the public interests:

(2) except with the approval of the Governor General in Council, not less than two-thirds of the members of every committee shall be persons other than salaried officers of Government unless such officers are elected as members.

8. If the Local Government is satisfied that any candidate elected as member of committee has been guilty of corrupt practices at his election, the election of such candidate shall be cancelled.

Disqualification for corrupt practices.

9. (1) Members of committee, except those who have been appointed by official designation, shall hold office for such term, not exceeding three years,

as shall be fixed by the Local Government, or until their successors have been elected or appointed.

(2) When the Local Government has directed that the members of a committee or any of them shall be elected and shall hold office for a term of three years, one-third, as nearly as may be, of the members elected at the first election thereafter held shall vacate office at the end of one year, and one-third, as nearly as may be, at the end of two years from the date of assuming office.

(3) The members who shall vacate office at the end of the first and of the second year, respectively, shall be determined either by voluntary arrangement among the members or by lot:

Provided that, if an elected member be chairman of the committee, he shall not be required to vacate office as member by lot during his term of office as chairman.

(4) An outgoing member shall, if otherwise qualified, be eligible for re-election or re-appointment.

10. (1) The Local Government may at any time remove any member of committee appointed by name or by his official designation.

(2) The Local Government may remove any member of committee chosen by election—

- (a) if such member refuses to act, or becomes, in the opinion of the Local Government, incapable of acting;
- (b) if he is declared an insolvent, or is proscribed from employment under Government, or is convicted of any such offence, or subjected by a criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member;
- (c) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order, or, when he is a salaried officer of Government, inconsistent with the proper discharge of his official functions;
- (d) if for three consecutive months he is absent from the meetings of the committee unless with its permission.

(3) Members removed under clauses (b) and (c) shall be disqualified for election unless with the previous sanction of the Local Government.

11. Any member of committee may signify to the Local Government in writing his intention or wish to resign his office; and, on such resignation being accepted by the Local Government, his office shall become vacant.

12. (1) The Local Government may either empower committees to fill up casual vacancies among the members or, subject to the provisions of section 7, appoint members to fill such vacancies or cause them to be filled up by election.

(2) Every member of committee so chosen shall be deemed to be an elected member, and shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office; but shall, if otherwise qualified, be eligible for re-election.

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

Panjab Local  
Self-govern-  
ment Bill, sec-  
tion 9; N.-W.  
Bill, section  
1 of 1871, s.  
adms Act  
of 1871, s.  
; Ambay Act  
of 1873, s.  
]

**13.** Every committee shall be a body corporate by the name of the municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to rules from time to time made by the Local Government in this behalf, to transfer any property held by it, to invest any sums not required for current charges in Government securities or in any other form of security which may be approved of by the Local Government, and from time to time to dispose of such securities as may be necessary, and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

W.P. Bill,  
section 1.

**14.** A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf.

*Chairman and Vice-Chairman.*

W.P. Bill,  
sections 18 &  
]

**15.** (1) Every committee shall, from time to time, elect one of its members to be chairman, and such member shall, after the election is approved by the Local Government, become chairman of the committee :

Provided that the committee, instead of electing, may apply to the Local Government to appoint a chairman from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this clause : and that in either of these cases, or if no election is made within one month from the occurrence of a vacancy in the office of chairman, or if the person elected is not approved, the Local Government may, if it thinks fit, appoint one of the members of the committee to be chairman.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-chairman or vice-chairmen.

**16.** (1) A chairman shall hold office for three years, and a vice-chairman shall hold office for such term as the committee may, by rule, determine.

(2) A chairman or vice-chairman shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as chairman or vice-chairman, or becomes, in the opinion of the Local Government, incapable of acting ; and he may be removed from such office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

**17.** If a chairman or vice-chairman refuses to act, or vacates or is removed from his office as such, another chairman or vice-chairman shall be elected or appointed, as the case may be.

*Notification of Elections, Appointments, &c.*

**18.** All elections and appointments of members of committees and of chairmen of committees, and all determinations of the office of such members otherwise than by the expiration of their term of office, shall be notified in the *Panjab Government Gazette*. No such election or appointment shall take effect until it is so notified.

*Conduct of Business.*

**19.** At every meeting of committee the chairman, if present, shall preside. If the office of chairman is vacant, or the chairman is absent from the meeting, and there is a vice-chairman, the vice-chairman, if present, shall preside. If neither chairman nor vice-chairman be present, the members present shall elect one of their number to be chairman of the meeting.

**20.** (1) Every committee shall meet for the transaction of business, at least once in every month, at such time as may be fixed by its rules of business, and also at the time to which any such meeting may be adjourned under such rules :

Provided that, if there be no business to be laid before a committee at any monthly meeting, the chairman may give notice of the same to each member of committee three days before the time appointed for such meeting, and, when such notice is given, the meeting shall not be held.

(2) The chairman, or, in his absence, the vice-chairman, if any, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fourth of the members of the committee, convene a meeting at any other reasonable time.

**21.** (1) Meetings of committee shall be either ordinary or special.

(2) All business may be transacted at an ordinary meeting which is not required by this Act or by any rules made thereunder to be transacted at a special meeting.

**22.** (1) The quorum necessary for the transaction of business at a special meeting of committee shall be one-half of the members of committee for the time being.

(2) The quorum necessary for the transaction of business at an ordinary meeting of committee shall be such number of the members of committee, not less than three, as may from time to time be fixed by its rules of business.

(3) If at any meeting of committee a quorum is not present, the chairman, or in his absence the vice-chairman, may adjourn the meeting to such other day as he thinks fit. Notice of such adjourned meeting shall be given in the manner required by the rules of business, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

*Panjab Municipal Bill, 1883.*  
(Chapter II.—Organization of Committees.)

**23.** Except as otherwise provided by this Act or by rules made under this Act, all questions which may come before any meeting of committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

**24. (1)** Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting, and shall be published in such manner as the Local Government may, from time to time, direct, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant who pays any tax under this Act.

**(2)** A copy of all such minutes shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner of the district.

**25.** In case of emergency, the chairman of the committee, or in his absence the vice-chairman, shall exercise all powers vested in the committee by this Act or by any rules made thereunder, unless it is by this Act expressly declared that such power shall be exercised by the committee at a meeting:

Provided that the chairman or vice-chairman shall not act in opposition to, or in contravention of, any order of the committee at a meeting.

**26. (1)** Every committee may, from time to time, at a special meeting, make rules consistent with this Act and with any rules made by the Local Government as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the division of duties among the members of the committee;
- (g) the powers to be exercised by sub-committees or members to whom particular duties have been assigned;
- (h) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act;
- (i) the appointment, leave, suspension and removal of its officers and servants;
- (j) the term for which the vice-chairman shall hold office; and
- (k) all other similar matters.

**(2)** Every rule made under this section shall be published in such manner as the Local Government may, from time to time, direct.

*Joint Committees.*

**27. (1)** A committee may, from time to time, concur with any other local authority in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such joint committee, and in delegating to such joint committee any power which might be exercised by either or any of the local authorities so concurring, and in framing and modifying regulations as to the proceedings of such joint committee, and as to the conduct of correspondence relating to the purpose for which such joint committee is appointed.

**(2)** If any difference of opinion arises between local authorities acting under this section, it shall be referred to—

- (a) the Deputy Commissioner, if the local authorities are in the same district,
- (b) the Commissioner of the division, if the local authorities are in different districts in the same division, or if they are in different divisions, the Commissioners of such divisions, when they can agree as to the decision of the case, and
- (c) the Local Government, if the local authorities are in different divisions, and the Commissioners of such divisions cannot agree as to the decision of the case;

and when such reference is made, the decision thereupon of the Deputy Commissioner, Commissioner or Local Government shall be final.

*Explanation.*—In this section “local authority” means a municipal committee, district committee, local board or cantonment authority.

*Officers and Servants.*

**28. (1)** Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person, to be its secretary, and may, at a like meeting, with the same sanction, remove any person so appointed.

**(2)** A member of committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

**29. (1)** Subject to the other provisions of this Act and to any rules made in this behalf, every committee may employ and pay such other officers and servants not being members of the committee as may be necessary and proper for the efficient execution of its duties:

Provided that if, at any time, in the opinion of the Deputy Commissioner,

- (a) the number of persons employed by the committee, or the remuneration assigned to those persons, or to any of them, is excessive, or

(b) any such person is unfit for his employment, the committee shall, on the requirement of the Deputy Commissioner, reduce the number or



*Panjab Municipal Bill, 1883.*  
*Chapter III.—Taxation and Municipal Fund.*

remuneration of such persons, or, as the case may be, dismiss the unfit person.

(2) If the committee is dissatisfied with such requirement, it may appeal against it to the Commissioner of the division, whose decision shall be final.

Self-gov-  
ernment Bill,  
nos 17 and  
Act I of  
, section

**30. (1)** In the case of Government officials, any committee may—

- (a) if the services of such officials are wholly lent to it, contribute to their pensions, gratuities and leave-allowances in accordance with the Government Leave and Pension Code for the time being in force; and
- (b) if such officials devote only a part of their time to the performance of duties in behalf of the committee, contribute to their pensions, gratuities and leave-allowances in such proportion as may be determined by the Government.

(2) In the case of servants, not being Government officials, any committee may—

(1) grant leave-allowances, and, in the case of servants appointed before the passing of this Act and not entitled to pension, and of servants drawing less than ten rupees a month, gratuities to such servants; and

(2) if empowered in this behalf by the Local Government—

- (a) subscribe in behalf of such servants for pensions, gratuities and leave-allowances under the Government Leave and Pension Code for the time being in force;
- (b) purchase from the Government or otherwise annuities for such servants on their retirement:

Provided that such pensions, gratuities, leave-allowances and annuities shall in no case exceed the sum to which, under the Government Leave and Pension Code for the time being in force, such servants would be entitled if the service had been service under Government.

*Contracts.*

W. P. Bill,  
ion 35.]

**31. (1)** The committee of a municipality of the first class may delegate Authority to contract. to one or more of its members the power of entering, on its behalf, into any contract whereof the value or amount does not exceed two hundred rupees.

(2) No contract whereof the value or amount exceeds two hundred rupees shall be executed until it has been sanctioned at a meeting of the committee.

W. P. Bill,  
ion 36;  
IV of  
3, section

**32. (1)** Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees shall be in writing, and shall be signed by the chairman or vice-chairman and the secretary, if he is a member of committee, and, if the secretary is not a member of committee, by another member:

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the preceding section, the members so empowered may execute such contract.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the chairman or vice-chairman, and by at least two other members of the committee.

(3) No contract or transfer executed otherwise than in conformity with the provisions of this section shall be binding on the committee:

Provided that this shall not affect any liability of the committee under section 70 of the Indian Contract Act to make compensation for any benefit received.

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CHAPTER III.

TAXATION AND MUNICIPAL FUND.

*Taxation.*

**33.** Subject to any general rules or special orders which the Governor [Act XV 1873, secti  
16; Act V  
of 1871, s  
tion 12; N.  
P. Bill, secti  
37.]  
Taxes which may be General in Council may, from time to time, make in this behalf, a committee may, for the purposes of this Act, in the manner hereinafter provided, impose any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

- (a) a tax on houses, buildings and lands, either
- (i) not exceeding  $7\frac{1}{2}$  per cent. on the annual value thereof; or
- (ii) not exceeding one anna per square yard; or
- (iii) not exceeding three rupees per running foot of frontage in streets or bázárs;

(b) a tax on persons practising arts or professions or carrying on trades or callings in the municipality;

(c) a tax on vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality;

(d) a tax on menial and domestic servants;

(e) an octroi on animals for slaughter and goods brought within the octroi limits for consumption or use therein; and

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

**34. (1)** To provide further funds for the [Act VII 1874, sec  
13.]  
Additional taxes for following purposes, or any special objects. of them, namely:—

(a) the lighting of streets, roads and public thoroughfares;

(b) the supply, storage and preservation from pollution of water for drinking and cooking purposes;

(c) any special work approved by the Local Government for promoting the health, comfort or convenience of the inhabitants;

a committee may (subject to the rules or orders last aforesaid) in the manner hereinafter provided, and with the previous sanction of the Local

*Panjab Municipal Bill, 1883.*  
(Chapter III.—Taxation and Municipal Fund.)

Government, impose, in addition to any taxes imposed under section 33, a tax on houses, buildings and lands, either

- (i) not exceeding  $2\frac{1}{2}$  per cent. on the annual value thereof; or
- (ii) not exceeding 4 pies per square yard; or
- (iii) not exceeding one rupee per running foot of frontage in streets or bázárs.

(2) A separate account shall be kept of the receipts and expenditure of every tax levied under this section.

Madras Act  
I of 1871,  
41;  
Municipal Act V  
1876, s.

*Explanation.*—In this and the last preceding section, “annual value” means the annual rent for which houses, buildings and lands liable to taxation may reasonably be expected to let:

Provided that—

(1) In municipalities where houses are usually let furnished, it shall not be necessary, in estimating the rental, to make any deduction on account of the furniture, unless the Local Government shall otherwise order:

(2) In the case of land assessed to the land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government shall so direct, the annual value shall be deemed to be double the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; and, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable; and also, when the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, double the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

35. With the previous sanction of the Local Government, or of such officer as the Local Government may authorize in this

Tolls and fees. behalf, a committee may, from time to time, by resolution at a special meeting, impose and fix the rate of, or abolish, the following tolls and fees, namely:—

- (a) where no octroi is levied, a toll on vehicles and animals entering the municipality, and on boats moored therein;
- (b) fees on licenses to the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality;
- (c) school-fees;
- (d) fees for the use of, or benefits derived from, hospitals, dispensaries, rest-houses, saráís, slaughter-houses, markets and other public institutions;
- (e) fees at fairs, agricultural shows and industrial exhibitions held within the municipality and under its control;
- (f) fees for notices of demand of any tax, toll or fee due under the Act;
- (g) fees for licenses to carry on offensive or dangerous trades;

Panjab Local Self-government Bill, section 20.]

Madras Act I of 1871, sections 52 & 53. *ibid*, sections 10 & 153.]

(h) fees for permission to make any temporary erection, or for the temporary occupation of any street or other land vested in the committee. [Bombay VI of 1 section 2]

36. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 33 or section 34, or any toll under section 35 (a), within the whole or any part of the municipality for the purposes of this Act. [N. W. P. section 38 IV of 1 section 7]

(2) When such resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee, and the committee shall, at a special meeting, take such objection into consideration.

(4) If no such objection is received, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Local Government, together with the objections (if any) which have been submitted as aforesaid, and with its decision thereupon.

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, together with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals. In giving such direction the committee shall fix a date, not less than one month after the meeting, from which the tax shall come into force:

Provided that no tax shall come into force until it has been notified in the *Panjab Government Gazette*, and such notification shall be conclusive evidence that it has been imposed in the manner provided by this section.

(8) The Local Government may, by notification, and the committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax so imposed.

37. (1) A committee may at a meeting exempt, in whole or in part, from the payment of any tax, toll or fee imposed under this Act, any person who by reason of poverty may be deemed to be unable to pay the same. [Madras III of section 3]

Power to exempt from taxation.

*Panjab Municipal Bill, 1883.*  
(Chapter III.—Taxation and Municipal Fund.)

(2) The Local Government may, by notification, and the committee may, by resolution passed at a special meeting and confirmed by the Local Government, exempt from the payment of any tax, toll or fee imposed under this Act, any person or class of persons or any description of property.

**38.** No tax, toll or fee imposed under this Act, and no proceedings of committee at any ordinary or special meeting, shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of making such tax, if the property taxed or assessed be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

**39.** Any tax imposed under section 33, sub-section (1), clause (a), or under section 34, shall be payable. Tax on houses, buildings and lands when due and payable by the owner of the house, building and land, respectively, from and after the end of the first quarter of the year for which it is assessed.

**40.** The committee shall cause a valuation-list of all houses, buildings and lands on which such tax is imposed to be prepared, containing the name of the street or division in which such property is situate, the designation of the property, either by name or number, sufficient to identify the same, the name of the owner, or if the occupier, and not the owner, is the person liable to pay the tax, the name of the occupier, the annual value, area or length of frontage upon which the property is assessed, and the amount of the tax assessed thereon by the committee.

**41.** When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said list, and also in any notice or other proceeding under this Act, as the "owner" or the "occupier" of the property on which the tax is assessed, without further description.

**42.** When the valuation has been completed, the committee shall give public notice thereof, and of the place where the list or copy thereof may be inspected, and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect the entries in such list or copy relating to such property, and to make extracts thereof without charge.

**43.** (1) The committee shall at the same time give public notice of a day and hour, not less than one month from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment is increased, shall give special notice thereof to the owners or occupiers of such property.

(2) All objections to such valuation and assessment shall be made at or before the time fixed in the notice.

**44.** After the objections have been enquired into and the revision of the valuation and assessment has been completed,

the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year for which the assessment is made.

**45.** The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property liable to the tax, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake or fraud, or the value of which has been increased by the construction of any new building or by additions to or alterations in any building thereon, after giving notice to any person interested in such amendment of a day, not less than fifteen days from the date of service of such notice, on which the amendment is to be made;

and any person interested in such amendment may tender his objection to the committee by application in writing at or before the time fixed in the notice.

**46.** It shall not be necessary to prepare a new valuation-list every year; but the committee may adopt the valuation and assessment contained in the list for the preceding year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same public notice of such valuation and assessment as if a new valuation-list had been prepared.

**47.** (1) When any sum is due for any tax leviable under section 33, sub-section (1), clause (a), or under section 34, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill be not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served upon such person;

and if such person do not, within seven days from the service of such notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment of the same, the sum due, together with such fee, shall be deemed to be an arrear of tax.

**48.** If the sum due from the owner of the house, building or land remains unpaid after notice of demand has been duly served, the committee may demand the amount from the occupier for the time being, and may proceed against him in all respects as if he were the owner; and if the amount is paid by, or recovered from, the occupier, he may deduct the amount so paid or recovered from the next and following payments of rent:

*Panjab Municipal Bill, 1883.*  
(Chapter III.—Taxation and Municipal Fund.)

Provided that no arrear which has remained due from the owner for more than one year shall be so recovered from the occupier.

W. P.  
section  
1]

**49. (1)** Arrears of any tax imposed under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property belonging to the defaulter within those limits.

Madras Act  
III of 1871,  
section 79;  
Municipal Act V  
of 1876, sec-  
tion 154.]

**(2)** In case of non-payment of any octroi tax or of any toll on demand, the person empowered to collect the same may seize any goods on which such octroi is chargeable, or any conveyance, boat or animal on which such toll is chargeable or any part of its burden of sufficient value to satisfy the demand. The committee may cause any property so seized or so much thereof as is necessary to be sold by auction to satisfy such demand, together with the expenses occasioned by the seizure, custody and sale thereof, unless such demand and expenses are in the meantime paid, after the lapse of *five* days from the seizure, and after the issue of a proclamation fixing the time and place of sale, a copy of which shall be served upon the person entitled to the property at least 48 hours before the sale:

Provided that, by order of the chairman or vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of twenty-four hours.

Mr. Plover's  
draft  
No. II.]

**50. (1)** Every person bringing within the limits of any municipality articles liable to octroi tax, any articles upon which an octroi tax has been imposed shall, when required by any person authorized by the committee to assess the octroi tax chargeable, or to collect the tax assessed thereon, and so far as may be necessary for ascertaining the amount of tax chargeable,—

- (a) permit such person to inspect, examine, weigh and otherwise deal with such articles;
- (b) permit such person to separate taxable articles from articles not taxable;
- (c) communicate to such person any information and exhibit to him any document he may possess relating to such taxable articles.

Mr. Plover's  
draft  
No. V.]

**(2)** Every person assessing octroi tax by the authority of the committee shall, on request by the person introducing taxable articles on which such tax is claimed, present him with a bill specifying the articles taxable, the amount claimed, and the rate at which the tax is calculated; and any person receiving payment of the whole or any part of the tax claimed shall on request receipt the said bill accordingly.

Madras Act  
III of 1871,  
section 78.]

**51.** The collection of any octroi tax or toll may be leased by the committee, with the previous sanction of the Commissioner of the division, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of such octroi tax or

toll shall be bound by any rules made by the committee for their guidance, and shall have the same powers, and be subject to the same responsibilities, as if they were employed by the committee for the management and collection of such octroi tax or toll. Any dispute between the lessee and any person from whom such tax or toll is demanded shall be referred to the committee, whose decision thereupon shall be final.

**52. (1)** The committee may require the owners or occupiers of houses, buildings or lands to furnish them with returns of the measurements and of the rent or annual value thereof; and the committee or any person appointed by them for that purpose may, at any time between sunrise and sunset, enter, inspect and measure any such houses, buildings or lands, after having given 48 hours previous notice in writing to the occupiers thereof.

[Madras  
III of 1871,  
section 46.]

**(2)** The committee, or any person authorized by them in writing for that purpose, may also, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein they may have reason to believe that there is any vehicle or animal liable to taxation under this Act, for which a license has not been duly taken out.

**53.** No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Act is provided.

[Bengal  
Act III  
of 1866,  
section 107; Ma  
Act III  
of 1871, s. 1]

**54.** For all sums paid on account of any tax under this Act, a receipt, stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

[Bengal  
Act III  
of 1866,  
section 110.]

*Appeals.*

**55.** Appeals against any tax, toll or fee, other than octroi tax or fees under section 35, clauses (c), (d), (e) and (f), assessed or levied under this Act shall lie to the Deputy Commissioner, unless when he is a member of the committee, in which case the appeal shall lie to the Commissioner of the division.

[Cf. M  
III of 18  
section 85.]

**56.** No appeal shall lie against any assessment on any house, land or building, unless it be preferred within one month after the confirmation of the assessment by the committee, and no appeal shall lie against any other tax, toll or fee, unless preferred within one month from the time of such tax, toll or fee being charged:

[Cf. M  
III of 18  
section 86.]

Provided that no appeal shall be entertained unless the amount of the assessment, tax, toll or fee to which it relates is deposited with the committee on or before the day on which the appeal is lodged.

**57.** No appeal shall lie against any assessment of octroi tax or the levy of any fee under section 35, clauses (c), (d), (e) and (f), but the decision of the committee on any objection thereto shall be final.

*Panjab Municipal Bill, 1883.**(Chapter IV.—Powers and Duties of Committees.)**Municipal Fund.*

[N.-W. P. Bill, section 42; Act IV of 1873, section 10.] **58.** There shall be for each municipality a Municipal fund constituted. municipal fund, to the credit of which shall be placed all sums received by or on behalf of the committee and any balances standing at the credit of the municipality when this Act came into force.

[N. W. P. Bill, section 43.] **59. (1)** Where there is a Government treasury Custody of municipal or sub-treasury, the municipal fund shall be kept in the treasury or sub-treasury, or in the bank, if any, to which the Government treasury business has been made over.

**(2)** In places where there is no such treasury or sub-treasury, or bank, the municipal fund may be deposited with any banker or person acting as a banker who has given such security for the safe custody of the fund and repayment thereof on demand as the Local Government may in each case think sufficient.

## CHAPTER IV.

## POWERS AND DUTIES OF COMMITTEES.

*Municipal Police.*

[Act IV of 1873, section 12; Act VII of 1874, section 32.] **60. (1)** Every committee shall, unless it is relieved of this obligation by the Local Government, make such provision for the maintenance of the establishment ordinarily employed on police-duty within the limits of the municipality as the Local Government may consider necessary.

[III of 1880.] **(2)** Subject, in case this Act is made applicable to any military cantonment, to the provisions of section 9 of the Cantonments Act, 1880, the establishment so entertained, whether enrolled under Act V of 1861 or not, shall be under the orders of the District Superintendent of Police, subject to the general control of the Magistrate of the district; and the watch and ward of the municipality, the prevention and suppression of nuisances therein, and the enforcement of the rules and orders of the committee shall be included among its duties.

**61. (1)** The Local Government may relieve any committee of the whole or part of the cost of such establishment, and may enter into an agreement with the committee that, as an equivalent for such relief for any term of years, the committee shall, during the same term, undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the cost of the police-establishment of which the committee is so relieved. When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained shall perform the same duties as if its cost were defrayed from the municipal funds.

**(2)** The Inspector General of Police may, with the previous sanction of the Local Government, enter into an agreement with any committee, which is unable to provide the entire cost of the police-establishment which the Local

Government considers necessary, that, on the committee making such payment as may be agreed upon, or undertaking any services within the municipality, approved by the Local Government, to which the municipal fund can properly be applied; and which are estimated to cost not more than the amount of such payment, he will provide a sufficient police-establishment for the service of the municipality.

**(3)** The Local Government or the committee may determine such Termination of such agreement, after twelve composition. months' notice of an intention to do so has been given by the Local Government to the committee or by the committee to the Inspector General of Police; and on the expiration of such notice the agreement shall cease to operate.

**62. (1)** Except in the case of any military Constitution of police-cantonment to which this establishment. Act is made applicable, the establishment maintained under section 60 or section 61 shall be either part of the general police force enrolled under Act V of 1861 or a body of watchmen, as the Local Government may determine.

**(2)** When it is part of the general police force, Duties when part of the Local Government may, the general police force. notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

**(3)** When it is a body of watchmen, it shall be Powers, duties, protection, responsibilities and penalties when a body of watchmen. of such strength and the persons of whom it consists shall be of such grades, and shall receive such rates of pay, as the Local Government shall fix, and they shall possess such powers, perform such duties, enjoy such protection, be subject to such responsibilities and be liable to such penalties as Police-officers enrolled under Act V of 1861 possess, perform, enjoy and are subject and liable to.

**(4)** Police-officers enrolled under Act V of 1861 Command of such may be appointed to command such body of watchmen when the Local Government thinks fit.

**63. (1)** Every person shall be bound to render to Obligation to assist any municipal watchman, watchmen. or officer of such watchmen, when discharging the duties of a Police-officer all the assistance which he is bound to render to a Police-officer.

**(2)** Any person obstructing such watchman or Arrest of persons obstructing watchmen. officer in the discharge of such duties may be arrested without warrant by a Police-officer or by any person belonging to such body of watchmen.

**64.** The appointment, promotion, suspension and punishment of municipal watchmen and officers of such watchmen shall rest with the District Superintendent of Police, subject to the general control of the Magistrate of the district.

**65.** When a committee imposes fees under section 35, clauses (d), and (e), Police-protection of sarāis, &c., for the use of which fees are charged by committee. for the use of sarāis, markets, and other public institutions for which special police-pro-



*Panjab Municipal Bill, 1883.**(Chapter IV.—Powers and Duties of Committees.)*

tection is required, or at fairs, agricultural shows and industrial exhibitions, it shall pay such police-charges, if any, as may be sanctioned by the Local Government for the protection of the saráis, markets, public institutions, fairs, agricultural shows and industrial exhibitions from which such fees are derived.

*Conservancy and General Improvement.*

IV of  
section  
N. W. P.  
section

**66.** Every committee, so far as the municipal fund at its disposal will permit, shall, after providing for the repayment of, and interest due on, loans raised in accordance with law on the security of its funds or any portion thereof, and for the maintenance of any police-establishment which it is required to maintain under the provisions of this Act, and subject to any agreement between it and the Local Government in respect of any of the following matters,

provide for the construction, maintenance, cleansing and repair of the public streets, bridges, embankments, drains, latrines, tanks and watercourses of the municipality;

and may cause such streets or any of them to be watered and lighted;

and may provide for the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, saráis, poor-houses, markets and other works of public utility, and control and administer all public institutions of any of these descriptions within the municipality, except when, by special order, the Local Government may otherwise direct;

and may make grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

and may provide for the training of teachers and the establishment of scholarships;

and may provide for the establishment and maintenance of relief and relief-works in time of famine or scarcity;

and may provide for the supply, storage and preservation from pollution of water for the use of men or animals;

and may provide for the taking of a census, the registration of births, marriages and deaths, public vaccination and any lawful sanitary measure;

and may also do all acts and things likely to promote the safety, health, comfort, convenience or interests of the inhabitants.

*Prevention of Nuisances.*

N. W. P. Bill,  
section 50.]

**67.** (1) A committee may, from time to time, Power to make rules at a special meeting, make rules—

(a) for prohibiting, preventing and punishing such acts or omissions within the municipality as may, in its opinion, cause or tend to cause any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, injury, obstruction, danger or annoyance to persons who may have access to any public right, or may, in

its opinion, be prejudicial to the public health, safety and convenience, or be offences against public decency;

(b) for defining the cases, manner and times in and at which officers of the committee may enter upon private property for the detection and abatement of public nuisances, or the enforcement of rules made under this section.

(2) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

**68.** (1) Subject to any orders which the Local Government may, from time to time, make in this behalf, a committee may enjoin any person not to do, or not to omit to do, within the municipality, anything the doing of, or the omission to do, which is a public nuisance, or an offence created by clause (a) of section 67. [N. W. P. Bill section 51, Act XV of 1873, section 25; Act VII of 1874, section 22.]

(2) Every such injunction shall be deemed, for the purposes of section 291 of the Indian Penal Code, to have been made by a public servant. [XLV of 1860]

**69.** (1) The Local Government may invest within the limits of the municipality, a committee with the powers of a Magistrate of a district as described in section 133 of the Code of Criminal Procedure, and with power to make conditional orders under that section, in respect of all or any of the acts or omissions punishable under rules made in exercise of the power conferred by clause (a) of section 67 of this Act. [N. W. P. Bill section 5, Act XV of 1873, section 26; X of 1882.]

and may, whenever it thinks fit, withdraw the powers so conferred:

Provided that the conditional order shall specify a Magistrate of the first or second class, other than the committee so invested, before whom the person against whom it is made may appear and move to have it set aside or modified.

(2) Sections 133 to 142 (both inclusive) of the Code of Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers. [X of 1882]

**70.** A committee may, at a special meeting, delegate to one or more sub-committees of its members any of the powers vested in it by section 68, or with which it may have been invested under section 69, and may at a like meeting withdraw the powers so delegated. [N. W. P. Bill section VII of 1874, section 23.]

*Additional power to make Rules.*

**71.** (1) A committee may, from time to time, at a special meeting, make rules— [Act IV of 1873, section 14; N. W. P. Bill, section 54; Act V of 1874, section 19; Act V of 1873, section 72.]

(a) rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the conditions on which such licenses are to be granted and may be revoked;

(b) limiting the rate of hire which may be demanded for, and the loads to be carried by, such vehicles, boats or animals, or for



*Panjab Municipal Bill, 1883.*  
(Chapter IV.—Powers and Duties of Committees.)

and by persons hired to carry loads within the limits of the municipality ;

- (c) to secure a proper registration of births, marriages and deaths, and to provide for the taking of a census ;
- (d) to provide for the inspection and proper regulation of lodging-houses, markets and slaughter-houses, burial and burning places ;
- (e) to provide for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use ;
- (f) to regulate all matters connected with conservancy ;
- (g) to regulate for sanitary reasons the crops which may be grown in any place within the limits of the municipality ;
- (h) where the collection of an octroi tax has been sanctioned, to fix octroi limits for the purpose of collecting that tax ; and
- (i) generally to carry out the purposes of this Act :

XIV of 1879.

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules in respect to any vehicles to which that Act applies.

[New.]

**72. (1)** In the case of municipalities in mountainous and sub-mountainous tracts, the committee may, from time to time, at a special meeting, make rules for the maintenance of a water-supply in streams and springs, for the preservation of the soil on the ridges and slopes of the hills and in the valleys, for the prevention of landslips and of the formation of ravines and torrents, and for the protection of land from erosion or the deposit thereon of sand, gravel or stones ; and may prohibit all persons from doing any acts the prohibition of which it may consider necessary for these purposes.

[See Act VII of 1878, section 35.]

*Examples.*—Cutting down forest trees on private grounds, unless with the previous sanction of the committee, and quarrying or making excavations in such grounds unless with the like sanction, may be prohibited by rules made under this section.

(2) The committee of a municipality in a mountainous tract may also make rules for the regulation of traffic in the streets.

[N.-W. P. Bill, section 51, sub-section (2) ; Act IV of 1873, section 21.]

**73. (1)** In making any rule under section 67, section 71 or section 72, a committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

[N.-W. P. Bill, section 51, sub-section (3) ; Act IV of 1873, section 15.]

(2) No rule made under section 67, section 71 or section 72 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

*Special Provisions.*

**74. (1)** The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

Regulation of offensive and dangerous trades, melting tallow ; boiling offal or blood ; or as a soap-house, oil-boiling house, dyeing house or tannery ; or as a brick-pottery or lime-kiln ; or other manufactory, or place of business from which offensive or unwholesome smells arise ;

or as a yard or depôt for hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ;

or as a store-house for kero-line, petroleum, naphtha, or any inflammable oil, spirit or explosive substance ;

or as a manufactory of gunpowder or fireworks ;

or as a shop for smoking opium or any preparation of opium ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) Such license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be liable to a fine which may extend to fifty rupees, and to a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

**75.** If it be shewn to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood, or likely to be dangerous to life, health or property, they may, by written notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever disobeys the direction of such notice shall be liable to a fine which may extend to two hundred rupees, and to a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

(3) Nothing in this or the preceding section shall affect the power of the committee to proceed under sections 67, 68 and 69 of this Act, in respect to any place used for any of the purposes mentioned in section 74.

**76. (1)** No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the sanction in writing of the committee.

(2) The committee may, by notice published in such manner as may be prescribed, order the closing of burial and burning places.

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*Panjab Municipal Bill, 1883.*  
(Chapter IV.—Powers and Duties of Committees.)

any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the vicinity thereof to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(3) Private burial-places in such burial-grounds may be excepted from such notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(4) Whoever shall bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, shall be liable to a fine which may extend to fifty rupees for each offence.

**77.** When any order is made under section 75 under section 75 or 76, any person aggrieved thereby may appeal within 30 days from the date thereof to the Commissioner when the municipality is of the first class, or to the Deputy Commissioner when the municipality is of the second class; and the order of the appellate authority confirming, setting aside or modifying such order shall be final; and no such order shall be liable to be called in question otherwise than by such appeal.

Provided that such order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

**78.** The committee may, with the approval of the Deputy Commissioner, fix places for the slaughter of animals, or of any specified description of animals for sale; and when such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place; and whoever slaughters any such animal for sale at any other place shall be liable to a fine which may extend to twenty rupees for each offence.

**79.** The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by rule made under section 71, prohibit bathing in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted, by which water in public places may be rendered foul or unfit for use.

**80.** When any building, or any part thereof, which projects beyond the regular line of a public street, or beyond the front of the buildings on either side thereof, has fallen down or been taken down in order to be rebuilt or altered the committee may, by written notice,

require the same, when being rebuilt, to be set back to or towards the line of the street or the front of the adjoining buildings; and the land so added to the street shall become part of the public street:

Provided that the committee shall make full compensation to the owner of such building for any damage he may thereby sustain; and, if any dispute shall arise touching the amount of such compensation, it shall be settled in the manner provided by the Land Acquisition Act, 1870, X of 1870 sections 3, 8 to 12, 51 to 53 and 56 to 59, so far as they can be made applicable.

**81. (1)** Every person intending to erect or re-erect any building within the limits of the municipality shall, if required by rules made under section 71, give notice in writing to the committee, and shall, if required to do so, furnish a plan shewing the levels at which the foundation and lowest floor are proposed to be laid, and the elevation and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions given by the committee within one month after receiving such notice, either prohibiting such erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect to all or any of the matters following, namely, (1) free passage or way in front thereof; (2) space to be left about the same to secure free circulation of air and facilitate scavenging; (3) ventilation and drainage; (4) level and width of foundation and stability of structure; and (5) the regularity of the elevation and the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare.

(2) If such building be begun or erected without giving notice, or without furnishing particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may require it to be altered or demolished, as they may deem necessary, by written notice fixing a time within which the requisition must be complied with.

*Explanation.*—The expression “erect any buildings” includes all additions or alterations which involve new foundations or increased superstructure on existing foundations.

**82. (1)** The committee may, by written notice fixing a time within which the requisition must be complied with, require the owner or occupier of any house to remove or alter any projection, encroachment or obstruction erected or placed against, or in front of, such house, if the same overhangs or juts into or encroaches upon any public street, or projects into or encroaches upon any drain, aqueduct or sewer in such street:

Provided that, if such projection, encroachment or obstruction were lawfully made before the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by such removal or alteration; and, if any dispute shall arise touching the amount of such compensation, it shall be settled in the manner provided by the Land Acquisition Act, 1870, X of 1870 sections 3, 8 to 12, 51 to 53 and 56 to 59, so far as they can be made applicable.

(2) The committee may give written permis-

*Panjab Municipal Bill, 1883.*  
(Chapter V.—Control.)

streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof, to an extent not exceeding *four* feet beyond the line of the plinth or basement wall.

[Bombay Act  
I of 1873,  
section 75.]

**83.** In the event of non-compliance with the terms of any notice under either of the last two preceding

sections, the committee may take such steps as may be necessary to carry out the requisition therein made; and the expenses incurred by them in so doing shall be paid by the person on whom the notice was served.

[Bengal Act V  
of 1876, sec-  
tion 232;  
Madras Act  
II of 1871,  
sections 115 &  
16;  
Bombay Act  
I of 1873,  
section 75.]

**84.** (1) The committee at a meeting may cause a name to be given to any street, and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces such name or number, or puts up any different name from that put up by order of the committee, shall be liable to a fine which may extend to twenty rupees.

[Madras Act  
III of 1871,  
section 121;  
Bombay Act  
VI of 1873,  
sections 77  
and 78.]

**85.** (1) Whenever, under the provisions of this Act, or of any rules made thereunder, the committee requires any work to be executed, and such work is executed by the occupier of any house or land, or by the committee at his expense, the occupier, if the owner is the person by whom such work ought to have been executed, may deduct the cost thereof from the next and following payments of rent due or becoming due to the owner, or may recover it from the owner by suit.

(2) If such work is executed by the committee, and the expense is not paid on demand by the occupier or owner, the committee may recover the expense by suit from the person by whom the work ought to have been executed, or by distraint of the moveable property of the occupier, who, if the owner is the person by whom the work ought to have been executed, may deduct the amount so recovered from the next and following payments of rent, or may recover it from the owner by suit:

Provided that, if the expense does not exceed Rs. 20, it may be recovered in the manner provided by the first clause of section 49 for the recovery of arrears of any tax under this Act.

[Madras Act  
III of 1871,  
section 164.]

**86.** (1) Every notice issued by the committee under this Act, or under any rule made thereunder, shall

be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, shall be posted on some conspicuous part of his place of abode or business.

[Bengal Act  
V of 1876,  
sections 307  
& 308.]

(2) If the place of abode or business of the owner be not within the limits of the municipality, every such notice addressed to him shall be sent by registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner be not known, every such notice addressed to him may be served upon the occupier.

**87.** The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act.

**88.** The proceeds of all fines imposed under this chapter, or under section 34 of Act V of 1861, on account of nuisances committed within the municipal limits shall be credited to the municipal fund.

**89.** (1) The Local Government may, from time to time, by notification, empower any member of committee or officer in the service of a municipality by name, or any sub-committee appointed by the committee in this behalf, to summon any person accused of any offence created by clause (a) of section 67.

(2) The member of committee or officer or sub-committee so empowered shall have the power of a Magistrate under the Criminal Procedure Code in regard to the issue of summons to persons accused of such offences, and may issue a summons returnable to the Magistrate by whom charges of such offences would ordinarily be tried, giving notice to the Magistrate of the issue of the same.

(3) If it appears to such member of committee or officer or sub-committee that the person so summoned has committed any such offence, he may give such person the option of compounding for the offence by payment of a specified sum of money not exceeding one rupee:

Provided that, when the offence is a continuing one, no such composition shall be accepted unless the offence is first discontinued.

(4) If such person elects to pay the sum of money in consideration of which he is allowed to compound, and pay the same to such member of committee or officer or sub-committee, no further proceedings shall be taken against him for the offence which has been so compounded.

(5) Such member of committee or officer or sub-committee shall keep a book in which he or it shall enter at the time all cases of persons against whom he or it takes action under this section, with the nature of the offence charged, and, should such person appear to him or it to have committed any such offence, the nature of the offence committed, and, if he is allowed to compound for such offence and elects to do so, the sum demanded by way of composition, and the sum received.

(6) All sums received by way of composition under this section shall be paid, as soon as conveniently may be, to the credit of the municipal fund.

CHAPTER V.  
CONTROL.

**90.** (1) The Commissioner of the division or the Deputy Commissioner of the district (not being a member of the committee) may—

(a) enter on and inspect, or cause to be entered on and inspected, any immovable property within the limits of the division or district,

*Panjáb Municipal Bill, 1883.*  
(Chapter V.—Control.)

respectively, occupied by any committee or joint committee, or any work in progress within those limits under its direction;

(b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(c) by order in writing require such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(d) record in writing, for the consideration of such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall regularly submit copies of all its proceedings to the Deputy Commissioner, and shall further submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may, from time to time, direct.

N.W.P. Bill, section 56; Panjáb Local self-government Bill, section 51.]

**91.** The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of the committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

N.W.P. Bill, section 57; Panjáb Local self-government Bill, section 52; Act I of 1883, section 30.]

**92.** (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

Panjáb Local self-government Bill, section 53.]

**93.** (1) When the Commissioner, after due enquiry, is satisfied that a committee of the first class has made default in performing any duty imposed upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to such person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

**94.** When a Deputy Commissioner makes any order under section 91, section 92 or section 93, he shall forthwith forward to the Local Government through the Commissioner a copy thereof, with a statement of the reasons for making it; and when the Commissioner makes any order under section 91 or section 93, he shall forthwith forward to the Local Government a copy thereof, with a statement of the reasons for making it and with any explanation which the committee may wish to record.

[Panjáb Self-government Bill, section 54]

**95.** (1) It shall be the duty of the Local Government and of all Commissioners and Deputy Commissioners acting under its orders to require that the proceedings of committees shall be in conformity with law and with the rules in force thereunder; and the Local Government may exercise all powers necessary for this purpose, and may, amongst other things, by order in writing, annul or modify any such proceeding which it shall consider not to be in conformity with law and with the said rules.

[Panjáb Self-government Bill, section 49 part of.]

(2) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be, from time to time, conferred upon them by rule made in this behalf by the Local Government.

(2) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction for the same purpose, exercise such powers as may be, from time to time, conferred upon them by rule made in this behalf by the Local Government.

**96.** (1) If a committee is not competent to perform or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

[N. W. Bill, section 59; Panjáb Local self-government Bill, section 55 to 57.]

the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded:

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council.

(2) When a committee is so superseded, the following consequences shall ensue:—

(a) All members of the committee shall, from the date of the notification, vacate their offices as such members:

(b) All powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government, from time to time, appoints in that behalf:

(c) All property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

*Panjab Municipal Bill, 1883.*  
(Chapter VI.—Miscellaneous.)

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

N. W. P. Bill, section 10; British India Bill, section 8.] **97.** The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

- (a) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;
- (b) as to the division of the municipality into wards, or of the inhabitants into classes or both;
- (c) as to the number of representatives proper for each ward or class;
- (d) as to the qualifications of electors and of candidates for election;
- (e) as to the registration of electors;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes; and
- (g) generally for regulating all elections under this Act;
- (h) for the remission of tax on houses unoccupied for the whole or part of the year, and the notice to be given of a house being unoccupied by persons desiring such remission;
- (i) as to the arts, professions, trades and callings liable to be taxed in any municipality, the registration and classification of persons engaged therein, the rates at which they may be taxed, the preparation of lists of persons to be taxed, and the penalty to which they shall be liable for practising or trading without payment of the tax;
- (j) as to the statements of vehicles and animals liable to taxation under this Act to be furnished by the owners or persons in charge of them, the rates at which they may be taxed, the issue of licenses for them on payment of tax, and the penalty for keeping them without a license;
- (k) as to the classes of menial and domestic servants liable to taxation in any municipality, the rate at which they may be taxed, the returns of such servants to be furnished by the masters, and the time when the masters shall pay the tax imposed in respect of such servants;
- (l) as to the exhibition of tables of octroi tax, the system under which refunds shall be made on account of that tax when the goods on which the tax was paid are again exported, and the storage of goods declared not to be intended for consumption or use within the municipality into which they are brought;
- (m) as to the rates of toll chargeable on vehicles or animals entering the municipality, or boats moored therein, the exhibition of tables shewing such rates, the exemptions to be made, and the terms on which residents outside municipal limits may compound for such tolls; and

- (n) generally as to the assessment and collection of taxes imposed under this Act;
- (o) as to the authority on which money may be paid from the municipal fund;
- (p) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;
- (q) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass;
- (r) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates may be sanctioned;
- (s) as to the accounts to be kept by committees, as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under the Act, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (t) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;
- (u) as to the returns, statements and reports to be submitted by committees;
- (v) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 95;
- (w) as to the language in which business shall be transacted; and
- (x) for the guidance of committees acting under sections 26, 29, 67, 73 and 76, and generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER VI.  
MISCELLANEOUS.

**98.** If any member or servant of a committee is directly or indirectly interested in any contract made with the committee, he shall be thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine which may extend to five hundred rupees:

Members, officers or servants of committees not to be interested in contracts with the committee.

[N. W. P. section Punjab Self-govt ment section 71; IV of 1 section 21 Madras Act III of 187 section 21 Bombay Act VI of 187 section 13 and Bengal Act V of 1 section 57]

Provided that no person shall, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between such company and the committee.



*Panjab Municipal Bill, 1883.*  
(Chapter VII.—Supplemental and Temporary Provisions.)

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Nevertheless, it shall not be lawful for such shareholder or member to act as a member of the committee in any matter relating to such contract.

59. (1) No suit for compensation for anything done or purporting to be done, or for the omission of anything which ought to have been done, under this Act shall be brought against a committee, or any of its officers, or any person acting under its direction, until the expiration of one month next after notice in writing has been delivered or left at the office of the committee or at the place of abode of such person, stating the circumstances constituting the cause of action and the name or place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be commenced within six months next after the accrual of the right to sue, and not afterwards.

(3) And if any person to whom any such notice of suit is given shall, before suit brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

IV of  
section  
Act XV of  
section  
et VII of  
section  
N. W. P.  
section

100. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, to which he has been a party, or which happens through, or is facilitated by, the neglect of his duty as member of committee; and he shall be liable to be sued for compensation for the same, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner or by the Local Government.

IV of  
section  
British  
a Bill,  
m 68;  
inal Pro-  
e Code,  
n 555.]

101. (1) Prosecutions under this Act for the infringement of rules may be instituted by the committee or by any person authorized by it in this behalf and not otherwise.

(2) A member of committee under this Act shall be deemed to be a municipal commissioner within the meaning of section 555, Criminal Procedure Code.

V.P. Bill,  
ion 65;  
b Local  
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Bill, sec-  
9.]

102. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

Act X of  
s. 56.]

V.P. Bill  
66]

103. (1) The authority empowered to make rules under section 7, section 67, section 71, section 72 or section 97 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is necessary to republish the draft under this section.

(3) Every rule made under any of the said sections shall be published in the *Panjab Government Gazette* in English, and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

104. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

[Criminal Procedure Code section 557.]

## CHAPTER VII.

### SUPPLEMENTAL AND TEMPORARY PROVISIONS.

105. (1) When a notification is issued under section 6 in respect of the whole area subject to the authority of a committee, withdrawing that area from the operation of this Act, all property which, at the time of the issue of the notification, is vested in the committee, shall vest in the Local Government, and be applied by it, in such manner as it thinks fit, for the promotion of the health, comfort, convenience or interests of the inhabitants.

[N. W. P. Bill section 68.]

(2) When a notification is issued under section 6 in respect of a part of the area under the authority of a committee, withdrawing that part from the operation of this Act, such part of the property vested in the committee as the Commissioner of the division may determine shall vest in the Local Government and be applied as aforesaid.

106. (1) If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the excepted municipality until again applied thereto by a like notification.

[N. W. P. Local Boards Bill, section 50.]

(2) While such exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

107. Nothing in or done under this Act shall prejudicially affect the rights of any officer or servant of a committee appointed before the passing of the Act as to tenure of office, salary or pension.

[Panjab Local Self-government Bill, section 72.]

108. In all matters connected with this Act, the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

[Panjab Local Self-government Bill, section 73.]



## STATEMENT OF OBJECTS AND REASONS.

THE law at present applicable to municipalities in the Panjáb is contained in Act IV of 1873.

2. Except in a few of the larger municipalities, all the members of the municipal committees constituted under that Act have hitherto been nominated ; but, for the reasons stated in Panjáb Government Resolution No. 1777, dated 7th September, 1882, it is thought desirable to give the committees a more representative character than they have hitherto had, and for this purpose it is proposed that, unless where special reasons exist against resorting to a system of election, a portion at least of the members of each committee should be chosen by the inhabitants of the municipality.

3. It is further believed that greater powers of initiating action and of controlling the administration and expenditure of their funds for the benefit of the inhabitants of the municipality may with advantage be given to committees than, except in a few of the more important municipalities, they possess under existing rules, if sufficient powers of control are reserved to prevent the interests of the public from being endangered by neglect, abuse of powers or mistake as to the extent of their powers, on the part of the municipal bodies.

4. It would be possible to carry out the measures necessary for these purposes by rules under the existing Act, but the amendment of the Act appears to be a more suitable mode of giving effect to the proposals of the Local Government, and this course has therefore been preferred.

5. It has also for a considerable time past been known that Act IV of 1873 is very defective in omitting to provide for many of the powers with which it is usually considered desirable to invest municipal bodies and their servants, some of which were expressly given by the later Acts, XV of 1873 and VII of 1874, passed for the North-Western Provinces and British Burma respectively ; and serious doubts have arisen as to the validity of some of the bye-laws framed to carry out and supplement its provisions, and as to the authority of municipalities to take action which it is important for the public interest that they should have the power to take. The opportunity has therefore been taken to redraft the entire Act, after referring to the corresponding Acts in force in other parts of India, with a view to remove the defects which have been brought to light by experience of its working for upwards of ten years.

6. The draft is divided into seven chapters nearly corresponding with those of the North-Western Provinces and Oudh Municipalities Bill, but it differs from that Bill in not proposing to treat the new committees as different bodies from the committees now in existence, and it also enters into greater detail in the chapters on the subjects of taxation and of the powers and duties of committees. In some other respects its provisions are necessarily different, being framed with reference to the peculiar circumstances of the Panjáb, and therefore corresponding more or less closely with those of the Panjáb Local Self-government Bill.

7. The preliminary chapter provides for the repeal of Act IV of 1873, and for the procedure to be adopted when it is proposed to establish a new municipality, to alter the limits of an existing municipality, or to withdraw any local area from the operation of the Act. It also provides for the division of municipalities into two classes, it being considered unnecessary to retain the third class committees, the orders and proceedings of which, under the rules now in force, are subject to the confirmation of the Deputy Commissioner before they can take effect. The power given by section 6 to withdraw any local area from the operation of the Act is required to meet cases in which petty municipalities have been established in places where experience has shown that municipal institutions cannot be continued with advantage, or that a sufficient municipal income cannot be raised without having recourse to forms of taxation which would either be extremely unpopular or would not meet with the approval of Government. The third class committees, where it is not necessary to abolish them for reasons of this nature, can be transferred to the second class.

8. Chapter II relates to the organization of committees. The provisions of section 7, as to the appointment or election of the members, are similar to those of the Local Self-government Bill, and, as in that Bill, the circumstances under which election, when once introduced, may be departed from are defined as far as possible. While the existing Act requires only two-fifths of the members to be other than salaried officers of Government, the Bill raises the proportion to two-thirds unless when such officers are elected as members.

9. The term of office, except in the case of members appointed *ex officio*, is to be fixed by the Local Government, but not to exceed three years, and, when this term is adopted, provision is made for the members retiring by rotation.

10. The provisions as to the removal of members are, with slight variations, the same as those contained in the Local Self-government Bill. The incorporation of committees and the control of transfers of property made by them and of investments by them of money in the public funds are also similarly provided for.

11. Section 15 provides for the election of the chairman by the committee, subject to the approval of the Local Government, unless where Government otherwise orders, but enables the

committee, instead of electing, to apply to the Local Government to appoint a chairman from among its members. Vice-chairmen will also be elected when necessary. The term of office of the chairman is fixed by section 16 at three years, if he so long continues to be a member of the committee, but power is given to the Local Government to remove him, if moved to do so by two-thirds of the members of committee present at a special meeting.

12. Sections 19 to 26 deal with the conduct of business and the framing of rules of business. Section 25, following the precedent of the Madras and Bengal Acts, enable the chairman, or, in his absence, the vice-chairman, in cases of emergency, to exercise all powers of the committee which the Act does not require to be exercised by the committee at a meeting.

13. Section 27 provides for the appointment of joint committees when co-operation between different committees is necessary, as in the Panjāb Local Self-government Bill.

14. Sections 28 to 30 relate to the officers and servants to be employed by committees. Of these, only section 28, which deals with the appointment of a secretary, has no corresponding provision in the Panjāb Local Self-government Bill. When a paid secretary is appointed, his appointment, removal, and salary are made subject to the sanction of the Commissioner, with a view to secure the appointment of a competent man to this important office, and to supply the guarantee against arbitrary dismissal, without which it might be difficult to get a competent man to accept office. The power of control in regard to other appointments, given by section 29 to the Deputy Commissioner, has been made applicable to all committees at the suggestion of the Delhi municipal committee, which considered such a check desirable in all cases.

15. Chapter III, on the subject of taxation and the municipal fund, is much fuller than the provisions of the existing Act upon the same subject. Section 7 of Act IV of 1873, which relates to the imposition of taxes, contains no description of the taxes which may be imposed. Section 33 now specifies the taxes which may, with the previous sanction of the Local Government, be imposed for general purposes, and authorizes the imposition of other taxes, with the previous sanction of the Governor General in Council; section 34 provides for additional taxes on property, when necessary for special objects, such as the improvement of the water-supply; and section 35 describes the tolls and fees which the committee may be empowered to levy; while section 36 prescribes the procedure to be followed in imposing taxes; and section 37 provides for exemptions. Some of the taxes specified, such as a tax on professions and tolls on vehicles and animals, are not at present levied in any municipality in the province; but it has been considered desirable to include them, as it may, in some cases, be necessary to find a substitute for octroi, which forms the chief source of income in almost all Panjāb municipalities, and these taxes have been resorted to for this purpose in other provinces. In the case of tolls, it is expressly provided that they may be imposed only where no octroi is levied. Other taxes are at present sanctioned for particular municipalities such as Simla, and it has therefore been necessary to include them, without reference to whether they are suitable for adoption in other cases.

16. Section 8, Act IV of 1873, prohibits the collection of taxes until the assessment has been confirmed as prescribed by rules made by the Local Government. This provision, which, however appropriate in the case of direct taxes, is clearly inapplicable to indirect taxes like the octroi, has been omitted from the present Bill, but sections 39 to 48 lay down rules for the assessment, confirmation and collection of taxes on immoveable property; and sections 49 and 50 provide for the collection of the octroi tax; while section 97 empowers the Local Government to make rules as to the assessment and collection of other taxes.

17. Section 51 gives a power to lease octroi and tolls, which is believed not to exist under the present Act, but which is likely to be found useful in some cases.

18. Section 52 enables the committee to call for returns and to enter premises in order to obtain such information as they may require for purposes of taxation.

19. Appeals against taxes or assessments are provided for by sections 55 to 57.

20. Under section 9 of Act IV of 1873, municipal taxes may be collected as if they were arrears of land-revenue. It is not proposed to maintain this rule now that committees are about to be placed in a more independent position than hitherto, and it is not well adapted to indirect taxes like the octroi. Power is, therefore, given by section 49 to seize any articles on which any octroi, tax or toll is chargeable in default of payment, and to recover arrears of taxes generally by distress and sale under the orders of a Magistrate.

21. Chapter IV deals with the subject of the powers and duties of committees, and is also much more in detail than the corresponding sections of Act IV of 1873.

22. Sections 60 to 65 relate to the municipal police. It is necessary to maintain the liability of the municipal fund for the charges of the establishment ordinarily employed on police-duty within municipal limits, as, when the Local Government takes over such charges, this will usually be done in consideration of the committee agreeing to undertake services within the municipality to which the municipal fund can properly be applied, the cost of which has hitherto been borne by Government, and such agreements may be for a limited period and have to be renewed from time to time. Section 61 provides for agreements of this nature.

23. The police-establishment may consist either of a part of the general police force or of a body of watchmen, as the Local Government thinks fit; and section 62 enables the

Local Government to regulate its duties in either case, and, where it is a body of watchmen, to fix its strength and the grades and pay of its members; and makes provisions for the powers, protection, responsibilities and punishment of the members of such body, which are considered to be more suitable than those contained in Act XXIV of 1881, which is the present law on the subject.

24. It is not the practice to entertain separate establishments for the preservation of the peace and the prevention of crime and for watch and ward, members of the general police force or municipal watchmen, as the case may be, being employed on both duties; and it is held to be desirable that they should continue to be available for both duties. Sections 62 to 64 therefore place municipal watchmen on a similar footing to members of the general police force, so far as is possible without enrolling them in that force, bringing them under the same rules as to pay and pension, and making them liable to general service. It is therefore proposed to place them under the orders of the District Superintendent of Police, and the Local Government may relieve committees of any charge for them, in the same way as it may do where a police-establishment enrolled under Act V of 1861 is entertained.

25. Section 66 gives a more detailed statement of the duties of municipal committees and the purposes to which the municipal fund may be applied than is to be found in section 11 of the present Act.

26. Sections 67 to 70 give powers to make rules prohibiting acts of the nature of nuisances. The powers to issue injunctions, and to make conditional orders for the removal of nuisances, have not hitherto been conferred upon committees in the Panjáb, but are taken, with some modifications, from the Municipal Acts in force in the North-Western Provinces and British Burma.

27. Section 71 specifies other purposes for which committees may make rules binding on the public, and section 72 adds a special power to committees in hill stations to make rules on subjects which, in such localities, it has been found necessary to enable committees to regulate. The confirmation of such rules, and the penalties incurred by infringing them, are provided for by section 73. Section 21 of the present Act prescribes a uniform penalty, but it has been thought better to enable the committees, when making a rule, to attach to it an appropriate penalty.

28. Sections 74 to 85 give powers of interference with trades and rights of property which have hitherto usually been taken in bye-laws. Such powers are expressly given in the Municipal Acts of the Bengal, Madras and Bombay Legislatures, and it has been thought better to give them in the Bill than to leave them to depend upon the authority of bye-laws. They may not be required in some of the minor municipalities, but a subsequent provision will admit of these municipalities being excepted from this part of the Bill.

29. Section 89 enables the Local Government to invest members of committee or officers of the committee by name or a sub-committee with the power to summon persons committing offences punishable under section 67 before a Magistrate, and to accept composition for such offences from persons who are willing to pay such composition in preference to appearing before a Magistrate to answer the charge. A provision of this nature was suggested by the Local Government as likely to be suitable in places like Simla, in reply to a proposal to give the secretary to the committee the powers of a Magistrate for the disposal of petty cases of nuisance; and, as the section is framed, no such power will exist unless where the Local Government thinks proper to confer it.

30. Chapter V, relating to control, differs in no material respect from the corresponding provisions of the Panjáb Local Self-government Bill.

31. Section 97 enables the Local Government to prescribe such forms as it may consider necessary, and specifies the subjects on which it may make rules supplementary to the provisions of the Act.

32. Chapter VI contains miscellaneous provisions as to the effect of a member or servant of a committee being interested in any contract with the committee, the liabilities of members, suit against committees, prosecutions for infringement of rules, the acquisition of land, the procedure to be followed in making rules, and the like.

33. Chapter VII provides for the disposal of property vested in committees when the area subject to their authority or part thereof is withdrawn from the operation of the Act under section 6; for excepting municipalities from any provisions of the Act unsuitable thereto; and, in the same way as in the Local Self-government Bill, for the saving of the rights of existing officers and servants, and for the control to which Commissioners and Deputy Commissioners are to be subject in the discharge of their duties under the Act.

D. G. BARKLEY.

*The 3rd September, 1883.*

D. FITZPATRICK,  
*Secretary to the Government of India.*



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Wednesday, the 12th  
September, 1883.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.  
G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

MÚLTÁN DISTRICT LAWS BILL.

The Hon'ble MR. ILBERT moved that the Bill to declare the law in force, in certain lands which have been or hereafter may be ceded by the Baháwalpur State for occupation by the Indus Valley State Railway be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill be passed.

The Motion was put and agreed to.

NORTH-WESTERN PROVINCES AND OUDH LOCAL BOARDS BILL.

The Hon'ble MR. QUINTON moved that the Report of the Select Committee on the Bill to provide for the constitution of Local Boards in the North-Western Provinces and Oudh be taken into consideration. He said :—

“ MY LORD, in moving for leave to introduce this Bill in May last, I explained to the Council that it embodied the views of the Local Government as to the degree to which the principles of local self-government already recognised in the North-Western Provinces and Oudh should be extended, as to the mode in which the existing machinery of district committees should be utilized for that purpose, and as to the steps considered necessary to supplement that machinery in order to carry out the object in view. I showed that the proposals of Sir Alfred Lyall were the result of careful deliberation and of consultation with all persons likely to be able to give an opinion of value on the subject, and that those proposals had received the assent of the Government of India in the Executive Department.

“ The Bill, after its introduction, was published in the usual way for the information of the public, and was referred back to the Local Government for further opinion on its details. Divisional and district officers of the united provinces were again consulted, a committee was again assembled at Naini Tal, presided over by the senior member of the Board of Revenue, and having as its members one Commissioner from the North-Western Provinces, one from Oudh, three officers of the Secretariat, of whom two had not long ago been in

charge of districts, and four Native gentlemen, including a member of this Council, the Hon'ble Rájá Siva Prasád.

"The opinions of the Local Government and of the officers consulted by it, the report of the Naini Tal Committee, and the criticisms of the English and Vernacular newspapers which discussed the measure, have been carefully weighed by the Select Committee; alterations, which it is hoped are amendments, have been made in the Bill in accordance with many of the suggestions emanating from these different sources; and I have to ask the Council to pass it into law to-day, after taking our report into consideration.

"I do not propose to detain the Council by discussing, or even enumerating, all the alterations which we have made. They will be found set forth at length in our report, but I shall confine myself to explaining a few of the more important changes.

"The Bill as introduced made no reference to towns in the united provinces in which Act XX of 1856 is in force. As the Council is doubtless aware, that Act provides for the appointment and maintenance of police chaukidárs in towns other than agricultural villages. In the North-Western Provinces and Oudh, where small towns are numerous, many have been brought under the Act, being too small as yet to constitute municipalities. The cost of watchmen, and in some places of sweepers for conservancy purposes, is raised by an assessment on persons or property within a limited maximum. The assessment is made by a pancháyat, and in no cases does it exceed double the charge for watchmen; in many it falls short of that amount. The surplus, when there is any, is spent in petty improvements in the town—generally in making or repairing roads or surface-drains—by the Magistrate, who is directed to consult the wishes of the rate-payers. Sir Alfred Lyall considers that these embryo municipalities should be left as they are for the present outside the jurisdiction of district boards, a discretionary authority being given to the Local Government to treat exceptionally any case that may seem to call for such treatment.

"Section 3 of the Bill as amended accordingly excludes from sub-districts formed under that section, unless the Local Government otherwise directs, the portions of the district in which Act XX of 1856 is in force.

"We have made a change in the mode of appointing nominated members of district boards in those districts where the central board will consist only of delegates from the local boards. Instead of leaving such members to be chosen by the local boards, which we considered might give rise to complications and difficulty in maintaining the prescribed proportion of nominated and elected members on the district board, we have, in section 6, given to the Local Government the power of appointing the proper number of nominated members to the district boards from among the nominated members of the local boards.

"On the mode of appointing chairmen of local and district boards, a constitutional question of great importance, I dwelt at some length on the occasion to which I have before alluded, and need only now say that no change has been made on this point, and that section 14 has been very carefully drawn, so as to give effect to the proposals of Sir Alfred Lyall.

"The Bill as introduced limited the term of office of chairmen of local boards to one year, in accordance with the suggestion of the Local Government. It was believed that this would give boards the opportunity within a reasonable time of ridding themselves of chairmen who turned out to be inefficient, but the Lieutenant-Governor and many of the officers consulted, on reconsideration of the question, have urged that the term is too short; and the Select Committee agrees with His Honour that annual elections of chairmen might keep agitation constantly alive, might deter competent men from accepting office, and might tend to prevent the acquisition of that knowledge of the rules and of business which it is essential that a chairman should possess. The preponderance of argument turned the scale in favour of the later opinion, and sections 13 and 16 accordingly provide that the term of office of an elected chairman shall coincide with that of his term of office as a member of the board.

"For chairmen who are not elected the term of office will be fixed by the Local Government, but is in no case to exceed three years, the term of office for



members. District boards will thus be able at reasonable intervals to review their determination not to elect their own chairmen.

“Questions may arise occasionally in which residents of military cantonments and district committees are jointly interested, and on which it is well that each party should have an opportunity of hearing the views of the other and stating its own. With this object, section 27 enables district boards to form a joint committee with the cantonment authorities whoever they may be. We have not specified cantonment committees, of which no mention is to be found in Act III of 1880, the latest enactment which amends the law relating to cantonments; but it will rest with the military authorities to determine in what form the residents of cantonments shall be represented in the joint committees.

“Some of the local officers consulted took strong exception to the clause of section 24 which enabled district boards to establish and maintain relief-works in times of scarcity or famine, urging in effect that undivided responsibility was essential to the successful conduct of a famine-campaign, and that this could not be expected from district boards. They appear to have overlooked, or to have thought insufficient, the qualification in the first sentence of section 24, which applies to all that follows, ‘subject to such exceptions and conditions as the Local Government may from time to time make and impose.’ There is no doubt of the general truth of the proposition on which the objection is based, where a widespread and severe famine has to be dealt with, but periods of scarcity frequently occur which do not require the universal application of official agency; and during such periods, or even occasionally in more serious famines, the services of the boards may often be utilised with advantage in administering relief-works of a subsidiary character. To meet such cases, the provision was inserted. It was intended by it not to empower the Local Government to divest itself of the responsibility for famine-administration, but to enlarge the armoury of weapons at the disposal of the Government for employment against the common enemy. The clause has been re-drafted so as to make this clear.

“In the Statement of Objects and Reasons, and in my speech when I asked leave to introduce this Bill, it was explained that the measure proposed to extend the financial independence of local bodies; and this object was secured by the provision which vested boards with the district fund. A suggestion of the Naini Tal Committee, supported by the Lieutenant-Governor, that ‘unexpended balances of yearly income should be credited to the boards subject to such conditions as the Lieutenant-Governor might impose,’ was carefully considered by the Select Committee, which felt compelled, for the reasons given in the Report, to reject it. Such a condition appeared to the Select Committee to be fatal to that financial independence which it is the object of the Bill to confer on every district board. Section 13 of Act III of 1878 and section 12 of IV of 1878, which left unexpended balances of the allotments at the disposal of the Lieutenant-Governor and Chief Commissioner, have been accordingly repealed and not re-enacted.

“The sections respecting the appointment of officers and servants have been recast. As regards the appointment of the secretary, no substantial change has been made; but we have rendered subject to rules made by the Lieutenant-Governor appointments to offices requiring professional skill. The supply of candidates for professional employments is limited, and the boards to be constituted under this Bill will not, at least for some time to come, be well adapted to judge without guidance of professional qualifications and scientific acquirements, whereas the selection of competent professional servants is of the utmost importance to the success of their administration.

“Two sections (36 and 37) have been added respecting the grants by boards to their servants of gratuities, pensions and leave-allowances. Here also it was felt that boards should be enabled to resist the pressure to which they will no doubt be largely subjected, and that the law should strengthen their hands in refusing to burden the rate-payers with extravagant charges.

“We have empowered the Local Government (clause (8), section 47) to make rules for the guidance of the boards in conducting litigation, but have

struck out altogether the section of the Bill as introduced which conferred upon district boards and their officers and servants the privileges which the Secretary of State for India or a public officer has under Chapter XXVII of the Code of Civil Procedure. As stated in the Report, the tendency of recent legislation in England has been to remove special protection in the case of legal proceedings against public bodies, and, except that boards might possibly be placed at a disadvantage in the conduct of their legal business by the delay necessitated by the reference to Government under the rules, there appeared no good reason for continuing such protection to the boards for which we are now legislating. Such delay would, we think, be always accepted by the Courts as a good and sufficient reason for granting a postponement under the ordinary provisions of the Code.

"It also appeared to us that a provision for special notice of an intention to institute a suit against a board was uncalled for. Cases will rarely, if ever, occur in which persons thinking themselves aggrieved will not apply for redress to the boards before bringing them into a Court of law; and plaintiffs who fail to make such an application would doubtless be made, or, probably my hon'ble friend of the Chief Court will agree with me, ought to be made, to pay for their laches by being mulcted in the costs of the suit.

"I also propose to ask the Council to pass an amendment to section 40 of the Bill. Section 47 gives the Local Government the very necessary power of making rules as to the manner in which the accounts of the boards shall be audited; but section 40, which specifies and limits the charges and expenses to which the funds of the board can be legally applied, makes no provision for payment of the expense of auditing those accounts, so that the Local Government has the power of making rules for the performance of a duty the cost of which the board is under no obligation to pay.

"Section 47, clause (12), enables the Local Government to make rules as to the language of the board. This power was originally given to the district board, but on further consideration we adopted the view of the Lieutenant-Governor that, if this matter were left to the decision of the members, much controversy might be the result, and in some districts business might be seriously and uselessly retarded. My hon'ble friend the President of the Education Commission will, I am sure, bear me out in saying that the use of Hindi or Urdu as an official language has in many places become a burning question, and that opposite sides are frequently taken by Hindus and Muhammadans more from a desire to secure a badge of race-ascendancy than from considerations of the public convenience.

"The Bill, my Lord, will thus confer on the people of the North-Western Provinces and Oudh a substantial, though not an unsafe, measure of local self-government: it is a move, and a decided, but not a rapid move, in that direction. For a somewhat centralized system of administration of local funds, it establishes local bodies appointed mainly by such a form of election as is considered by those best acquainted with the provinces most suitable to their present condition, presided over by chairmen of their own choice, charged with the performance of definite duties, vested with the control of their own funds, and possessed of the local knowledge and local interest which it is the tendency of centralised departments in their zeal for improvement sometimes arbitrarily to override. It is not to be expected that large results will at once be apparent from the passing of the Act, or that a population composed chiefly of peasants and petty landholders, engaged in a hard struggle for existence, of whom not quite 6 per centum have acquired the arts of reading and writing, will suddenly manifest a great amount of public spirit, will display an unselfish interest in commercial affairs and develop a conspicuous genius for administration; but we may reasonably hope that in these respects a promising start will be made, and a steady rate of progress gradually attained, under the guidance of a body of divisional and district officers second to none in India in sympathy with, and knowledge of, the agricultural classes, controlled by a Lieutenant-Governor who has so thoroughly familiarised himself with the ideas and principles underlying the structure of Indian society."

The Hon'ble MR. HUNTER said :—" My Lord, after the exhaustive statement made by my Hon'ble friend in charge of the Bill, it is not needful that I should enter into further details connected with this measure. But a question arose in the Select Committee with regard to which it is expedient that, by your Excellency's permission, I should ask my Hon'ble friend for a fuller explanation in Council. The Bill provides, among other things, for the Local Government making over ' the control and administration ' of schools to the Local Boards. No definition is given of the class of schools thus to be transferred, but they are placed in a list ending with the words ' and other public institutions.' It may therefore be inferred that the schools to be placed under Local Boards are of the nature of State schools. But perhaps the Hon'ble Member in charge of the Bill will, at the close of this debate, make it clear that the schools to be handed over ' to the control and administration ' of the Local Boards, at the discretion of the Local Government, are not intended to include aided schools, or schools managed by European or Native associations or by similar bodies. It would be particularly unfortunate at the present juncture, if an unfounded surmise should get abroad that Government intends to interfere in any way with private enterprise in education. From what passed in the Select Committee, I am aware that there is no such intention ; and I have a perfect confidence that the Local Government will prevent any injustice by the rules to be framed under this Act. I also agree that it is inexpedient to attempt a definition of the schools now to be transferred to Local Boards, as the whole question of popular education and of educational legislation is shortly to come before your Excellency's Government. Nor do I ask for any pledge in regard to schools which the Boards may themselves establish. But it seems desirable that it should be made clear to managers of schools, and to European or Native associations engaged in school work, that the present Bill will not infringe on their private rights. I shall, therefore, with your Excellency's permission, ask my Hon'ble friend for an assurance that nothing in this Bill is intended to interfere with the powers at present exercised by individual managers, or by public associations, over aided or other non-Government schools ; or to transfer their management to ' the control and administration ' of the Local Boards.

" Two objections of a more general character have been brought against the control and administration of those Boards. On the one hand, it has been urged that the powers entrusted to the Boards go too far in the direction of local self-government ; on the other hand, it is complained that they do not go far enough. As an independent member of the Council, not pledged by responsibilities to your Lordship's Executive Government, I desire to state my own opinion in regard to these two categories of complaint. The first class of critics seem to suppose that this and similar measures now before the Council, have been modelled upon institutions, and are built up on theories, foreign to India. But if there was ever a series of measures free from the charge of *doctrinaire* legislation, it is the series to which the present Bill belongs. Every one of that series has been based upon existing institutions, and in each one of them the development of those institutions is strictly carried out on lines laid down by the District Officers and the Local Government. The Bill for the Central Provinces starts from the village school committees, characteristic of that part of India, and links them through Local Boards with the District Councils. In Burma, such rural mechanism is comparatively wanting, and the Burmese Bill now before the Council, practically confines its scope to municipalities or townships and the areas attached. In the Panjáb, different tracts vary widely in their circumstances. The Panjáb Bill refrains, therefore, from any attempt to bring that Province under uniform provisions, and it allows the largest liberty to the Local Government in regard to the rules by which the system will be worked in each district. The North-Western Provinces form a more homogenous territory. But, while the provisions of the present Bill are consequently made applicable to them as a whole, these provisions are based upon local experience and local advice collected from the separate Districts. It embodies the views arrived at by the North-Western Government upon the recommendations of a Committee of its own District Officers. It has been carried through this Council by a gentleman of exceptional experience in

the management of North-Western Districts. At each stage of the Bill, the opinion of the Lieutenant-Governor of the North-Western Provinces has been sought; and to that opinion more than one member of the Select Committee has, on particular clauses, yielded his own. Whatever may be the defects or the merits of this Bill, they are not the merits or defects of *doctrinaire* legislation.

“The Bill accepts the existing system of District Boards in the North-Western Provinces, and provides them with Local Boards as agents acting under them. But, in thus giving hands to the District Board with which to do its work, we are told that the Bill has deprived the District Board of its head. The meaning of this is, that the Chairman of the District Board will no longer be necessarily an official appointed by Government, but may, under certain conditions, be elected by the Board itself. Those conditions, however, afford ample security against evil results from so moderate a change. In the first place, a District Board must, at a meeting of not less than three-fourths of its whole members, determine whether the Chairman shall be elected by the Board, or be appointed by the Local Government. The condition requiring an attendance of three-fourths of the whole members, although an effective safeguard against hasty or partial elections, seemed, to me at any rate, to be unduly stringent. But, after the careful consideration given to this question by the Local Government, and as local experience shows that this safeguard can be practically carried out in the North-Western Districts, I think that no true friend of self-government should withhold his assent from a condition which those best acquainted with the North-West believe to be requisite for the successful working of self-government in those Provinces. The second safeguard consists in the circumstance that, when a Chairman has been elected, the approval of the person so selected rests with the Local Government; and, in the event of an unsuitable election, the Local Government shall appoint as Chairman such person as it thinks fit. The third safeguard resides in the right reserved to Government of nominating a portion of the members of the Local Board, not exceeding one-fourth of the whole. The fourth safeguard is to be found in the provision that every resolution passed by a District Board shall, within ten days, be forwarded to the Magistrate of the District. A fifth safeguard rests in the efficient but well-guarded powers of inspection, suspension and control vested in the Commissioner of the Division, and eventually in the Local Government. I do not think that any one can carefully read this Bill without the conviction that its provisions represent the best results of local experience, and that they take ample security against any dangers which might arise from the increased responsibilities now assigned to the District Boards.

“Those responsibilities are of a very real character. The list of duties made over to the District Boards include much of the daily work of rural administration. The evils of the undivided responsibility borne by Indian officials, have long been recognised, and have received fresh illustration in the most able of popular accounts of India, by Mr. J. S. Cotton, which has just reached this country. But, in regard to the duties and powers of District Boards, this Bill has been based on the past experience of District officers in the North-West, not upon theories or first principles. The construction and maintenance of public roads, wells, waterworks and certain local buildings; the management and inspection of schools, hospitals, markets, cattle-pounds, staging-houses and public ferries; the regulation of encamping grounds for travellers; the licensing of stage-carriages; the conduct of local works likely to promote the public health, comfort or convenience; and the relief of the people in time of scarcity or famine, are among the duties entrusted by the Bill to the District Boards, under rules and conditions to be laid down by the Local Government. Some of these duties have already been conducted by District Boards; but hereafter the District Boards will have an inducement to efficiency and economy which they did not possess before. For, any balance unexpended at the end of the year from the sums allotted to them by the Local Government, will no longer be swept back into the Provincial Treasury. Such balances will form a fund to enable the District Board still more efficiently to carry out its duties; and the more economically it performs its work each year, the better will be its financial position at the beginning of the next.

“With the responsibility for many branches of the rural administration, will come, I believe, an increased appreciation of the difficulty of the task. The British Government has, during the past twenty years, accepted responsibilities for the continuous welfare of its subjects which no previous Government of India admitted. The State now interposes its efforts between the calamities of nature and the people. When it fails in its almost insuperable task, the people are apt to blame, not the calamities of nature, but the efforts of the State. No one has so clearly described the result of this condition of things as the present Lieutenant-Governor of the North-Western Provinces. ‘Cholera, famines and great sea-inundations,’ writes Sir Alfred Lyall in one of his brilliant essays, ‘when they are not made the text of invectives against the British Government, do at least, in some confused way, bring upon it great discredit; not apparently from the idea that the gods are angry with the Government, but upon the dim feeling that the Government has undertaken the gods’ business and is breaking down.’ The best remedy for such a state of things is to make the people themselves share the difficulty of the task; and I believe that the Bill to be passed to-day for the territories over which Sir Alfred Lyall presides, is the most important legislative step yet taken in that direction.

“We have lately heard much of the great influence exercised by the small but highly educated Native communities in the towns. It is complained that that influence is altogether disproportionate to the number of the persons who wield it, or to the pecuniary stake which they have in the country. Without pronouncing as to the justice of this view, I think that the present measure affords a new and valuable guarantee against the evil complained of. For this Bill creates effective mouthpieces for public opinion outside the great towns, such as the rural population never possessed before. Public opinion exists in the village as it does in the town; but under previous Indian Governments the village was separated by wide untraversed tracts from the ruler. This separation has stamped itself in the language of the people. The terms for the village and its internal life are almost everywhere taken from the vernacular Indian speech; but beyond the village stretched the Persian *zila* or District, and beyond the *zila* the Persian *subah* or Province, whose capital formed the residence of the remote Government or Persian *sarkar*. My Hon’ble friend in charge of the Bill, has mentioned that the language to be used by the Local Boards is a burning question at the present day; that is to say, whether the language is to be the native Hindí of India, or the naturalised Urdu derived from its former foreign rulers. He has dealt, I think, very wisely with that question. But the Bill which he has to-day conducted to a successful issue, goes to the root of the evil which bequeathed to us this and similar difficulties in the rural administration. Indian history discloses scarcely anything of the nature of a political institution between the village and the Central Government; and after the downfall of each successive dynasty the village alone survives, raising its head above the waste of anarchy like the Lower Bengal hamlets in time of flood. This absence of cohesive institutions has always been a source of political weakness in India. The present Bill, with the series of measures to which it belongs, takes the village, the indestructible unit of the Indian social system, and links it to the Central Government. My Hon’ble friend has truly said that the progress of local self-government must at first be slow. But the progress, such as it is, will be steadily in the right direction. The peasant landholders and the village heads will be represented on the Local Board. The Local Boards will, either directly or by election, constitute the District Board; and the District Boards will be in immediate communication with the responsible representatives of the Government. The old indestructible element of organization in India, the village, will no longer stand out as a solitary unit, but will be incorporated into a well-knit system of rural administration.

“I think the local Government of the North-Western Provinces, as well as the Hon’ble Member in charge of the Bill, is to be congratulated on the passing of this measure. I believe it to be an honest effort to carry out the policy of local self-government laid down in your Excellency’s Resolutions, and to



carry out that policy with due safeguards against the risks which must attend all administrative changes in India."

His Honour the LIEUTENANT-GOVERNOR said :—" My Lord, I was not aware that any difficulty had arisen in connection with those provisions of section 24 of the Bill which refer to the control and management of schools made over to local bodies. No mention of any such difficulty has been made in the report of the Select Committee, and therefore I have not come prepared to discuss the principle at any length. Nor do I clearly understand what is the particular difficulty in respect to aided schools to which my hon'ble colleague Mr. Hunter has referred. Perhaps when the Hon'ble Member in charge of the Bill comes to answer the appeal which has been made to him, some further light may be thrown upon the subject. But if it is asked that a pledge be given that the clause in the Bill shall apply only to Government schools and in no respect to aided schools,—that is to say, that grants-in-aid are to be given only from provincial finances and not from local funds, that all examinations in aided schools are to be conducted by provincial and not local establishments, and that local boards and committees are to have no concern with aided schools,—I sincerely trust no such pledge will be given. As far as the Panjáb is concerned, I distinctly contemplate, under the provisions of the Panjáb Bill, now before a Select Committee of this Council, to give certain powers to local boards in connection with aided schools, as well as Government schools. In regard to the Bill now before us, I think that the clause in the first part of section 24 which makes the provisions of the section subject 'to such exceptions and conditions as the Local Government may, from time to time, impose,' provides an ample check against any arbitrary or unwise interference with aided schools. Altogether, the matter is one which should be left to the discretion of the Local Government."

The Hon'ble SIR STEWART BAYLEY said :—" My Lord, I cannot anticipate the answer which my hon'ble friend Mr. Quinton will give to the question asked him by the Hon'ble Mr. Hunter in regard to the control and management of aided schools, but I am of opinion that it is undesirable that any definite pledge should be given in their case. It seems to me that there is a principle underlying the question which may enable the Local Government to come to a decision in the matter; and that, in regard to schools for the higher education, where these schools are in the main private institutions and can only be called public in consideration of the grants-in-aid they receive, they would hardly come under the wording of the section. Where, for instance, private persons or associations have invested time and money in starting a school on the faith of a system of grants-in-aid administered by Government, there is a *prima facie* reason for not making over such schools to local bodies without the consent of those persons and associations. I think that might be the guiding principle, but at the same time much must be left to the discretion of Local Governments, and it would be unsafe to give anything like a definite pledge."

The Hon'ble Mr. QUINTON said :—" The question raised by my hon'ble friend Mr. Hunter is no doubt one reasonably suggested by the wording of section 24 of the Bill, and, as it also arises in the Municipal Bill, I shall deal with both at the same time.

"It was found impossible to lay down by law a precise classification of the schools which should be placed under the control and administration of the boards, and the decision was accordingly left to the Local Government, while we indicated by a general qualification in the section the principles on which such decision should be based.

"The section runs—'Every district board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Local Government may, from time to time, make and impose, provide, among other things, for the establishment, management, maintenance and visiting of schools.'

"It was not the intention that boards should have anything to do with schools other than those maintained or aided from the district or municipal funds.



“Schools which in future accept grants-in-aid from boards will of course be bound by the conditions on which such grants are given, and must make their own terms.

“Schools which at present receive grants-in-aid from Provincial funds are in a different position. Government may find it convenient to transfer the charges for such grants-in-aid to the funds of the boards; but, as the schools were often established on the faith of the continuance of the grants-in-aid by Government, as stated by my hon’ble friend Sir Steuart Bayley, the latter would doubtless, before taking action, we presume, consult the wishes of the managers of the institutions, and, if they objected to being rendered subject to the control of the boards, would probably either not make the transfer at all, or attach to it such ‘exceptions and conditions’ as would satisfy the reasonable objections of the proprietors or managers of the schools. I cannot give any assurance beyond this. We have left the matter to the Local Governments with every confidence that the discretion will not be abused.”

The Hon’ble MR. ILBERT said:—“My Lord, we are much indebted to our hon’ble friend Mr. Quinton for the great care and skill with which he has conducted this measure through Council, and for the fulness of his explanations. It clearly appears from what he has said that, with respect both to the details and to the principles of this measure, we have adhered as closely as possible to the views and suggestions expressed by the Local Government; and I have every reason to believe that this measure will lay down the lines of a useful and effective system of local self-government. To what has been already said, I need only add a very few words, and those will be in explanation of the financial clauses of the Bill. In defining the funds and sources of income to be placed at the disposal of local boards, we have endeavoured to keep in view three considerations. First, for the purpose of securing the requisite amount of elasticity in the adjustment of provincial and local revenue and expenditure, we have found it necessary to reserve to the Local Government a certain amount of discretion with regard to the funds to be allotted. We have done this by providing in section 38 of the Bill that the arrangements specified in that section are to be subject to such conditions and exceptions as may be made and imposed by the Local Government. Secondly, it has been thought desirable to give the Local Government, by express words, the power of reserving from the local rates fund such amounts as may be necessary for expenditure on matters of the district which it may be necessary to place under provincial as distinguished from local administration. We have provided for this by a sub-section, which will be found in section 56 of the Bill, amending the Local Rates Act of 1878. Whilst conferring these discretionary powers, we hope and believe that they will be exercised in accordance with fixed rules, and in such a manner as not to cripple the independence and responsibility we intend to give to local bodies. In connection with this point, I have to express my entire concurrence in the principle of leaving unexpended balances in the hands of those bodies. Lastly, it is necessary that local bodies should pay the expenses of such services as may be rendered to them by the officers of Provincial Departments, and we have accordingly charged the district fund with the payment of such amount as may be held to be equitably due in return for such services.”

His Excellency THE PRESIDENT said:—“The remarks which have been made by the hon’ble members on this and previous occasions at the several stages of the Bill have so fully explained the objects and purposes of this and the sister measure which will be passed, I trust, in a few minutes, and I myself have had so many occasions of expressing my views on the question of local self-government in India, that I need not now occupy the time of the Council. But I cannot let those two Bills pass without expressing my hope that they will prove to be measures calculated to make a substantial advance in the development of local self-government; and it is a great satisfaction to me that these Bills should be passed by this Council during the time I have the honour to preside over it.”

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also moved that, in section 40, sub-section (1), after the words "payment of" the following be inserted, namely:—"the expenses incurred in auditing the accounts of the district and local boards, and".

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### NORTH-WESTERN PROVINCES AND OUDH MUNICIPALITIES BILL.

The Hon'ble MR. QUINTON also moved that the Report of the Select Committee on the Bill to make better provision for the organization and administration of Municipalities in the North-Western Provinces and Oudh be taken into consideration. He said:—

"The printed report of the Select Committee enumerates at length the changes, except amendments in matters of minor detail, which have been made in the Bill as introduced, and gives briefly the reasons for each. It also states that, in making those alterations, the Select Committee was guided by the opinions of the local authorities, which in the case of a Bill of this nature appeared to be specially deserving of attention.

"The changes as regards terms of office of chairman of the board, the appointment of joint committees with the cantonment authorities, the language of the board and the appointment of officers and servants, the grant of pensions, gratuities and leave-allowances and special privileges in conducting litigation, correspond with those made in the Local Boards Bill; and, as I have dwelt on the reasons for these changes in the remarks I have just made on that measure, I need not weary the Council by going over the same ground.

"Towns in which Act XX of 1856 is in force were not alluded to in the Bill as introduced, but, as the Local Government is enabled to apply the Municipalities Act when passed to any town or group of towns, we have provided that, when a town in which Act XX of 1856 is in force is brought under the Municipalities Act, the former enactment shall cease to have effect therein, and every panchayat constituted under it for the local area in which such town is situated shall cease to exist. The maintenance of a proper establishment for watch and ward will then become the duty of the municipal board.

"The maximum term of office of members of the board was originally fixed at two years, but the local authorities and Native gentlemen consulted considered this period too short, especially where the system of retirement by rotation is in operation—a system which has worked satisfactorily and is well understood. In deference to these views, we have extended the period to three years.

"The Bill as introduced practically allowed a board to elect as its chairman any person whatever: 'one of its own members or some other person' was the language used. Exception was taken to this as throwing open the chairmanship in a manner inconsistent with ordinary rule and practice elsewhere, and as allowing a person who had not stood for election, or who, having stood, had not been elected, to be brought in to preside over the board's deliberations as chairman. It was urged that, although the power might occasionally be used to bring in a man of peculiar ability or aptitude, the probability was much stronger that it might be misused for purposes of private interest, and that it might foster dissension, especially if a candidate who had been defeated at the election for board membership were nominated.

"The Select Committee has given full weight to these considerations; but, looking to the fact that *all* elections are subject to the approval of the Local Government, has decided not to narrow the field from which chairmen may be chosen, except by the single restriction that they must possess the qualifications which would enable them to stand for election as members of the boards. These qualifications will be prescribed by rules made by the Local Government under section 9 of the Bill. This will prevent the election of an outsider who has no interest in the municipality, while the Local Government will be able,

by withholding its approval, to cancel the election, to the office of a person obviously improper or unfit.

“To prevent municipal administration coming to a standstill by the neglect of a board to fill up the chairmanship within a reasonable time after the occurrence of a vacancy, we have enabled the Local Government to appoint a chairman when the office is allowed to remain vacant for three months. The control of the ordinary business of the committee will rest in a great degree with the chairman, and inconvenience to the public would result from its being interrupted. I shall leave to my hon’ble and learned friend Mr. Ilbert to explain the grounds on which we have altered the sections giving power to the board to make rules regarding nuisances. The principle involved is one of general application, and will doubtless regulate litigation on the point in other provinces than those to which this Bill relates. No power was given to the Local Government in the Bill as introduced to alter the limits of a municipality. The law now in force, Act XV of 1873, section 5, does enable the Local Government to effect this by notification, and on the suggestion of the Government of the North-Western Provinces and Oudh we have inserted a section (74) to make provision for future cases in which it may be necessary to alter municipal limits.

“The object of this Bill, my Lord, like that of the Bill just passed, is to develop in the direction of local self-government institutions already in existence; and I may say that the institutions to which it applies have attained a much more advanced stage of development, and call for much less radical changes, than those with which we were dealing earlier in the day.

“Some degree of local self-government in municipal affairs existed in the North-Western Provinces since 1850, when Act XX of that year enabled residents of towns to apply for the extension of the Act to the town in which they lived, and to form committees for the purpose of taxing themselves and administering the funds raised by such taxation.

“As to Oudh, a Municipal Act for Lucknow and other towns to which it might be extended by the Governor General in Council was passed in 1864; and the Governor General in Council was subsequently empowered to extend to any towns in Oudh the Panjáb Municipal Act of 1867. In 1868, a new Municipal Act was passed for the North-Western Provinces, and was keenly debated in this Council; the opposition, headed by Sir H. Durand and Sir W. Mansfield, being opposed to granting to the Lieutenant-Governor power to apply the Act to any town irrespective of the wishes of the inhabitants and to the preponderance on the committee of official members, and the influence which it was likely they would exercise.

“Finally, in 1873, a fresh Act, No. XV of that year, being the law now in force, was passed for the North-Western Provinces and Oudh, in order to provide for municipalities in Oudh governed by the Panjáb Municipal Act, then about to expire, and to make alterations and amendments in some small matters, to which experience had shown to be required, to the North-Western Provinces Act, regarding which the mover, Mr. (now Sir) Arthur Hobhouse, stated his belief that it had worked in a very satisfactory manner. By this Act all municipalities in both provinces are now regulated, and a brief account of its operation, taken from the printed Administration Report of the North-Western Provinces and Oudh for the year ending on the 31st of March, 1882, may interest the Council, as showing the stage of advancement which municipal institutions have there reached.

“There were in that year in the united provinces 109 municipalities, with a population slightly in excess of 3,000,000. Members were appointed in some places by election only, in others by nomination only, and in others again by election and nomination combined. There were 438 *ex officio* members, against 1,022 nominated or chosen by election. An income of Rs. 23,30,837 was raised by taxation, of which 88 per cent. was derived from octroi-duties, and the average incidence of taxation per head was 12 annas.

“The first charge on the net income was for police, of which an establishment consisting of 2,802 constabulary and 4,006 non-constabulary

forces was entertained. I may say here that, by the present Bill, municipalities will be entirely relieved from the cost of the former, under the obligation of devoting the funds thereby set free to purposes of education, medical relief and the like. Conservancy, maintenance and construction of roads and buildings, drainage, sanitation, charitable and educational grants, absorbed most of the remaining funds.

“Any one conversant with the condition of the towns and cities of Upper India five-and-twenty years ago, who compares it with their present state, must admit that the improvement effected by municipal administration in matters affecting the public health, safety and convenience is immense. I may perhaps be permitted to mention the cities of Lucknow, Allahabad and Cawnpore, of which I have personal knowledge, and in the two former of which a considerable portion of my official life has been spent. These cities are now distinguished by wide and handsome streets, excellent roads, comparatively good drainage, which is being daily improved, and efficient conservancy; all brought about by municipal committees, in whose proceedings some of the leading and most intelligent citizens took an active part. In Lucknow, my friend Nazim Agha Ali Khán Bahádur, commonly known as the Agha Sahib, and the late Daroga Wajíd Ali, so conspicuous for his loyal services to the British Government during the Mutiny, interested themselves above others in municipal affairs, and rendered invaluable assistance in municipal administration.

“Similar public spirit to that manifested by these gentlemen and others was not universal, and the system, under which the satisfactory results I have just alluded to were obtained, depended largely for its success in the first instance on the presence on committees of *ex officio* members. The number, however, of non-official residents of towns and cities who evince an intelligent interest in municipal business has been gradually increasing, and it is believed that the time has now come when the co-operation of officials on most municipal boards is no longer needed. The provisions of the present Bill have accordingly been framed with the view of giving to residents of the cities and towns to which it applies the sole management of their own municipal affairs, under rules for securing due attention to the public health, safety, convenience and interests generally—objects which no Government can suffer to be neglected. Some few places will still require the guiding hand of an official president, and in all a judicious exercise of the control from without established by the Bill cannot be safely dispensed with; but, with these exceptions, the State practically withdraws from the management of municipal affairs, in the expectation that the boards will prove themselves equal to the fresh responsibilities thrown upon them, and carry on with zeal and efficiency to ever advancing stages of development the system of municipal government, which has already conferred such substantial benefits on the united provinces.”

The Hon'ble MR. BARKLEY said:—“My Lord, there is only one point to which I wish to refer in connection with this Bill. I have no desire to oppose the passing of the Motion now before the Council, but it will be observed that I have qualified my assent to the Report of the Select Committee by expressing a doubt whether it was expedient to dispense with the notice now required before a suit can be brought against a committee or its officers for compensation for any thing done under the Municipalities Act. This question is likely to arise again with reference to other Bills now before this Council, and I may therefore briefly explain my reasons for considering it desirable that the law should require notice of such suits to be given.

“The principal reason is the tendency of such notice to reduce the number of cases in which municipal committees need be concerned as litigants. The object of the notice is to give them an opportunity of offering amends out of Court; and section 43 of Act XV of 1873 goes on to provide that, if sufficient amends are tendered before suit is brought, the plaintiff shall not recover. A similar provision is to be found, I believe, in all Municipal Acts now in force throughout India, those of the Presidency-towns included, and there is reason to believe that it has often led to claims being adjusted out of Court. It is said in the Report that the provisions of the Code of Civil Procedure on the subject

are sufficient; but the only notice before suit required by that Code is that provided by Chapter XXVII before suing Government or public officers. It was decided in Committee that it was not desirable to make Chapter XXVII of the Code, as originally proposed in the Bill, applicable to municipal committees; but, while I agree in considering the provisions of that chapter unsuitable, I still think that it would have been desirable to retain a provision similar to that contained in section 43 of the existing Act. Claims may of course still be adjusted out of Court, either after suit, or, if sufficient notice is given, before suit; but in cases of the former description the costs of bringing the suit must be paid by one party or other; and, if no notice is prescribed by law, cases of the latter description will be rare, as formal notice before suing is rarely given in India, and a plaintiff will think that he has done more than is necessary if he has told a member or servant of the committee that he intends to sue.

“My hon’ble friend Mr. Quinton has suggested that the Court would decree costs against the plaintiff if no formal notice had been given, but it is quite possible that the Court might think it harsh to throw all costs upon the plaintiff if he had given an informal warning to a member or servant of the committee.

“It appears that a similar provision which has long existed in English law has recently been found unnecessary, but the circumstances of England are very different from those of the interior of India, and I am unwilling to deprive municipal boards, which are bodies appointed to discharge a public duty, and are, like individuals, liable to err, of a protection which is given to public officers.

“A minor reason is that, as the protection has hitherto been given by law to municipal committees, it does not seem desirable to withdraw it just at the time when it is proposed to give them a more representative character and place them in a more independent position than before. This would not be a very strong reason if the protection served no useful purpose, but, from what has been already said, it will be seen that I think it is beneficial.

“But, as the Local Government has been informed that the Select Committee did not think that Chapter XXVII of the Procedure Code should be made applicable, and has not suggested that a provision similar to section 43 of the existing Act should be substituted, and the subject is one closely connected with local administration, I have not thought myself called upon to propose an amendment.”

The Hon’ble MR. ILBERT said:—“My Lord, my hon’ble friend Mr. Quinton has asked me to explain, somewhat more fully than it has been found possible to do in the Report of the Select Committee, the principles by which we have been guided in framing section 55 of the Bill, which delegates to municipal authorities the power to frame bye-laws. It is obvious that a power of this kind ought to be very carefully guarded and its exercise as carefully watched. Experience has shown that similar bodies have not unfrequently framed bye-laws which are either unnecessary, vexatious or in excess of their powers. This remark, I need hardly say, applies not only to India, but also to England. For the purpose of preventing similar abuses, it has been suggested that we ought to take away from municipal authorities the power of framing bye-laws, except those which are necessary for the regulation of their own proceedings, and to insert an exhaustive list of acts and omissions punishable within municipal limits, and of the penalties to be imposed for them. I do not think, however, that such a suggestion is practicable. I have examined carefully the different Indian Municipal Acts, and I find that, whilst they differ from each other materially with respect to the extent to which they define offences in the Act itself, or leave them to be defined by bye-laws, they all agree in reserving to local authorities a supplementary power of framing bye-laws for the prevention and punishment of petty municipal offences. The English Public Health Act, which goes into greater detail than is usual in Indian Acts, is framed on similar principles, and reserves to local sanitary authorities extensive powers of making bye-laws. This is a matter with respect to which I should be disposed to leave a reasonable amount of discretion to the Local Governments. I have not yet had an opportunity of minutely



examining the Panjáb Municipal Bill, but it appears to have been framed with great care, and it contains provisions apparently borrowed from the Bombay, Bengal and Madras Acts, which specify in some detail the offences punishable under the Act. The North-Western Provinces Bill, however, has been framed on somewhat different lines, and the reason for this difference probably is, that the North-Western Provinces Government have already framed a model Code of bye-laws which, as I understand, has been put in force, with local modifications, in a good many municipalities in the Province, which has been found to work well, and which, I presume, the Local Government would wish to continue in force with as little alteration as possible. Under these circumstances, the Select Committee have not thought it necessary to insert in the Bill provisions which had not been suggested by the Local Government, and the suitability of which they would not have had sufficient opportunity for considering. At the same time, we thought that the bye-laws clause which appeared in the Bill as introduced was susceptible of improvement. This clause appeared to me to be open to two objections. In the first place, it gave to municipal authorities the power to interpret the term 'public nuisance'—a power which should properly be left to the Courts of law; and secondly, it gave, by implication, to those authorities the power of creating offences punishable by so heavy a penalty as a fine of Rs. 200. I have gone through the offences which are punishable under the model Code of bye-laws now in use in the North-Western Provinces, and I find that, with few exceptions, the offences dealt with under them can be brought under one of two categories. They are either offences which might properly be treated as belonging to the same class as those defined as public nuisances by section 268 of the Penal Code, or else they are offences which might be appropriately dealt with under that chapter of the Code (Chapter XIV) which contains this section, and which is headed 'Of offences affecting the public health, safety, convenience, decency or morals.' We have accordingly, by the first sub-section, given a general power to municipal authorities to frame bye-laws for the prevention and punishment of offences belonging to either of these two categories, and we have added sub-sections dealing specifically with offences about which a doubt might be entertained whether they were sufficiently covered by the general words of the first sub-section. And, in order to avoid an artificial extension of the term 'public nuisance,' we have not given that name to offences against municipal bye-laws as such. Of course, there are many offences which might be punishable both under the Penal Code and under a municipal bye-law. In these cases, the prosecutor will have the option of proceeding either under the one or under the other, subject to a proviso, which will be found in section 70 of the Bill, and which provides that no person shall be punished twice for the same offence.

"Then, we have provided sundry safeguards against the possibility of municipal committees exceeding or abusing their powers. In the first place, the maximum penalty for an offence against a municipal rule is limited to Rs. 50, with a proviso for the case of continuing offences; next, a draft of the proposed rules must, under section 68, be published, and objections and suggestions from persons interested must be invited before the rules are passed; and, lastly, the rules are made subject to the approval of the Local Government. This procedure is substantially the same as that prescribed in the case of bye-laws under the English Public Health Act. All such bye-laws require the sanction of the Local Government Board, and the course adopted by that Board in dealing with such bye-laws is this. They have drawn up a model Code of bye-laws containing all such provisions as have been shewn by experience to be necessary and sufficient, and they do not allow local authorities to depart from this model except for special reasons to be assigned in each case. I think that, if Local Governments in India adopt a somewhat similar course, and employ a reasonable amount of care in framing their model Code of bye-laws, there can be no ground for apprehension that the powers entrusted to municipalities are likely to be abused or exceeded.

"So much for bye-laws. Next, as to the point which my hon'ble friend Mr. Barkley has raised, with respect to the propriety of omitting the provision which



requires a month's notice before the institution of legal proceedings against a municipal committee. As my hon'ble friend Mr. Quinton has explained, we have, in omitting this provision, followed the most recent precedents of English legislation. Protective clauses of a similar kind to that which we now propose to omit are to be found scattered up and down in great abundance in the English Statute-book. I once had occasion to make an exhaustive examination of these clauses for the purpose of seeing whether they could not be enacted once for all in a generalized form. I found that they had a long history, and that some of the forms now in use contained provisions which dated from the time of James I, and had been copied mechanically from one Statute into another, though they had long ceased to be of any practical utility. When the English Army Act was being framed, the most suitable form of such a clause was carefully considered, and the conclusion come to was that the requirement of a month's previous notice of action was likely to do more harm than good, and had better be omitted; the reason being that no person of ordinary prudence begins legal proceedings against an individual or a body of individuals for acts done under colour of statutory authority without taking the precaution of previously sending a lawyer's letter or in some similar way affording an opportunity of settling the matter without litigation; and that, if any person was so foolish as to dispense with this precaution, he would probably be mulcted in costs, even if he won his case. It appeared to me that, notwithstanding the differences between English and Indian circumstances to which Mr. Barkley has referred, the same considerations applied in India also; and, though I am fully impressed with the importance of protecting persons in office from vexatious litigation, yet I am very reluctant to increase the number of formalities of which proof must be furnished before a suit can be maintained, or to make any addition to the number of the existing opportunities for delay and procrastination which our civil procedure affords. Moreover, if such a provision as this is really required, it ought to be embodied in a general Act, which should grant the necessary kind of protection to all persons acting under statutory or other similar authority. These were the reasons which induced me to advise the Committee to omit the clause in question from the Bill."

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### PANJÁB MUNICIPALITIES BILL.

The Hon'ble MR. BARKLEY moved that the Bill to make better provision for the organization and administration of Municipalities in the Panjáb be referred to a Select Committee consisting of the Hon'ble Mr. Ilbert, the Hon'ble Sir Steuart Bayley, the Hon'ble Messrs. Hope, Hunter and Quinton and the Mover.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 19th September, 1883.

D. FITZPATRICK,

SIMLA;

The 18th September, 1883. }

Secretary to the Government of India,

Legislative Department.

GOVERNMENT OF INDIA.  
LEGISLATIVE DEPARTMENT.

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ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR  
GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING  
LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE  
ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

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The Council met at Government House, Simla, on Wednesday, the 19th  
September, 1883.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I.,  
G.M.I.E., *presiding*.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble W. W. Hunter, LL.D., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

PROTECTION OF INVENTIONS BILL.

The Hon'ble Mr. ILBERT presented the Report of the Select Committee  
on the Bill for the protection of inventions exhibited in the Exhibitions  
of India.

NATIVE PASSENGER SHIPS ACT, 1876, AMENDMENT BILL.

The Hon'ble Mr. ILBERT also presented the Report of the Select Committee  
on the Bill to amend the Native Passenger Ships Act, 1876.

LEGAL PRACTITIONERS BILL.

The Hon'ble Mr. ILBERT also moved for leave to introduce a Bill to amend  
the Legal Practitioners Act, 1879, and the Indian Stamp Act, 1879.  
He said :—

“The object of this Bill is to amend the Legal Practitioners Act, 1879, in  
certain respects in which experience has shown that the existing law is defec-  
tive.

“Section 13 of the Legal Practitioners Act, 1879, contains a provision that  
the High Court may suspend or dismiss any pleader who takes instructions in  
any case except from the party on whose behalf he is retained, or from a private  
servant of such party, or from some person who is the recognized agent of such  
party within the meaning of the Code of Civil Procedure. It has been brought  
to the notice of the Government that the practical operation of this provision  
is in certain cases attended with inconvenience to litigants and pleaders.  
In litigation in which pardánashin women are concerned, instructions must  
often, as a matter of necessity, be given through their near relatives. Again,  
there are cases in which male litigants, who have not the means of employing  
private servants, are unable from various causes, such as physical incapacity or  
old age, to instruct their pleaders in person. In such cases, it seems right to  
allow the relatives of the litigants to instruct pleaders on their behalf. Section  
3 of the Bill accordingly adds a proviso to section 13 of the Act enabling  
pleaders to take instructions from a relative of the party deputed by him or her

requires a month's notice before the institution of legal proceedings against a municipal committee. As my hon'ble friend Mr. Quinton has explained, we have, in omitting this provision, followed the most recent precedents of English legislation. Protective clauses of a similar kind to that which we now propose to omit are to be found scattered up and down in great abundance in the English Statute-book. I once had occasion to make an exhaustive examination of these clauses for the purpose of seeing whether they could not be enacted once for all in a generalized form. I found that they had a long history, and that some of the forms now in use contained provisions which dated from the time of James I, and had been copied mechanically from one Statute into another, though they had long ceased to be of any practical utility. When the English Army Act was being framed, the most suitable form of such a clause was carefully considered, and the conclusion came to was that the requirement of a month's previous notice of action was likely to do more harm than good, and had better be omitted; the reason being that no person of ordinary prudence begins legal proceedings against an individual or a body of individuals for acts done under colour of statutory authority without taking the precaution of previously sending a lawyer's letter or in some similar way affording an opportunity of settling the matter without litigation; and that, if any person was so foolish as to dispense with this precaution, he would probably be mulcted in costs, even if he won his case. It appeared to me that, notwithstanding the differences between English and Indian circumstances to which Mr. Barkley has referred, the same considerations applied in India also; and, though I am fully impressed with the importance of protecting persons in office from vexatious litigation, yet I am very reluctant to increase the number of formalities of which proof must be furnished before a suit can be maintained, or to make any addition to the number of the existing opportunities for delay and procrastination which our civil procedure affords. Moreover, if such a provision as this is really required, it ought to be embodied in a general Act, which should grant the necessary kind of protection to all persons acting under statutory or other similar authority. These were the reasons which induced me to advise the Committee to omit the clause in question from the Bill."

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### PANJÁB MUNICIPALITIES BILL.

The Hon'ble MR. BARKLEY moved that the Bill to make better provision for the organization and administration of Municipalities in the Panjáb be referred to a Select Committee consisting of the Hon'ble Messrs. Gibbs, Ilbert, Hope, Hunter and Quinton and the Mover. He said:—"My hon'ble friend Sir Steuart Bayley has mentioned to me that the Hon'ble Mr. Gibbs would shortly relieve him of the charge of the Home Department, and asked me to substitute Mr. Gibbs' name for his. I have altered the Motion accordingly, and if this alteration is not objected to, I desire to move that the Bill be referred to a Select Committee consisting of the hon'ble members abovenamed."

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 19th September, 1883.

D. FITZPATRICK,

SIMLA;

The 18th September, 1883. }

Secretary to the Government of India,

Legislative Department.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

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“The object of this Bill is to amend the Legal Practitioners Act, 1879, in  
certain respects in which experience has shown that the existing law is defective.

“Section 13 of the Legal Practitioners Act, 1879, contains a provision that  
the High Court may suspend or dismiss any pleader who takes instructions in  
any case except from the party on whose behalf he is retained, or from a private  
servant of such party, or from some person who is the recognized agent of such  
party within the meaning of the Code of Civil Procedure. It has been brought  
to the notice of the Government that the practical operation of this provision  
is in certain cases attended with inconvenience to litigants and pleaders.  
In litigation in which *pardánashín* women are concerned, instructions must  
often, as a matter of necessity, be given through their near relatives. Again,  
there are cases in which male litigants, who have not the means of employing  
private servants, are unable from various causes, such as physical incapacity or  
old age, to instruct their pleaders in person. In such cases, it seems right to  
allow the relatives of the litigants to instruct pleaders on their behalf. Section  
3 of the Bill accordingly adds a proviso to section 13 of the Act enabling  
pleaders to take instructions from a relative of the party deputed by him or her

to instruct the pleader when the party is a pardánashín woman or unable for any sufficient cause to instruct the pleader in person.

“ Under the Legal Practitioners Act, 1879, an advocate not ordinarily practising in his own province must, if he wishes to practise in such a province as the Central Provinces, for example, where the Judicial Commissioner has at present no power of enrolling advocates, first enrol himself as a pleader. As this state of the law is felt by certain persons to be a grievance, a new section has been added to the Act, empowering all High Courts not established by Royal Charter to enrol advocates as the Chief Court of the Panjáb is at present empowered to enrol them. As the power of suspension or removal would, except in the case of the Panjáb Chief Court, be vested in a single officer if it were conferred absolutely on the High Court, it has been thought well to make every order by any High Court other than the Panjáb Chief Court suspending or removing an advocate subject to confirmation by the Local Government.

“ The new section 42, which section 5 of the Bill adds to the Act, provides for the repeal of Acts I of 1846 and XX of 1853 in all places to which that section may be extended. The Madras High Court has noticed that these Acts have not as yet been expressly repealed in that Presidency, though a great portion of the Legal Practitioners Act, 1879, has been brought into operation there. These Acts are, it is believed, already repealed in all the provinces to which the Legal Practitioners Act, 1879, extends *proprio vigore*; but it is possible that they may be still unrepealed in some of the other provinces to which the Act either has already been or may hereafter be extended under the power conferred by its first section. The new section 42, taken with section 1 of the Act, will enable the Local Government of any such province to repeal the Acts if still in force in it.

“ Lastly, section 6 of the Bill amends article 27 of schedule I and article 11 of schedule II of the Indian Stamp Act, 1879, by omitting the words which confine their operation to advocates of the chartered High Courts. As section 41 of the Legal Practitioners Act, 1879, empowers the Chief Court of the Panjáb to enrol advocates, and as the Bill will confer similar powers on the other non-chartered High Courts, the words in question are, as represented by the North-Western Provinces High Court, out of place, so far as advocates are concerned, and should therefore be omitted.”

The Motion was put and agreed to.

The Council adjourned to Thursday, the 4th October, 1883.

D. FITZPATRICK,

SIMLA ;  
The 20th September, 1883. }

Secretary to the Government of India,

Legislative Department.

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR  
THE WEEK ENDING THE 18th SEPTEMBER 1883.

**GENERAL REMARKS.**—In the Carnatic, Travancore and parts of the Southern Mahratta Country the rainfall of the past week has been somewhat deficient, and more rain is wanted for unirrigated crops; otherwise the prospects in Southern India are fair. There has been a slight rise in the river in Sind, but it remains below its usual level; at Kurrachee, however, it is reported to be higher than last year. In Hyderabad and the Berars the crops are generally in excellent condition and throughout Central India and Rajputana good, and in some places abundant rain has greatly benefited the *kharif* and improved the pasturage.

In Burma, Assam and Bengal crop prospects are on the whole favourable, although some damage has been done by past floods, and more rain is wanted in parts of Behar and Central Bengal. In the North-Western Provinces and Oudh and Central Provinces the rice crop has suffered from the long break in August, but other crops are doing well and the rainfall of the week under report has been general and very beneficial. Hardly any rain fell during the week in the Punjab, but prospects there have materially improved.

Harvesting is still in progress in Madras. Ploughing and sowing for the *rabi* has begun in the Bombay Presidency, Rajputana, the Central Provinces and the North-Western Provinces and Oudh, and the early *kharif* crops are being cut. Reaping of early rice and jute continues in Bengal, the outturn being generally fair. In Burma rice sowings have been finished and transplanting is nearly completed.

Cattle-disease in mild form is reported from most districts; in Burma the mortality has slightly increased.

Cholera still exists in Bombay, the Central Provinces and Northern India, but is decreasing. The usual autumnal fevers prevail.

Prices are keeping steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Sept. 19th)</b>		
Bellary ...	·18 (average of three stations).	Standing crops generally good.
Kurnool ...	·05	Rain still needed in four taluks; standing crops elsewhere good. Harvest of indigo in parts, yield 14 annas. Cattle-disease in seven taluks.
Ganjam ...	·93 (average of twelve stations).	Standing crops generally thriving. Fever and small-pox exist.
Kistna ...	·55 (average of four stations).	Rain needed throughout. Dry crops fading. <i>Cholum</i> suffering from grub in one taluk. Harvest of gingelly, yield below half. Fever, small-pox, guinea-worm, and cattle-disease in parts.
Chingleput (Madras) ...	·95	Standing crops withering, except in one taluk for want of water. Harvest of <i>kar</i> , paddy, &c., yield half. Small-pox slight in three taluks; ancasles in one taluk. Cattle-disease slight in all taluks.
Coimbatore ...	·89 (average of six stations).	Standing crops <i>cholum</i> damaged by insects in one taluk. Dry crops in eight taluks want rain. Harvest of <i>cholum</i> and <i>ragi</i> , yield average. Fever and small-pox in parts; cholera in one taluk, three deaths.
Tanjore ...	1·17 (average of eight stations).	Standing crops generally good, but dry crops in four taluks want rain. Harvest paddy and gingelly, yield below average. Twenty-six deaths from cholera.
Madura ...	1·33 (average of four stations).	Standing crops withering, except in two taluks. Harvest of paddy and dry crops in parts.
Malabar ...	1·18 (average of thirteen stations).	Standing crops good. Harvesting continues. Second crop cultivation begun in seven taluks. Small-pox slight in nine taluks; fever in three taluks; cholera in two taluks, 5 deaths.
Travancore ...	·177	Harvesting continues. Preparations for next cultivation begun. Fever and dysentery prevail; 1 death from small-pox. Rain needed in several districts. <i>General Remarks.</i> —General prospects fair.
<b>Bombay—(Sept. 19th)</b>		
Kurrachee ...	·88, being average of fourteen stations.	River at Kotri on 17th 14 feet 7 inches against 13 feet 9 inches on same date last year. Fever in five talukas. Cattle-disease in five talukas, some loss among cows and buffaloes. Coughs and dysentery at Koti. Wheat, red rice, and <i>bajri</i> in Kurrachee 24, 28 and 34, in Shewan 32 and 40, in Tatta 24, 28 and 36, and in Jati 20, 32 and 40 lbs. per rupee, respectively.
Hyderabad ...	Rain in two talukas, average fall ·90.	River has risen 1 inch since last week, but was 3 feet lower on 17th instant than on same date last year. Crops are reported to have suffered from blight and rats in taluka Badin. Small-pox in one, fever in two, and cattle-disease in three talukas. Wheat 24, <i>bajri</i> 36, <i>juari</i> 46, red rice 20, and white rice 20 lbs. per rupee.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Ahmedabad ...	40	Total rainfall 19.68. Crops healthy. Cholera abating. 5 cases, 3 deaths; slight fever in Aholka, Modasa, and Viramgaum. <i>Bajri</i> 26½ and wheat 24½ lbs. per rupee.
Baroda ...	74	Total rainfall 43.93. Crops in good condition. Locusts in Songhad, Mahuva, and Vyara talukas of Naosari division. <i>Bajri</i> 27 and rice 21 lbs. per rupee.
Surat ...	54	Total rainfall 46.74. Condition of crops good. Cholera in Bulsar, 18 cases, 14 deaths; slight fever in Pardi. Locusts in some talukas. <i>Juari</i> 37 and <i>augli</i> 43 lbs. per rupee.
Nasik ...	.....	Break in rain. Sowings of <i>kharif</i> completed. Heavy and continuous rain slightly damaged the <i>kharif</i> crops in places. Land is being prepared for <i>rabi</i> . No cholera. Cattle-disease in two villages of Dindori. Locusts throughout the district doing no damage, save in Kalwan. Wheat 28, <i>bajri</i> 28, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	Very little rain; total of week 55.	Total rainfall to date 72.14, being 7.20 above average. Abnormal temperature 0° to 1° cool. Vapour in air defective. Wind normal. Barometer high.
Poona ...	Light showers in all talukas.	Nine deaths from cholera. <i>Bajri</i> 39 and <i>juari</i> 47 lbs., in Poona <i>bajri</i> 34 and <i>juari</i> 41 lbs.
Ahmednagar ...	Very light rain in four talukas and none in the rest.	<i>Kharif</i> crops are doing well; sowing of <i>rabi</i> has commenced in all the talukas except Parner, Jamkhed, and Sanganner. Cattle-disease prevails to some extent in Karjat. Cholera 17 attacks, 5 deaths. <i>Bajri</i> —maximum 60 lbs. in Jamkhed, minimum 36 in Kopergaon, <i>juari</i> —maximum 72 in Jamkhed, minimum 45 in Kopergaon.
Sholapur ...	No rain	<i>Kharif</i> crops good; <i>rabi</i> sowings commenced in places. No damage by locusts. Cholera 76 cases, 31 deaths. <i>Juari</i> 61 and <i>bajri</i> 53 lbs. per rupee.
Dharwar ...	Slight rain at eight stations; maximum 79 at Hubli.	Rain wanted in Gadag, Ron and some other places. Standing crops good. Sowing of cotton progressing in some places, and in others lands are being prepared for it and for sowing wheat, gram, and other <i>rabi</i> crops. Public health good. <i>Juari</i> 84 lbs. per rupee in Ranibennur to 47 lbs. in Mugud petta and rice 40 lbs. in Hargal to 25 lbs. in Mundargi.
Kanara ...	Karwar, 1.32; Kumpita, 5.84; Sirsi, 8.95; Halial, 3.80.	Total rainfall 131.10. Plucking cardamoms commenced. Rice plants healthy. Three cases of small-pox in Hanawar. Common rice in Karwar 13, in district average 14½ seers per rupee.
Rajkot ...	43	Total rainfall 25.09. Weather hot and cloudy. General health good. <i>Bajri</i> 28 and <i>juari</i> 34 lbs. per rupee.
<b>General Remarks.</b> —Slight rain in some districts, more wanted in parts of the Southern Mahratta Country. <i>Kharif</i> crops generally good. Preparations for <i>rabi</i> in progress. Little damage from locusts. Cholera in many districts, but of a mild character. Slight fever and cattle-disease in a few places.		
<b>Bengal—(Sept. 19th)</b>		
Chittagong ..	3.49	Weather seasonable. Transplanting of late rice nearly finished. Prospects good. Prices stationary. Cattle-disease still reported.
Dacca ..	45	<i>Rochia</i> paddy being sown; <i>aus</i> and jute being cut. Prospects good.
24-Pergunnahs (Calcutta) ..	30	Prospect of crops good. Harvesting of early rice still going on, outturn above average. Transplanting of late rice finished. Price of common rice stationary. Public health generally good, though cases of fever reported from Baraset and Bassirhat sub-divisions.
Moorshedabad ..	40	Weather sultry. Rain much wanted for late rice. Other crops doing well. Public health good.
Rajshahye ..	1.10	Weather clear and hot. Crops doing well. More rain wanted. <i>Aus</i> rice being harvested.
Burdwan ..	33	<i>Aus</i> rice being reaped, outturn fair; <i>amun</i> rice promises fairly. Public health tolerable.
Rungpore ..	5.76	Weather cloudy and rainy. Prospects of crops good. Cutting of <i>jute</i> proceeding. Fever prevalent; cholera at Kaligunge.
Bhagalpur ...	1.11	More rain wanted for winter rice.
Purneah ..	2.25	Prospects of crops good. Farming operations normal. Health fair. Rivers normal.
Patna ..	2.20	<i>Bhadoi</i> crops promising. Transplanting of paddy still going on. Cholera reported from several thanas of Behar sub-division.
Durbhunga ..	43	More rain wanted, but crops have certainly improved, and prospects are not unfavourable.
Hazaribagh ...	1.91	Weather warm and seasonable. Prospects of rice crop continue favourable. <i>Bhadoi</i> crops still being harvested. General health good.
Cuttack ...	36	Weather seasonable. Early rice being cut; late rice being reploughed and thriving well. Price of rice has risen a little high. Public health good.
<b>General Remarks.</b> —There has been general rain during the week; it has done much good in Behar, but more is still much wanted there, as well as in Central Bengal, for late rice especially on high lands. Early rice, jute, and other autumn crops are being harvested, and promise to give a general fair outturn, though in some districts it will be under an average. Fever is said to be prevalent in some districts, but the general health of the province is still very fair.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>N. W. Provinces and Oudh—</b>		
Benares (Sept. 18th)	Benares, 3.50; Chandausi, 1.30.	Crop prospects much improved. Fever continues. Cattle-disease of a very mild type reported in places. Prices steady.
Allahabad ( „ 19th)	Good rain everywhere except at Sadr, where only .70 has fallen; in the remaining eight tahsils the average is 2.30.	Harvest prospects good. Health generally good. Cholera, 5 deaths. <i>Bajri</i> , <i>juari</i> , and <i>arhar</i> risen in price and <i>dhan</i> and <i>kuari</i> fallen, other prices steady.
Gorakhpur ( „ 16th)	Rain more or less abundant all over district on 13th and 14th; Maharajgunj, 3.50; Deoria, 1.90; Bansgaon, 1.20.	Prospects much improved. Sharp outbreak of cholera in jail, prisoners moved into camp; one or two cases also in city.
Jhansi ( „ 17th)	Jhansi, .80; Mau, 2.90; Moth, 2.70; Garotha, 1.00.	Rice and minor crops somewhat damaged for want of rain. <i>Juari</i> , <i>bajra</i> , <i>tili</i> , and cotton are looking well. Prices fluctuating. Health of men and cattle good.
Agra ( „ 18th)	Rain in all parganas from .10 to 1.80.	Sporadic cholera in two and fever in three parganas. Prices slightly falling. More rain wanted. No cattle-disease.
Rae Bareilly ( „ 17th)	Rain during week—Sadr, 6.74; Digbijainj, 3.70; Dalmian, 1.30; Salon, .80.	Prospects of <i>kharif</i> crop greatly improved. General health good. Supplies sufficient. Prices steady.
Meerut ( „ 18th)	Meerut, 1.00; Bagpat, 1.40; Hapur, .70; Mowana, .40; rain has fallen in outlying villages of Ghaziabad.	Though recent rain most beneficial, more would be advantageous. West wind blowing and symptoms of approaching cold season. Prospects fair. Health good. No cholera. Labour abundant. Supplies sufficient. Prices steady.
Kumaun ( „ „ )	.....	Fine weather is now required for the crops, sufficient rain having fallen. Health of people fair. Cattle-disease continues. Prices unchanged.
Lucknow ( „ „ )	Abundant and general rain during week; Lucknow, 4.50; Malabad, 3.40; Mohanlalganj, 3.20.	Heavy clouds still overhanging. Rice crop has suffered to some extent, but it is now improving; <i>hewat</i> crops are doing very well. Condition of people and cattle good. Markets well supplied. Prices stationary.
Partabgarh ( „ „ )	Sadr, 1.00; Kunda, 3.60; Patti, .60.	Prices steady. Rice suffering from drought in a small tract in Patti tahsil. Prospects elsewhere good. <i>Kuari</i> , rice, <i>kakun</i> , <i>makra</i> , and <i>sawan</i> being cut. Health good.
Sitapur ( „ „ )	Sitapur, 1.50; Sidhouli, 3.20; Biswan, 4.70; Misrikh, 6.90.	Marked improvement in prospects. Fall in prices of all grains, except <i>dhan</i> and <i>kodon</i> which is stationary and <i>sawan</i> which has risen.
Fyzabad ( „ „ )	Sadr, 3.00; Bikapur, 3.20; Akbarpur, 1.20; Tanda, .60.	Prospects improved. Public health good.
Bareilly ( „ „ )	Passing showers	Weather cloudy. <i>Kharif</i> fully average, except rice and indigo. Cholera confined to original locality.
Cawnpore ( „ „ )	Good rain throughout the district, though varying considerably.	Weather favourable. Prospects improved. General health of the people good. Slight cattle-disease in one pargana only. Prices slightly fallen.
Farukhabad ( „ „ )	.....	Sky slightly overcast and favourable for all crops and for preparation of <i>robi</i> sowings. Later <i>kharif</i> crops very promising, except rice.
<b>Punjab—(Sept. 18th).</b>		
Delhi ...	.....	Health good. Crop prospects improved. Prices stationary.
Hissar ...	Slight rain	Crops thriving. Health good. Prices stationary.
Umballa ...	.....	Health good. Crop prospects much improved, but yield expected to be below the average. Prices rising.
Jullundur ...	.....	Health good. Crop prospects improving. Prices falling.
Amritsar ...	.....	Health good. Prices falling.
Sialkot ...	.....	Health and harvest prospects good. Prices falling.
Ferozepore ...	Zira, .50	Health good. Crop prospects improved. Prices steady.
Lahore ...	.....	Health good. Crop prospects much improved. Prices stationary.
Rawalpindi ...	.30	Health good. Crop prospects good. Prices falling.
Mooltan ...	.....	Health and crop prospects good. Prices stationary.
Dera Ismail Khan ...	.....	Health good. Rain needed. Crops suffering. Prices steady.
Peshawar ...	.....	Health and harvest prospects good. Rain wanted. Prices falling.
<b>General Remarks.</b> —Slight rain in one or two districts. General health good. Crop prospects improving.		

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces— (Sept. 19th)</b>		
Nagpur ...	·95	Weather rainy. Prospects good. 118 deaths from cholera. Prices steady.
Jubbulpore ...	·20	Weather cloudy and occasionally sunny; weather seasonable; Crops much benefited, but more rain is wanted for rice. Prices stationary.
Saugor (Sept. 18th)	·86	Weather cloudy with light rain. Crops much improved. Prices steady. Health good.
Seoni ...	2·59	Heavy rain on 19th followed by cloudy damp weather. Crops flourishing. 9 deaths from cholera. Prices stationary.
Hoshangabad ...	3·63	Weather rainy and cloudy. Weeding and preparation for <i>rabi</i> sowings stopped by continuous rain. Health good. Wheat 15 and rice 9 seers per rupee.
Khandwa ...	·3	Weather occasionally cloudy. Prospects good. Minor crops being reaped. 9 deaths from cholera. Prices steady.
Raipur ...	2·17	Prospects favourable. More rain wanted for rice, especially in Simoga. Health good. Prices steady.
Sambalpur (Sept. 15th)	1·0	Weather favourable. Rice improving, but loss to the extent of 4 annas is expected. Health good. Common rice 36 seers per rupee. <i>General Remarks.</i> —Prospects continue favourable, and the injury caused by the long break in the rains has been in a great measure repaired, except in respect to rice, which appear to have suffered permanent damage to the extent of one-quarter of the crop in some parts of the provinces.
<b>British Burma — (Sept. 19th)</b>		
Akyab ...	6·48	Rainfall to date 167·23. Three deaths from cholera in Koladan, 3 in Writoung east, otherwise public health good. Seventy-four deaths of cattle in Menbya and Writoung east, elsewhere health of plough cattle good. Transplanting continues. Crops promising.
Rangoon ...	4·20	Rainfall to date 70·35. One death from small-pox, otherwise public health good. Price of paddy from Rs. 86 to 88 per 100 baskets.
Bassein ...	4·21	Total rainfall to date 79·61. Four deaths from cholera in Kyangidoung township, one from small-pox in Thabyahla circle, otherwise public health good. Sixty-five deaths of cattle in four townships. Ploughing finished except in some low lands. Transplanting about four-fifths finished. Paddy plants thriving. Price of paddy from Rs. 85 to 100 per 100 baskets.
Amhorst (Moulmein) ...	10·92	Total rainfall to date 153·50. Public health and health of cattle in Moulmein and district good. Crops healthy in Moulmein town. Ploughing, sowing, and transplanting progressing. Seedlings and crops good.
Toungoo ...	3·42	Total rainfall to date 69·83. Public health and health of plough cattle good. Transplanting progressing. Average price of paddy Rs. 65 per 100 baskets.
Kyoukphyoo ...	.....	No report received.
Sandoway ...	.....	No report received.
Hanthawaddy ...	.....	Public health and health of cattle good. 30,640 acres have been ploughed. Some of the crops in the Aingkaloung Bawley and Myoungtanga circles, Hlaing township, have been destroyed by floods. Transplanting going on in the Hlaing and Tamanoing townships. Ploughing wages 60 baskets of paddy per man in the Hlaing township. Price of paddy from Rs. 80 to 100 per 100 baskets.
Pegu ...	8·55	Rainfall to date 109·76. Public health good. 14 deaths of cattle in Kyouktan. Slight cattle-disease in Pagandoung. Transplanting finished. Season continues most favourable.
Tharrawaddy (Sept. 8th)	9·00	Rainfall to date 83·07. Public health good. 74 deaths of cattle in the Tapun and Minhla townships. Health of plough cattle good in all other townships, except Gyobingouk where slight disease prevails. Ploughing, sowing, and transplanting progressing. Crops on 2,000 acres in Sangwey township reported as destroyed by floods, the damaged crops last reported are being replaced. Price of paddy from Rs. 90 to 95 per 100 baskets.
Tharrawaddy („ 15th)	2·70	Rainfall to date 85·77. Public health good. 17 deaths of cattle in Minhla and Tapun townships. Health of plough cattle in all the other townships good, except Gyobingouk where <i>haint</i> disease prevails. Ploughing, sowing, and transplanting progressing. Crops on 600 acres in the Tapun township have been destroyed by floods, in the Sanjyo township the floods have subsided, and there is a prospect of the flooded land being successfully cultivated; about 200 acres of paddy land still remain under water. Price of paddy from Rs. 93 to 100 per 100 baskets.
Prome ...	1·24	Rainfall to date 39·32. One death from cholera in Mahathamman, otherwise public health good. Health of cattle good, except at Mahathamman, where 6 deaths from small-pox are reported. 150,360 acres ploughed and 1,42,370 planted. More rain wanted in the southern circle of Shweydonng township; reports from other townships favourable. Price of paddy Rs. 92 per 100 baskets.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—contd.</b>		
Thonegwa ...	1.35	Rainfall to date 70.73. Two deaths from cholera in Donathyoo township, otherwise public health good. Health of cattle good. Ploughing nearly completed. Transplanting progressing. Young crops destroyed by floods in parts of Donathyoo and Thonegwa townships. Supply of seedlings sufficient. General appearance of young plants good, except in parts of the Donathyoo and Thonegwa townships. Transplanting wages one rupee or one basket of paddy per day. Price of paddy from Rs. 85 to 90 per 100 baskets.
Henzada ...	6.10	Rainfall to date 75.37. Three deaths from small-pox in Henzada township, otherwise public health good. Health of cattle good. Transplanting almost completed in the Henzada sub-division and progressing in the Myanoung sub-division. Seedlings and plants in good condition.
Thayetmyo ...	1.44	Rainfall to date 27.90. Public health good. 57 deaths of cattle in Myandeh sub-division. Crops still suffering from want of more rain, but there has been rain and prospects are improved.
Shwaygyin ...	3.10	Rainfall to date 122.95. Four deaths from small-pox in Mone circle, otherwise public health fair. 49 deaths of cattle in Mone circle, and cattle-disease in Kyonkhyi. Ploughing finished, except in flooded parts. Transplanting and sowing nearing completion. Price of paddy Rs. 76 per 100 baskets.
Tavoy ...	3.92	Rainfall to date 174.98. Public health and health of cattle good. General appearance of the plants good.
Mergui ...	.....	No report received.
<i>General Remarks.</i> —Rainfall still deficient compared with last year, but agricultural prospects on the whole favourable. Transplanting approaching completion. Sowings finished. Public health good. Cattle-disease in parts of Akab, Tharrawaddy, Bassein, Thayetmyo, and Shwaygyin and slight increase of mortality. Price of paddy continues steady.		
<b>Assam—(Sept. 19th)</b>		
Gauhati ...	.68	Weather hot. Transplanting of <i>sali</i> paddy in progress. Public health fair. Cattle-disease still in the interior.
Sylhet ...	11.19	Floods gone down. Crop prospects good. Public health fair except in Karimganj, where small-pox is bad.
Cachar ...	7.64	Weather warm with heavy rains at intervals. Transplanting of <i>sali</i> crops nearly finished; reaping of <i>aus</i> crops commenced. Public health good. Small-pox still reported from Hailakandi.
Dibrugarh ...	4.31	Weather showery. Transplanting of <i>sali dhan</i> finished. Public health good.
<b>Mysore and Coorg—(Sept. 19th)</b>		
Bangalore ...	.20	Standing crops in fair condition. More rain needed. Prospects favourable.
Mysore ...	.10	Prospects promising. Standing crops generally good.
Mercara ...	.57	Cessation of monsoon on the 14th advantageous to crops. Cardamoms have ripened and the green coffee berries will shortly do so. Paddy seedlings have been planted out. The <i>ragi</i> crop is coming into ear. Public health good. Prices of food-grains low and almost stationary.
<i>General Remarks.</i> —Rainfall in districts from .10 to 1.50. Sowing operations continue. Standing crops generally in good condition. Public health in the province good. Prices—rice from 10 to 24 seers, <i>ragi</i> from 30 to 48 seers, and horse gram from 29 to 36 seers per rupee.		
<b>Berar &amp; Hyderabad—(Sept. 19th)</b>		
Amraoti ...	.60	A break in the weather during the week has benefited the crops. Wheat 16 and <i>juari</i> 26 seers per rupee.
Akola ...	.64	Crops in good condition.
Hyderabad ...	.20	Total rainfall from 1st January 24.83. Standing crops flourishing. Reaping of <i>kharif</i> crop commenced. Cholera broken out in one taluka. No cattle-disease. Prices—wheat 16, coarse rice 10½, white <i>juari</i> 24, yellow <i>juari</i> 27½, and <i>tur</i> 24 seers per current sicca rupee.
<b>Central India States—(Sept. 19th)</b>		
Indore ...	Slight showers	Health fair. Prices of food-grains stationary.
Morar (Gwalior) ...	1.43	Prospects good. Cholera disappeared. Prices falling.
Satna ...	2.89	Prospects good.
Rutlam ...	.....	No report received.
Neemuch ...	5.86	Prospects and public health good.
Goona ...	11.76	Health and crops good. Prices stationary.
Bhopal ...	.....	No report received.
Agar ...	10.9	Crops abundant.
Sehore ...	12.34	Prospects and public health good.
Nowgong ...	1.28	<i>Kharif</i> prospects much improved. Prices falling. Grass safe.
Manpur (Bhopawar) ...	1.90	Health fair. Weather favourable. Crops promising.

Presidency or Province and District.		Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—</b>			
Abu	(Sept. 19th)	·99	Break in weather with light clouds. Seasonable weather.
Sirohi	( „ 16th)	1·76	Water-supply and health good. Crop prospects fair.
Marwar	( „ 14th)	Jodhpore, ·05 ; good showers in districts.	Crops and grass reviving. Fresh sowings thriving. Prices stationary
Meywar	( „ 16th)	2·42	Water-supply very good. Prospects improved. Prices falling. Health good.
Harowti	( „ 15th)	Deoli, 1·73 ; Tonk, 2·71 ; Shahpura, 1·65 ; Kotah, 8·92.	<i>Kharif</i> materially improved. <i>Rabi</i> and grass need more rain. Prices further fallen. Health excellent, excepting 5 deaths from cholera at Kotah.
Jhallawar	...	.....	No report received.
Ajmere	( „ 18th)	.....	No rain. Prospects favourable. <i>Maize</i> harvest commencing. Health fair.
Jeypore	( „ „ )	·46	Prospects favourable. Health fair. Prices steady.
Blurtpore	...	.....	No report received.
Ulwur	(Sept. 15th)	1·57	Prospects improved. <i>Rabi</i> cultivation commenced. Prices falling. Health good. Good supply of water in tanks and wells.
<b>Nepal—(Sept. 13th)</b>			
Katmandu	...	2·80 ; frequent rain in the last few days.	Constant and heavy clouds. Prospects good.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF MAY 1883.

No. I.—As to age and sex.

NATAL.				MAURITIUS.				TOTAL.		Grand Total.
Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years	6	7	13	...	5	5	...	6	12	18
From 2 to 10 years	29	12	41	11	13	24	...	40	25	65
„ 10 „ 20 „	64	30	94	43	13	56	...	107	43	150
„ 20 „ 30 „	196	76	272	96	37	133	...	292	113	405
„ 30 „ 40 „	13	3	16	21	13	34	...	34	16	50
„ 40 „ 50 „	2	4	6	...	...	...	...	2	4	6
Above 50	...	...	...	...	1	1	...	...	1	1
GRAND TOTAL	310	132	442	171	82	253	...	481	214	695

No. II.—As to places whence emigrants come to Calcutta for embarkation.

NATAL.				MAURITIUS.				TOTAL.		Grand Total.
Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Orissa	...	...	...	...	2	2	4	2	2	4
Western Bengal	...	...	...	...	2	6	8	2	7	9
Central ditto	...	...	...	...	...	...	...	3	...	3
Eastern ditto	...	...	...	...	...	...	...	...	...	...
Behar	58	21	79	69	37	106	...	127	58	185
North-Western Provinces	138	57	195	58	27	85	...	196	84	280
Oudh	39	12	51	27	9	36	...	66	21	87
Central India	13	7	20	3	...	3	...	13	7	23
Punjab	10	2	12	...	...	...	...	10	2	12
Nepal	13	1	14	10	1	11	...	23	2	25
Mixed, Madras & Bombay, &c.	36	31	67	...	...	...	...	36	31	67
GRAND TOTAL	310	132	442	171	82	253	...	481	214	695

No. III.—As to caste and religion.

				NATAL.			MAURITIUS.			TOTAL.		
Brahmins, high caste	...	...	...	48	16	64	34	15	49	82	31	113
Agriculturist	...	...	...	81	27	108	53	27	80	134	54	188
Artisans	...	...	...	16	4	20	4	1	5	20	5	25
Low castes	...	...	...	119	66	185	50	24	74	169	90	259
Musulmans	...	...	...	42	19	61	30	15	45	72	34	106
Christians	...	...	...	4	...	4	...	...	...	4	...	4
GRAND TOTAL				310	132	442	171	82	253	481	214	695

Memo.

		Mala.	Female.	Total.
1. Hindoos	...	405	180	585
2. Musulmans	...	72	34	106
3. Christians	...	4	..	4
TOTAL		481	214	695

E. C. BUCK,  
Secy. to the Govt. of India.





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 22, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is Rs 5 per annum, payable in advance. When sent by post, Rs 2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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E. J. DEAN,

*Publisher, Gazette of India.*

### HIGH COURT—Original Side.

#### NOTIFICATION.

*Calcutta, the 15th September 1883.*

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed James George Cotton Minchin, Esq., of 2, Exchange Buildings, London, Solicitor, a Commissioner, within all parts of England, for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS,

*Registrar.*

### ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

In consequence of unforeseen delay in printing Examination papers, the University Examinations in Arts of 1883 will be held on the undermentioned dates instead of the dates notified in the *Gazette of India* of August 11th and 18th, and *Calcutta Gazette* of August 15th:—

Entrance Examination and First Examination in Arts, on Monday, the 17th December, and following days.

Applications from Candidates for admission to the Entrance and First Arts Examinations must be lodged with the Registrar on or before the 17th November.

G. BELLETT,

*Registrar.*

SENATE HOUSE,

*The 18th September 1883.*

## RESIDENT IN MYSORE.

## NOTIFICATIONS.

*Bangalore, the 10th September 1883.*

**No. 16.**—Under the provisions of Section 3 of the Bangalore Municipal Regulations of 1883, the Officiating Resident is pleased to direct that the Municipality of the Civil and Military Station of Bangalore be divided into six Divisions as follows :—

- No. I.—Ulsoor Division.  
 „ II.—Southern Division.  
 „ III.—East General Bazar Division.  
 „ IV.—West General Bazar Division.  
 „ V.—Cleveland Town Division.  
 „ VI.—High Ground Division.

The boundaries of the abovenamed Divisions are specified below :—

*No. I or Ulsoor Division.*

Bounded on the North by the Station Boundary Line from Boundary Stone 1 to Stone 2.  
 Bounded on the South by the Station Boundary Line from Boundary Stone 28 to Stone 29.  
 Bounded on the East by the Station Boundary Line from Stone 29 running by Stones 30, 31, &c., 39 to Stone 1.  
 Bounded on the West by Wheeler Road, the Feeder to the Ulsoor Tank, Kensington Road, Trinity Church, and thence by Stone 27 along Station Boundary Line to Stone 28.

*No. II or Southern Division.*

Bounded on the North by the South Parade Road.  
 Bounded on the South by the Station Boundary Line from Stone 19 past Stones 20, &c., to Stone 27.  
 Bounded on the East by the British Cavalry Barracks and Mounted Parade Ground.  
 Bounded on the West by the Sydney, Sumpunghy, and Lal Bāgh Roads (*i.e.*, along the Station Boundary past Boundary Stones 15, 16, 17, 18 to Stone 19).

*Fort (included in No. II Division).*

Bounded on the North by the Mysore Road.  
 Bounded on the South by the Kankanhully Road.  
 Bounded on the East by the Fort Gate to Oosoor Road.  
 Bounded on the West by the Kankanhalli Road.

*No. III or East General Bazar Division.*

Bounded on the North by St. John's Church Road and Tank Lane.  
 Bounded on the South by South Parade Road.  
 Bounded on the East by Kensington Road.  
 Bounded on the West by Narrainpillay Street, Main Guard Cross and Brigade Roads.

*No. IV or West General Bazar Division.*

Bounded on the North by St. John's Church Road.  
 Bounded on the South by South Parade Road.  
 Bounded on the East by Narrainpillay Street, Main Guard Cross and Brigade Roads.  
 Bounded on the West by Cockburn Road, Broadway New Market Road, and road across the General Parade Ground.

*No. V or Cleveland Town Division.*

Bounded on the North by the Station Boundary Line from Boundary Stone 2 past Boundary Stones 3, 4, 5 to Stone 6.  
 Bounded on the South by Miller's and St. John's Church Roads and Tank Lane.  
 Bounded on the East by part of Wheeler Road and the village of Doddigunta and the feeder to the Ulsoor Tank.  
 Bounded on the West by the Station Boundary Line from Stone 6 to 7 and then along "St. John's Road by Eadga" to Stone 8.

*No. VI or High Ground Division.*

Bounded on the North by "St. John's Road by Eadga" and Miller's Road.  
 Bounded on the South by Cubbon Road.  
 Bounded on the East by Cockburn Road, Broadway New Market Road, and road across the General Parade Ground.  
 Bounded on the West by Miller's Road and its continuation along the High Ground up to Boundary Stone XI.

**No. 17.**—Under the provisions of Section 544 of Act X of 1882 (the Code of Criminal Procedure) the Resident in Mysore, with the sanction of the Government of India, has been pleased to pass the

following rules for regulating the payment, on the part of Government, of the expenses of complainants and witnesses attending for the purpose of any enquiry, trial or other proceeding before the Criminal Courts in the Civil and Military Station of Bangalore :—

- I.—The Criminal Courts are authorized to pay, at the rate specified in rule III, the expenses of complainants and witnesses in cases in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of, the Government, or of any Judge, Magistrate or other public Officer, or when it shall appear to the Judge or Magistrate presiding over such Courts, to be directly in furtherance of the interests of public justice ; also in cases entered in Column V of Schedule II appended to the Code of Criminal Procedure as not bailable ; and in all cases in which the witnesses are compelled to attend by a Magistrate under the provisions of Section 540, Chapter XLVI, of the Code.
- II.—For the purposes of these rules, Europeans, East Indians and Natives shall be divided into three classes, and the Judge or Magistrate before whom they are required to appear, either as complainants or witnesses, shall be careful to fix the class with due regard to the station in life occupied by each complainant or witness.
- III.—Travelling allowance and batta shall be paid at the rates specified below :—

	EUROPEANS AND EAST INDIANS.			NATIVES.		
	1st Class.	2nd Class.	2nd Class.	1st Class.	2nd Class.	3rd Class.
TRAVELLING ALLOW- ANCE—						
By Rail . . .	1st Class fare.	2nd Class fare.	3rd Class fare.	1st Class fare.	2nd Class fare.	3rd Class fare.
By Road . . .	8 annas per mile.	4 annas per mile.	2 annas per mile.	6 annas per mile.	2 annas per mile.	2 annas per mile.
By Sea or Canal . .	Actual expenses of passage.			Actual expenses of passage.		
Batta not to exceed .	3 Rupees per diem.	1 Rupee per diem.	8 annas per diem.	1 Rupee per diem.	8 annas per diem.	4 annas per diem.

- IV.—The distance for which mileage and the number of days for which batta should be allowed for the journey to and from the station at which the Court is held and for attendance at Court, shall be determined by the Judge or Magistrate ordering the payment in each case.
- V.—All bills for travelling allowance and batta to complainants and witnesses attending before the Courts of the Magistrates of the 2nd or 3rd Class shall be scrutinized by the District Magistrate before the charges included in them are finally passed.
- VI.—Whenever a Magistrate dismisses a case as frivolous or vexatious under Section 250 of the Code of Criminal Procedure, no travelling allowance or batta shall be granted to the complainant in such case.

By Order,  
H. WYLIE, Major,  
Assistant to the Resident.

Statement of the Affairs of the Bank of Bengal for the week ending 18th September 1883.

LIABILITIES.			ASSETS.		
	R	a. p.		R	a. p.
Capital paid-up . . . . .	2,00,00,000	0 0	Government Securities . . . . .	57,22,712	4 0
Reserve Fund . . . . .	35,10,581	4 4	Other authorized Investments . . . . .	56,55,602	8 0
	R	a. p.	Loans on Government and other authorized Securities . . . . .	1,23,39,206	6 2
Public Deposits at Head Office . . . . .	95,27,853	15 6	Accounts of Credit on Government and other authorized Securities . . . . .	49,45,436	13 4
Public Deposits at Branches . . . . .	1,85,70,567	9 2	Bills discounted and purchased . . . . .	2,10,04,448	11 2
Other Deposits at Head Office and Branches . . . . .	2,27,72,060	7 9	Balances with other Banks . . . . .	4,84,365	9 1
Bank Post Bills, &c. . . . .	4,14,818	2 10	Bullion . . . . .	90,263	4 9
Sundries . . . . .	11,45,512	8 11	Dead Stock . . . . .	11,94,571	12 11
			Stamps . . . . .	7,890	6 0
			Sundries . . . . .	6,11,317	3 1
				5,30,55,814	14 6
				R	a. p.
			Cash and Currency Notes at Head Office . . . . .	79,87,701	15 7
			Cash and Currency Notes at Branches . . . . .	1,48,97,877	2 5
				2,28,85,579	2 0
RUPES	7,59,41,394	0 6	RUPES	7,59,41,394	0 6

## COMPTROLLER

## No. 1530.—Account of Revenue and Expenditure of the Government of India for the first

N. B.—Amounts are converted into

	REVENUE.	Estimates, 1883-84.	April 1882.	April 1883.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,338,200	1,511,552	1,569,278	57,726	...
II	Opium	9,200,000	762,891	739,841	...	23,060
III	Salt	6,167,000	599,968	499,022	...	100,946
IV	Stamps	3,427,200	287,850	315,251	27,401	...
V	Excise	3,623,300	299,037	315,402	16,365	...
VI	Provincial Rates	2,688,200	193,404	202,095	8,691	...
VII	Customs	1,255,100	138,461	150,300	11,839	...
VIII	Assessed Taxes	523,400	40,771	57,246	16,475	...
IX	Forest	933,300	16,101	45,702	29,601	...
X	Registration	280,400	21,592	23,157	1,565	...
XI	Tributes from Native States	701,000	56,705	51,805	...	4,900
XII	Post Office	1,010,900	81,369	83,020	1,651	...
XIII	Telegraph	514,100	31,609	39,394	7,785	...
XIV	Mint	102,000	20,763	5,591	...	15,172
XV	Law and Justice	645,000	36,837	41,383	4,546	...
XVI	Police	226,200	16,439	20,115	3,676	...
XVII	Marine	207,100	8,572	9,951	1,379	...
XVIII	Education	204,900	14,799	17,071	2,272	...
XIX	Medical	46,600	1,862	2,680	818	...
XX	Scientific and other Minor Departments.	70,000	1,574	4,114	2,540	...
XXI	Interest	646,000	140,872	137,179	...	3,693
XXII	Receipts in aid of Superannuation, &c.	193,500	7,028	7,052	24	...
XXIII	Stationery and Printing	57,200	3,935	2,982	...	953
XXIV	Miscellaneous	260,100	19,620	15,335	...	4,285
<i>Productive Public Works.</i>		55,320,700	4,313,611	4,354,966	41,355	...
XXV	State Railways (Gross Earnings)	2,730,500	166,893	265,775	98,882	...
XXVI	Guaranteed and Subsidized Railways (Net Traffic Receipts).	3,539,000	588,058	685,607	97,549	...
XXVII	East Indian Railway (Net Traffic Receipts).	2,907,000	253,525	281,144	27,619	...
XXVIII	Irrigation and Navigation (direct Receipts).	885,400	9,449	22,145	12,696	...
XXIX	Madras Irrigation and Canal Company (Net Traffic Receipts).	...	...	...	...	...
<i>Unproductive Public Works.</i>						
XXXI	State Railways	191,900	...	6,723	6,723	...
XXXII	Subsidized Railways	10,000	...	...	...	...
XXXIII	Irrigation and Navigation	141,300	1,617	7,426	5,809	...
XXXIV	Military Works	39,200	...	1,307	1,307	...
XXXV	Civil Buildings, Roads and Services	463,900	27,982	36,908	8,926	...
XXXVI	Army	824,800	62,852	58,887	...	3,965
XXXVII	Military Operations in Afghanistan	...	...	...	...	...
	Do. do. in Egypt	...	...	269	269	...
		67,053,700	5,423,987	5,721,157	297,170	...
England, including Army, Public Works, &c.		220,300	10,476	17,990	7,514	...
GRAND TOTAL		67,274,000	5,434,463	5,739,147	304,684	...

\* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

# GENERAL'S OFFICE.

month of the year 1883-84, as compared with the corresponding period of 1882-83.  
sterling at R10 to the pound sterling.

	EXPENDITURE.	Estimates, 1883-84.	April 1882.	April 1883.	COMPARISON OF TWO YEARS*	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt† . . . . .	3,713,100	407,710	376,757	...	30,953
2	Do. on Deposits . . . . .	437,400	19,626	3,380	...	16,246
3	Refunds and Drawbacks . . . . .	195,900	26,860	14,366	...	12,494
4	Assignments and Compensations . . . . .	1,246,100	98,935	138,343	39,408	...
5	Land Revenue . . . . .	3,210,800	227,132	240,984	13,852	...
6	Opium (including cost of production) . . . . .	2,161,300	734,719	381,790	...	352,929
7	Salt ( do. do. ) . . . . .	546,300	28,707	33,852	5,145	...
8	Stamps . . . . .	79,600	6,525	6,796	271	...
9	Excise . . . . .	94,400	9,845	8,714	...	1,131
10	Provincial Rates . . . . .	51,100	1,624	1,629	5	...
11	Customs . . . . .	143,700	17,784	11,217	...	6,567
12	Assessed Taxes . . . . .	14,000	487	594	107	...
13	Forests . . . . .	671,500	10,753	38,733	27,980	...
14	Registration . . . . .	186,300	14,603	15,701	1,098	...
15	Post Office . . . . .	1,120,800	86,297	87,692	1,395	...
16	Telegraph . . . . .	543,600	34,963	39,027	4,064	...
17	Mint . . . . .	71,200	6,181	6,060	...	121
18	General Administration . . . . .	1,315,900	107,263	101,628	...	5,635
19	Law and Justice . . . . .	3,345,100	255,023	261,489	6,466	...
20	Police . . . . .	2,708,000	207,048	213,643	6,595	...
21	Marine (including river Navigation) . . . . .	378,700	25,717	27,001	1,284	...
22	Education . . . . .	1,199,800	81,561	82,926	1,365	...
23	Ecclesiastical . . . . .	167,300	13,934	12,894	...	1,040
24	Medical . . . . .	715,200	51,374	57,681	6,307	...
25	Political . . . . .	415,100	29,115	33,419	4,304	...
26	Scientific and other Minor Departments . . . . .	475,000	34,273	43,579	9,306	...
27	Territorial and Political Pensions . . . . .	664,100	63,829	56,047	...	7,782
28	Civil Furlough and Absentee Allowances . . . . .	1,500	253	...	...	253
29	Superannuation Allowances and Pensions . . . . .	756,300	129,806	126,867	...	2,989
30	Stationery and Printing . . . . .	329,000	26,355	27,480	1,125	...
31	Miscellaneous . . . . .	334,900	21,952	19,964	...	1,988
32	Famine Relief . . . . .	12,500	180	8	...	172
33	Protective Works—Railways . . . . .	1,012,500	21,322	10,951	...	10,371
34	Do. do. Irrigation . . . . .	343,300	25,278	20,048	...	5,230
35	Reduction of Debt . . . . .	131,700	...	...	...	...
51	Exchange on transactions with London . . . . .	3,548,000	208,851	439,553	230,702	...
	<i>Productive Public Works.</i>	32,344,000	3,035,885	2,940,813	...	95,072
36	State Railways (Working and Maintenance) . . . . .	1,572,850	94,175	135,470	41,295	...
37	Guaranteed and Subsidized Railways (Interest and Profits) . . . . .	588,500	8,452	5,236	...	3,216
38	East Indian Railway (Interest and Profits) . . . . .	188,400	...	...	...	...
39	Irrigation and Navigation (Working and Maintenance) . . . . .	549,300	9,585	29,381	19,796	...
40	Madras Irrigation & Canal Co. (Interest, &c.) . . . . .	...	...	...	...	...
	<i>Unproductive Public Works.</i>					
42	State Railways (Capital Account) . . . . .	510,400	23,242	17,803	...	5,439
43	Do. (Working and Maintenance) . . . . .	184,800	...	9,218	9,218	...
44	Subsidized Railways . . . . .	71,300	2,344	3,713	1,369	...
	Southern Mahratta Railway . . . . .	84,800	...	...	...	...
45	Frontier Railways . . . . .	67,500	24,679	16,084	...	8,595
46	Irrigation and Navigation . . . . .	802,900	36,796	51,470	17,674	...
47	Military Works . . . . .	999,600	...	45,191	45,191	...
48	Civil Buildings, Roads and Services . . . . .	4,202,000	97,353	200,593	103,240	...
49	Army . . . . .	12,018,800	987,196	965,888	...	21,308
50	Military Operations in Afghanistan . . . . .	...	10	...	...	10
	Do. do. in Egypt . . . . .	...	...	3,694	3,694	...
	England, including Army, Public Works, Guaranteed Interest, &c.	54,184,200 14,132,100	4,319,717 2,009,502	4,427,554 2,275,232	107,837 265,730	...
	<i>Productive Public Works—Capital Expenditure.</i>	68,316,300	6,329,219	6,702,786	373,567	...
	<i>In India—</i>					
52	State Railways . . . . .	1,583,000	21,261	60,310	39,049	...
53	East Indian Railway . . . . .	424,000	53,365	16,538	...	36,827
54	Irrigation and Navigation . . . . .	955,500	30,172	35,388	5,216	...
55	Miscellaneous Public Improvements . . . . .	23,000	1,508	1,184	...	324
	<i>In England—</i>					
	State Railways . . . . .	812,000	27,390	62,222	34,832	...
	Irrigation and Navigation . . . . .	22,600	...	...	...	...
	East Indian Railway . . . . .	...	...	38,675	38,675	...
	<b>GRAND TOTAL</b>	72,136,400	6,462,915	6,917,103	454,188	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

STATEMENT of Government Promissory Notes enforced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th September 1883.

PARTICULARS.	4 PER CENT. LOANS					4½ PER CENT. LOANS				GRAND TOTAL.
	3½ PER CENT. TRANSFERRED FROM LOAN OF 1853-54	OF 1852-53.	OF 1855-56.	OF 1849-53.	OF 1864-55.	Transfer of 1865.	Reduced ½ per cent. 4 per cent. Loan of 1879.	Reduced Loan of 1891.	TOTAL.	
Balance of 31st August 1883	54,100	13,02,720	29,53,200	2,39,68,400	1,02,25,800	2,53,32,237	2,07,35,290	...	9,05,16,557	30,62,62,257
Add—										
Amount enforced at Madras between 1st and 15th September 1883	...	...	2,000	11,000	8,000	14,000	17,000	...	52,000	86,000
Amount enforced at Bombay between 1st and 15th September 1883	...	...	...	1,000	2,000	1,000	...	...	4,000	4,000
Amount enforced at Calcutta between 1st and 15th September 1883	...	...	700	2,68,400	7,300	14,29,300	52,700	...	17,57,300	18,39,300
Defect—										
Amount written off in the London Registers	...	7,983	...	2,07,000	10,000	12,500	1,43,900	...	3,81,283	5,81,783
Balance on 15th September 1883	54,100	13,04,703	29,55,900	2,40,41,800	1,02,31,100	2,67,62,937	2,68,61,000	...	9,19,47,664	20,78,09,764

NOTE.—From 9th June 1867 to 15th July 1883, enforced from India 4,796 lakhs; re-transferred from London, 4,072 lakhs.

"	16th July 1883 to 31st "	"	"	"	3	"	"	"	7
"	1st Aug. " to 15th Aug. "	"	"	"	4	"	"	"	13
"	16th " to 31st "	"	"	"	3	"	"	"	6
"	1st Sept. " to 15th Sept. "	"	"	"	19	"	"	"	5
					4,925 lakhs.				4,108 lakhs.
					4,103 "				

Balance against India 722 lakhs.

PUBLIC DEBT OFFICE,  
BANK OF BENGAL;  
Calcutta, the 17th September 1883.

R. HARDIE,  
Secretary and Treasurer.



MAPS OF THE SURVEY OF INDIA,

Published at the Offices of the Surveyor General of India, Calcutta and Dehra Dún, for the Quarter ending 30th June 1883.

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Scale 1 Inch = 500 Feet.			
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Scale 6 Inches = 1 Mile.			
Plan of Jaora and Environs . . . . .	Double Royal . . . . .	1 0	1 4
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Scale 12 Inches = 1 Mile.			
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Indian Atlas, Quarter Sheet, No. 66 S. W. Parts of Bijnor, Kumaon, and British Ghurwal (North-West Provinces) . . . . .	½ Sheet D. E. . . . .	0 12	0 12
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† Killa Khorda, Pooree District, Sheets Nos. 4 to 34, & 36, 37, 38, 45, 46 & 53 . . . . .	Atlas . . . . .	1 0	1 4
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<b>BOMBAY PRESIDENCY.</b>			
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Deccan Topographical Survey, Sheet No. 4. Parts of District Nasik .	4 Sheets D. E. . .	4 0	5 0
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Deccan and Konkan Survey, Sheet No. 76. Districts Poona, Thana, and Kolaba . . . . .	Ditto . .	4 0	4 0
<i>Scale 1 Inch = 1 Mile.</i>			
Deccan and Konkan Survey, Sheet No. 76 Parts of Districts Poona, Thana and Kolaba . . . . .	Double Elephant . .	1 8	1 12
<i>Scale 2 Inches = 1 Mile.</i>			
†Guzerat Survey, Sheet No. 17, Section 2. Part of Surat District . .	Ditto . .	1 4	1 8
<i>Scale 4 Inches = 1 Mile.</i>			
†Guzerat Survey, Sheet No. 49, Section 7. (Dang Forest) . . . . .	Ditto . .	1 12	2 0
†Guzerat Survey, Sheet No. 49, Section 15. (Dang Forest) . . . . .	Ditto . .	1 12	2 0
<b>MYSORE.</b>			
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Mysore Topographical Survey, Sheet No. 14. Part of Chitaldroog District . . . . .	Ditto . .	1 0	1 4
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Mysore Topographical Survey, Sheet No. 25. Part of Kadur District .	Ditto . .	1 0	1 4
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<i>Scale 1 Inch = 12 Miles.</i>			
Pooree and Cattack. Index to Sheets of— . . . . .	Ditto . . . . .	0 4	0 4
<i>Scale 1 Inch = 32 Miles.</i>			
British Burmah. Index to the Sheets of— . . . . .	Imperial . . . . .	0 8	0 8
<b>TECHNICAL CHARTS.</b>			
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*Eastern Sind Meridional Series. Preliminary Chart of —. Seasons 1879-80 and 1880-81, between Latitudes 26°-44' and 28°-20', and between Longitudes 69°-42' and 70°-20' . . . . .	Double Elephant . . . . .	1 0	...

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J. E. SANDEMAN, Major, S.C.,  
for Offg. Surveyor General of India.

SURVEY OF INDIA OFFICE,  
Calcutta, the 18th August 1883.

## EXAMINER OF FUND ACCOUNTS.

Calcutta, the 19th September 1883.

## Statement of Deposits made with the Military Orphan Fund in trust for Soldiers' Children.

Date of deposit.	Name and rank of father.	Corps.	Names of children.	Amount.
				R a. p.
Prior to 1842 .	Collins, —, Sergeant . . . . .		Two children . . . . .	157 14 1
" .	Lee, E., Corporal . . . . .		Two children . . . . .	111 9 6
" .	Smith, Henry, Sergeant . . . . .		Elizabeth . . . . .	828 0 0
" .	Smith, D., Sergeant Major . . . . .		Margaret . . . . .	78 6 5
" .	Story, —, Sergeant . . . . .		Thomas . . . . .	117 5 4
" .	MacConnell, Sergeant . . . . .		John . . . . .	77 15 3
" .	Rutherford, Sergeant . . . . .		Margaret . . . . .	138 10 8
" .	Hewetson, William, Gunner . . . . .		John . . . . .	47 5 7
" .	Taylor, John, Private . . . . .		John . . . . .	214 11 11
" .	Conroy, Peter, Corporal . . . . .		Thomas . . . . .	274 14 6
" .	McCullum, —, Conductor . . . . .		John . . . . .	854 6 10
" .	Gordon, James . . . . .	59th Foot	James . . . . .	589 2 2
" .	Casey, Jeremiah . . . . .	87th "	Daniel . . . . .	109 12 4
" .	Corbolly, Thomas, Private . . . . .	59th "	Samuel . . . . .	62 12 3
" .	Cassidy, —, Corporal . . . . .		John . . . . .	61 3 9
" .	Hyde, Henry, Conductor . . . . .		Thomas . . . . .	187 1 10
" .	Hodgkinson, E., Troop Sergeant Major . . . . .	11th Dragoons	William . . . . .	64 8 0
" .	Anderson, William, Corporal . . . . .	H.C. 1st En. Regt.	Mary Anne Margaret . . . . .	124 11 6
" .	White, W., Private . . . . .	3rd Buffs . . . . .	George and Mary Anne . . . . .	13 13 9
" .	Minogue, T., Private . . . . .	3rd " . . . . .	Thomas . . . . .	23 11 0
" .	Taylor, John, Bombardier . . . . .		Elizabeth . . . . .	43 0 0
" .	Neal, James, Private . . . . .	59th Foot . . . . .	James . . . . .	43 0 0
" .	Sherrock, J., Corporal . . . . .		Joseph . . . . .	160 0 0
" .	Moore, Bombardier . . . . .		Dorothy . . . . .	5 9 5
" .	Lawson, Henry, Laboratory Sergeant . . . . .		George . . . . .	11 8 2
" .	Creighton, James, Corporal . . . . .	13th L. Infy. . . . .	Mary Ann . . . . .	16 12 0
" .	McCoy, —, Sub-Conductor . . . . .		John and George . . . . .	958 3 2
" .	Long, R., Sergeant . . . . .	Allahabad Magazine Establishment.	Ann and Robert D. . . . .	137 3 9
" .	Baker, H., Gunner . . . . .	4th Co., 3rd Bn. Arty.	James . . . . .	32 1 4

Date of deposit.	Name and rank of father.	Corps.	Names of children.	Amount.
				R. a. p.
Prior to 1842— <i>contd.</i>	Hills, —, Gunner . . .	1st Co., 3rd R. A. . .	Sophia . . .	30 1 1
"	Burns, James, Gunner . . .	Artillery . . .	Hannah . . .	10 5 9
"	McKenny, R., Bombardier . . .	1st Co., 4th Bn. Arty. . .	Ann Eliza . . .	134 6 5
"	Smith, J., Gunner . . .	1st Co., 2nd Bn. Arty. . .	Margaret . . .	6 6 5
"	Byrne, F., Hospital Sergeant . . .	2nd Bn. Arty. . .	Charles . . .	123 13 4
"	Flynn, J., Gunner . . .	3rd Troop, 1st Bde. H. Arty. . .	Elizabeth . . .	6 1 4
"	Fagan, J., Gunner . . .	1st Co., 3rd Bn. Arty. . .	Mary and James . . .	11 12 9
"	Johnson, C., Gunner . . .	1st Co., 5th B. Arty. . .	William . . .	3 0 6
"	Twoomey, M., Gunner . . .	4th Co., 3rd B. Arty. . .	Michael, William, and Margaret. . .	21 2 11
"	Ahern, William, Gunner . . .	4th Co., 2nd B. Arty. . .	John . . .	65 11 9
"	McCormick, J., Gunner . . .	4th Co., 2nd Bn. Arty. . .	Bernard . . .	116 10 9
"	Gavin, J., Gunner . . .	2nd Co., 3rd Bn. Arty. . .	Thomas and James . . .	189 3 6
"	Bryan, D., Sergeant . . .	Sappers and Miners . . .	Mortimer . . .	12 10 11
"	Reid, —, Sergeant . . .	44th Foot . . .	Eleanor and Eunice . . .	68 6 5
"	South, John, Sergeant . . .	44th Foot . . .	Elizabeth Martha . . .	310 0 0
"	Cunningham, Mathew, Private . . .	44th Foot . . .	Michael . . .	37 14 6
"	Blyth, John, Conductor . . .	44th Foot . . .	Children (names not recorded). . .	12 12 3
"	Smith, T., Sergeant . . .	20th N. I. . .	Esther and Amelia . . .	23 15 0
"	Pierce, Qr. Mr. Sergt. . .	20th N. I. . .	Thomas . . .	711 15 2
"	Driver, J., Sergt. Major (Not Recorded) . . .	20th N. I. . .	Robert . . .	141 7 1
June 29, 1853	Canty, John, Bombardier . . .	3rd Co., 4th B. Arty. . .	Bryan, Margaret and Wm. . .	53 8 3
June 29, 1849	(Not recorded) . . .	3rd Co., 4th B. Arty. . .	John (died 11th May 1842) . . .	272 2 8
"	Fatterson, John Sergt. . .	1st Co., 4th B. Arty. . .	Daly Robert . . .	23 9 1
"	Davis, D., Sergt. . .	4th Troop, 1st Bde., H. A. . .	William H. . .	26 7 10
"	" . . .	4th Troop, 1st Bde., H. A. . .	Thomas . . .	23 15 2
Dec. 28, 1842	Wilson, T., Bazar Sergt. . .	4th Troop, 2nd B. H. A. . .	Sophia . . .	132 9 0
Mar. 24, 1843	Nowlon, L., Farrier Sergt. . .	4th Troop, 2nd B. H. A. . .	Ellen . . .	112 9 0
Apl. 3, "	Farrell, James, Gunner . . .	2nd Co., 5th B. Arty. . .	Charlotte . . .	4 2 8
"	Roach, Edward, Private . . .	1st En. Lt. Infy. . .	David and Austel . . .	7 13 3
Mar. 9, 1844	Sheeham, B., Gunner . . .	3rd Co., 3rd B. Arty. . .	John and Patrick . . .	2 1 8
June 21, "	Evans, George, Sergt. . .	1st Co., 2nd Bn. Arty. . .	Mary Ann and Catherine . . .	19 14 9
Sep. 19, "	Andrews, —, Private . . .	44th Foot . . .	George . . .	200 0 0
Nov. 16, 1844	Gale, —, Private . . .	10th Foot . . .	John Thomas . . .	28 12 0
" 20, "	Sullivan, John, Bombardier . . .	1st Co., 2nd B. Arty. . .	John . . .	130 0 0
Jan. 6, 1845	Dawe, John, Gunner . . .	3rd Co. " " . . .	William Henry . . .	55 12 9
" 6, "	Barnes, Peter, Corporal . . .	1st Co. " " . . .	Mary Ann . . .	64 2 11
" 6, "	Monaghan, Michael, Sergt. . .	1st Co. " " . . .	James . . .	156 12 5
" 15, "	Godfrey, —, Sergt. Major . . .	6th B. Arty. . .	Harriett M. and James . . .	31 14 1
Feb. 14, "	Fry, —, Bugle Major . . .	68th Regt. N. I. . .	James . . .	12 6 9
" 14, "	Hannoo, John, Drummer . . .	2nd B. H. A. . .	Mary . . .	28 8 3
July 9, "	Meaney, John, Sergt. Major . . .	2nd T., 3rd Bde., H. A. . .	Henry and James . . .	292 15 8
" 9, "	Murphy, Thomas, Bombardier . . .	4th Co., 5th B. Arty. . .	Ellen . . .	77 4 11
" 9, "	Tate, William, Staff Sergt. . .	3rd Co. " " . . .	Catherine Ann . . .	167 15 5
" 9, "	Daley, Owen, Gunner . . .	3rd Co. " " . . .	Owen and William . . .	14 3 1
" 7, "	Hay, A., Sergt. Major . . .	3rd Co. " " . . .	Thomas . . .	101 5 4
Sep. 1, "	Ryan, —, Sergt. . .	5th Co., 5th B. Arty. . .	Julia B. and George J. . .	120 13 0
Jan. 7, 1846	Everett, Richard, Bombardier . . .	5th Co., 5th B. Arty. . .	Caroline and Eliza . . .	28 10 10
Aug. 8, "	McEnemy, Thomas, Conductor . . .	5th Co., 5th B. Arty. . .	Hannah . . .	152 0 9
"	Glasseen, John, Corporal . . .	5th Co., 5th B. Arty. . .	Ellen Sarah . . .	66 10 3
"	Ridley, Henry, Gunner . . .	5th Co., 5th B. Arty. . .	Henry . . .	34 9 3
Oct. 16, "	Fowles, John, Sergt. . .	Artillery . . .	Sarah Terrence and James . . .	3 2 0
" 16, "	Lewis, Thomas, Gunner . . .	Artillery . . .	Thomas . . .	20 5 3
July 19, 1847	Lunn, Adam, Farrier . . .	Artillery . . .	Adam T. and John . . .	79 14 0
" "	Clarke, William, Bombardier . . .	1st T., 3rd B., H. Arty. . .	Children's names not recorded. . .	104 10 8
"	Prince, W., Sergt. . .	1st " 1st B., H. Arty. . .	Ditto ditto . . .	125 15 10
" 6, 1847	Dobbins, Francis, Gunner . . .	1st " 1st B., H. Arty. . .	Martha . . .	83 3 5
Jan. 11, 1848	Byrnes, —, Corporal . . .	1st " 1st B., H. Arty. . .	Maria . . .	59 0 0
" 7, "	Willford, C., Qr.-Mr. Sergt. . .	1st " 1st B., H. Arty. . .	Ann Louisa and Mary . . .	200 15 0
June 26, "	Mathews, M., Sub-Conductor . . .	1st " 1st B., H. Arty. . .	Rachael . . .	12 2 2
July 6, "	Braithwaite, W., Staff Sergt. . .	1st " 1st B., H. Arty. . .	C. William and William H. . .	148 3 5
Jan. 13, 1849	Doherty, Michael, Sergt. . .	1st " 1st B., H. Arty. . .	Oliver H. and Henrietta . . .	77 8 10
May 9, "	Sheehan, D., Private . . .	2nd En. Regt. . .	James . . .	36 5 6
June 2, "	Moore, Benjamin, Private . . .	1st En. B. F. . .	Sarah C. . .	9 8 4
" 2, "	Crowley, Charles, Private . . .	" " . . .	John . . .	7 6 1
Oct. 12, "	Deare, W., Conductor . . .	" " . . .	Emiline . . .	50 0 0
Nov. 21, "	Moget, —, Sergt. Major . . .	" " . . .	George . . .	69 14 4
Feb. 18, 1850	Peal, Robert, Sergt. . .	3rd Co., 1st B. Arty. . .	Robert Henry . . .	69 7 10
" 18, "	Boote, Daniel, Gunner . . .	1st Co., 4th B. Arty. . .	James . . .	26 3 0
June 29, "	Uniaek, Patrick, Sergt. . .	1st Co., 3rd B. Arty. . .	John . . .	29 15 0
July 18, "	Barker, J., Sergt. . .	1st Co., 3rd B. Arty. . .	William Robert . . .	97 14 2
"	Sheehan, P., Gunner . . .	Artillery . . .	Patrick . . .	23 5 6
Oct. 29, "	Lees, James, Corporal . . .	2nd En. Regt. . .	Elizabeth . . .	25 14 6
April 15, 1851	Mulvey, Robert, Corporal . . .	2nd E. Regt. . .	Richard . . .	28 1 11
Mar. 2, 1852	O'Hanlon, Patrick, Qr. Mr. Sergt. . .	2nd E. Regt. . .	Patrick and Catherine Mary . . .	277 7 10
Sep. 14, 1852	Wade, Wm., Sergt. . .	1st Co., 4th B. Arty. . .	Sarah Ann, William Henry, Elizabeth, Esther, Jane, Wallis, and Ann. . .	72 9 5
Nov. 4, "	Hodgins, Adam, Gunner . . .	2nd Co., 5th. B. Arty. . .	William . . .	9 11 11

Date of deposit.	Name and rank of father.	Corps.	Names of children.	Amount.
				<i>R a. p.</i>
Feb. 1, 1853	Edwards, Michael, Gunner.	2nd Co., 5th B. Arty.	Jane and Bridget	36 5 9
Apl. 21, "	Staples, Edward, Sergt.	Sappers and Miners	E. W. H.	97 2 6
Sep. 13, "	Brown, Michael, Sergt.	Arracan Bn.	John	49 10 3
Dec. 2, "	Prendergast, J., Sub-Conductor	Ferozepore Magazine Establishment.	Eliza, Margaret Sarah, and Robert.	181 8 8
Jan. 24, 1854	Galway, Robert, Bombardier	1st Co., 2nd B. Arty.	William	206 1 2
Oct. 16, 1848	Butcher, H., Sergt. Major	Sirmoor Bn.	Johanna, Frederick, and David Edwin.	99 6 1
Jan. 18, 1855	Monrowd, George, Sub-Conductor	Ordnance Dept.	James, Frederick, Alfred, Georgiana, and Mary (died 15th June 1857).	184 14 9
Sep. 24, "	Franks, G., Bazar Sergt.		Mary	566 3 10
Oct. 15, 1857	Earle, Edward, Sergt.	Calcutta Town Guard	William Edward	209 14 0
Mar. 30, 1860	Eldridge, James, Riding Master	7th Lt. Cavy.	Walter Benjamin	495 4 6
Apl. 27, "	Rabbitt, Thomas, Sub-Conductor	Ordnance Dept.	George Thomas, Sarah Ann, Walter, and Edward William.	47 15 4
June 23, "	Smith, Joseph, Magazine Sergt.	Ditto	Step-children and legatee Isabella Yates and John Andrew Armstrong (died 28th October 1860).	235 8 8
Dec. 1860	McDonnell, John, Private	97th Foot	Charles	25 15 6
Feb. 13, 1861	Scott, William, Sergt.	2nd Frs.	William, Annie and Emma	214 2 9
Apl. 27, "	Byrne, John, Conductor		Catherine and Lawrence Andrew.	85 0 0
May 17, "	McConnel, Thos., Gunner	1st Co., 6th B. Arty.	Alice and Charlotte	167 7 0
Mar. 20, 1862	McDonnell, John, Sergt.	Ordnance Dept.	Maria and Catherine, and Edwin Joseph and Henry John.	356 3 6
	Pope, John, Sergt.	Commissariat Dept.		
June "	Keddie, J., Private	2nd En. B. Frs.	Jane and James	86 0 0
July 26, "	Lockhart, Hugh, Sergt.	42nd Foot	Georgina Sherrieff, Elizabeth, and Alexina Anderson.	600 0 0
Jan. 27, 1863	Briggs, George, Sub-Conductor		Hannah and Mariah	73 5 0
July 22, "	Lowton, William, Color Sergt.	24th Foot	William Joseph	152 14 2
Jan. 1864	Jones, John, Gunner	G. Battery, 22nd B. R. Arty.	Henrietta Dalzell	39 5 10
Mar. 10, "	Anderson, William, Gunner	5th B., 25th B. R. A.	Duncan	35 4 11
May 19, "				
July 18, 1865	Rowland, J., Private	2nd Dragoon Guards	Sophia M., Elizabeth Ann, (married) and George Edward.	12 0 0
Sep. 11, "	Blower, P., Park Sergt.		Sarah Ann	42 0 0
June 25, 1866	Mead, William, Bombardier	4-25th Royal Arty.	Mary Ann and Thomas	4 0 0
Jan. 17, 1867	Hannay, John, Gunner	E-16 Royal Arty.	Charlotte	168 7 5
Oct. 31, "	Hutchinson, John Sergt.	Army Comt. Dept.	Rose	26 2 0
Nov. 29, "	Craker, Charles, Sergt.	2nd Dragoon Guards	Constantine	65 15 4
Feb. 14, 1868	Coates, Robert, Corporal	Royal Arty.	Ann Frances and Rosina Mary.	141 15 1
Feb. 1842	McCarthy, Quarter Master Sergt.		John	61 2 3
Feb. 3, 1842	(Not recorded)		Wilson, Sophia, Thomas, and Elizabeth.	204 7 8
Dec. 1869	Rice, James, Sergt.	C-S. R. A.	Martha and William	1,114 8 0
Feb. 1870	Thompson, Edward, Sergt.	R. A.	William James	39 13 0
Apl. 29, "	Upson, D., Corporal	R. S. and M.	Alexander and David	331 4 4
Oct. 9, 1871	York, R., Sergt.	Artillery	Henry J., Jane Elizabeth, Amelia Lavinia, Mary Ann (died 15th May 1872) Walter Charles.	84 4 10
Feb. 17, 1873	Lemon, George, Driver	R. H. A.	Margaret	74 6 9
July 17, "	Rogers, G. J., Conductor	Commissariat Dept.	William George	1,541 5 7
May 4, "				
Dec. 4, "	Mitchell, R., Trumpet Major	R. A.	Maud	165 1 9
Feb. 11, 1876	Thompson, Edward, Sergt.	8th B., R. A.	Margaret Emma	48 9 4
Oct. 31, "	Trollope, Henry, Sergt.	62nd Foot	John Henry	728 15 0
Dec. 20, "	Clarke, H., Drum Major	2-1 The Royal Scots	Ada, Annie, Rose, Emma, and Harry J.	475 8 6
Mar. 2, 1877	Longhurst, Chas., Bazar Sergt.	R. H. A.	Eliza Maria, Agnes Emma, and Caroline.	456 0 0
Aug. 13, "	Meehan, Peter, Private	2nd B. R. Scots	Joseph	37 1 8
Sep. 22, "	Murphy, Wm., Private	12th Foot	Earnest and Reuben	40 7 3
Jan. 8, 1879	Utting, J., Sub-Conductor	Ordnance Dept.	Frederick James, George Edward, and Albert Edward.	240 0 0
Feb. 21, 1880	Donohue, Andrew, Private	29th Foot	Ann, Mary Ann, and William.	150 0 0
Dec. 20, "	Holland, George, Sergt.	85th Foot	Constance Rebecca and Annie Theresa.	223 4 0
Jan. 16, 1883	Lyas, A., Private	2nd B., Warwickshire Regt.	Adolphus George and Wallace.	125 10 3
" 17, "	Tough, Charles, Sergt. (step-father late Gunner S. Hobcroft).	7-1 London Dn., R. A.	Charles George, Munnie Mahy, Thomas Henry, and Emma Ellen.	243 7 3
Apl. 30, "	Gillon, Thomas, Pioneer Sergt.	1 B., East Lanc. Regt.	John and Thomas Charles.	26 0 0



**Besides the above the following are in the custody of the Examiner, Fund Accounts:—**

On account orphan Tough . . . .	A 4 per cent. Government Promissory Note for \$1,500 and a Guernsey Savings Bank Deposit Book containing £64-1-1, also a Pocket Account Book.
Mead . . . .	One gold wedding-ring.
The children of late Mrs. White . . . .	H. M.'s 79th Regt.—A packet containing sundries.
Orphan Maud Mitchell . . . .	One box containing sundries.

**NOTE.**—Interest on these deposits ceases from the date on which the Ward comes of age or leaves the Institution.

Applications for payment of the deposits should be made direct to the Examiner of Fund Accounts, Calcutta, who will supply the necessary form of receipt, &c.

G. L. SUTHERLAND, *Surgeon-Major,*  
*Examiner, Fund Accounts.*

**AGENT, GOVERNOR GENERAL. FOR  
CENTRAL INDIA.**

**NOTIFICATION.**

*Indore Residency, the 15th September 1883.*

**No. 2478.**—Captain H. A. Vincent, Bombay Staff Corps, Officiating 2nd-in-Command, 1st Central India Horse, is granted thirty days' privilege leave from 5th October 1883.

By Order,

C. E. YATE, *Capt.*,  
for 1st Asst. Agent, Govr. Genl.,  
for Central India.

**AGENT, GOVERNOR GENERAL, FOR  
CENTRAL INDIA, P. W. D.**

**NOTIFICATIONS.—ESTABLISHMENT.**

*Indore, the 14th September 1883.*

**No. 11.**—The following Assistant Engineers have passed the Lower Standard Examination prescribed in Public Works Code, Chapter II, paragraph 2, on the dates specified against their names:—

Mr. D. Litster, Assistant Engineer, 3rd Grade,  
—on 5th August 1878.

**Mr. R. H. Tickell, Assistant Engineer, 2nd Grade,—on the 3rd September 1883.**

**No. 12.**—Mr. R. Ewing, Executive Engineer, 4th Grade, is appointed Executive Engineer, Gwalior Division.

By Order,

H. F. WHITE, M.I. C.E.,  
Offg. Secy. to Agent, Govr. Genl.,  
for Central India, P. W. D.

**AGENT, GOVERNOR GENERAL, FOR  
RAJPUTANA.**

## NOTIFICATIONS.

*Mount Abu, the 17th September 1883.*

**No. 3326 G.**—Hospital Assistant Mahomed Fakcer held medical charge of the Erinpura Irregular Force from the afternoon of the 20th August to the forenoon of the 11th September 1883,

inclusive, during the absence of Surgeon J. Scully on the provisional leave granted him in this Office Notification No. 2989 G., dated 22nd August 1883.

**No. 3328 G.**—With reference to Foreign Department Notification No. 2163 G., dated 6th September 1883, Surgeon W. H. Neilson, M.B., assumed medical charge of the Erinpura Irregular Force from Hospital Assistant Mahomed Fakeer on the forenoon of the 11th September 1883.

By Order,

E. A. FRASER,  
*1st Asst. Agent to the Govr. Genl.*

**SURGEON-GENERAL WITH THE  
GOVERNMENT OF INDIA:**

**NOTIFICATION.**

*Simla, the 31st August 1883.*

**No. 25.**—Third Grade Assistant Surgeon Lal Madhub Mookerjee, of the Bengal provincial establishment, is permitted to resign the service.

J. M. CUNINGHAM, M.D.,  
*Surgeon-General with the Govt. of India.*

**DIRECTOR GENERAL OF RAILWAYS.**

**NOTIFICATIONS.—ESTABLISHMENT.**

*Simla, the 13th September 1853.*

**No. 43.**—Mr. E. H. Tuck, Assistant Engineer, 2nd Grade, is transferred from the Punjab Northern State Railway to the Jhansi-Manikpore State Railway.

*The 15th September 1883.*

**No. 44.**—Mr. R. W. Egerton, Assistant Engineer, 2nd Grade, is transferred from the Punjab Northern to the Indus Valley and Kandahar State Railway.

Director General's Notification No. 26, dated 19th May 1883, is hereby cancelled.

*The 15th September 1883.*

**No. 45.**—With reference to Public Works Department Notification No. 215, dated 15th September 1883, Lieutenant J. Burn-Murdoch, R.E., Executive Engineer, 4th Grade (temporary rank), is posted to the Punjab Northern State Railway.

*The 18th September 1883.*

**No. 46.**—The privilege leave for three months granted, with effect from 25th May 1883, to Mr. F. Finch, Store-keeper of the Indus Valley and Kandahar State Railway, in Class III of the State Railway Superior Revenue Establishment, has been commuted by Her Majesty's Secretary of State for India into sick leave for six months on medical certificate.

H. F. HANCOCK, *Col., R.E.*,  
*Offy. Director General of Railways.*

### GOVERNMENT SAVINGS BANK.

No. 1.

#### ANNUAL STATEMENT.

*Abstract of Operations of the Government Savings Bank from 1st April 1882 to 31st March 1883.*

	Rs. A. P.	Rs. A. P.
Balance due to Depositors in 1881-82		31,74,302 10 4
Deposits in 1882-83	16,74,421 9 11	
Interest allowed to Depositors in 1882-83	1,18,599 11 9	17,93,021 5 8
<b>TOTAL RS.</b>		52,07,324 0 0
<b>DEDUCT—</b>		
Withdrawals in 1882-83	18,70,453 9 10	
Investment in Government Loans, 1882-83	66,202 12 7	19,42,056 6 5
<b>Balance</b>		33,24,667 9 7
<b>LIABILITIES.</b>		
Balance due to Depositors in 1882-83		33,24,667 9 7
<b>ASSETS.</b>		
Due by General Books	32,06,067 13 10	
Interest allowed to Depositors in 1882-83	1,18,599 11 9	33,24,667 9 7

J. GORDON,  
*Depy. Secretary.*

BANK OF BENGAL.

GOVT. SAVINGS BANK;

*Calcutta, the 20th September 1883.*

*Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.*

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF HULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1883.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Sept. 10	2,97,000	...	87,021	5,06,142	41,25,533	27,40,155
" 11	...	...	...	5,06,142	41,25,533	27,40,155
" 12	...	...	357	5,06,806	41,28,122	27,40,520
" 13	...	...	80,274	4,90,352	42,10,118	28,24,516
" 14	2,57,362	...	2,05,482	5,54,694	44,23,118	30,38,405
" 15	...	...	...	5,54,694	44,23,118	30,38,405

J. F. TENNANT, *Major-Genl., R.E.*,  
*Mint Master.*

CALCUTTA MINT.

*The 17th September 1883.*

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is

warned to communicate at once with the undersigned:—

#### Calcutta Circle.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
170	P 9—24096	50	Babu Radha Nath Ghose.
172	P 44—92424	100	Mr. J. Grieff.
	" —92425	100	
	" —90155	100	
173	P 44—75014	100	Babu Womesh Chunder Mookerjee.
175	P 43—69639	100	The District Superintendent of Police, Jessore.
178	P 9—67246	50	Babu Khetter Mohan Mit-ter.
179	P 11—46564	500	Babu Hari Singh.
180	O 96—47734	100	Babu Raj Koomar Ghose.
181	P 11—74677	500	Bissesshur Dyal.
182	O 67—65137	100	Babu Issur Chunder Chak-ravarti.
	" —65488	100	
	" —65489	100	
	P 42—05052	100	
	O 30—72435	50	

CALCUTTA.

*The 21st September 1883.*

J. TAYLOR.

*Asst. Comptlr. Genl., in charge, Paper Currency.*

#### Madras Circle.

Regt. No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
22	B 73—82753	100	Arunachellum Pillay, Cotton Merchant, Udumalpet, Coimbatore District.
	" —85209	100	
	" —85669	100	
	" —96892	100	
23	B 61—69565	50	P. J. Jagannath Lulla, Tahsildar of Saidapet Taluk.
	" —70376	50	
	" —81426	50	
	B 65—28295	50	
	" —51257	50	
	" —55623	50	
	" —70552	50	
	B 62—76339	100	
	B 68—05272	100	
	B 71—83579	100	

FORT SAINT GEORGE.

*The 10th September 1883.*

H. S. GROVES,

*Assistant Accountant General, in charge of Paper Currency Dept., for Commissioners.*

### WANTED

ENGLISH AND PERSIAN WRITER.

Required for the Commissioner's Office, Peshawar, a Deputy Superintendent and Translator. His work will be entirely with the Commissioner, and confidential, and he must possess a thorough and idiomatic knowledge of English and Persian for correspondence in both languages; pay Rs130, with prospects; apply in own hand-writing with copies of certificates, not originals, to Commissioner, Abbottabad.

### POST OFFICE.

#### NOTIFICATIONS.

*Unclaimed Letters held in the Calcutta General Post Office on 20th September 1883.*

Bosanquet & Co.	DeNegri, A.	Thurber, Gates & Co.
Burbridge, J.	Hardwicke, E.	Valentine, Mrs.
Colbrook, Robert.	Lowry, Lt. F. J.	Waters, J. Harry.
Cooper, Geo. W.	Schwartz, S.	Williamson & Co.

*Letters marked "Care of Post Office."*

Agist, John.	Engel, Israel.	M. M. M.
A. Q. R.	Erter, Frau. Merrio.	Milsud, George.
A. X. Y. Z.	"Fella."	Mosso, W. Forbes.
B. B.	Fergus, Mrs. M.	Nordt, Miss Minnie.
Barber, C. J.	Field, Miss Fanny.	Pearson, H. J. F. G.
Battersby, Leslie C.	Fount, P. S.	Perrins, C. H.
Boswell, Lt.	Gahan, Capt. R. L.	Rains, —
Bradley, Walter.	Gelseid, Leann.	Rathergurd, R. C.
Bradshaw, D. E.	Hallewell, J. A.	Rode, Capt. J.
Brown, John.	H. R. A.	Ross, C. Henry.
Browne, Henri.	Hilbert, J.	Ryan, J. H.
Burlington, Charles.	Holt, Mrs. P. J.	Sanford, E. C. Aysh-
Camar, Madame A.	Horridge, Charles.	ford.
Campbell, Dr. M. R.	Ingers, H. V.	Scott, Montagu Hill.
Chase, J.	Jones, H.	Specht, Otto.
Coutt, P. S.	Jones, John.	Spencer, Mrs. L.
Crispini, C. Umberto.	Karoly, S.	Stoker, H. W.
Crooke, Richard Victoria.	Kaynagh, P.	Tanevici, Mendel.
Crowther, John.	Kirkbride, J.	Tayfenberg, Marco.
Dalyell, Mrs. R. F.	Langley, Manly G.	Tucker, Mrs.
D'Cruz, Mrs. Bella.	Lee, Frederick.	VansAgnew, Lieut. P. A.
Dean, William Edward.	Lynam, B.	White, Mrs. S.
Douglas, C. P. H.	McKay, James B.	Wyndham, W. G.
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*Calcutta, the 1st September 1883.*

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*The 22nd September 1883.*

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Foreign Mails for	Date.	Per Steamer
	1883.	
Persian Gulf . . . . .	22nd Sept.	From Bombay.
Farman Gulf . . . . .	20th "	From Bombay.
Madras, Ceylon, and Intermediate Ports .	28th "	Str. <i>Huzara</i> .
Madras and Ceylon . . . . .	3rd Oct.	P. & O. Str.
Columbo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies . . . . .	2nd "	From Bombay.
Foreign Mails <i>via</i> Bombay . . . . .	25th Sept.	From Bombay.
Do. Book Post and Pattern Packets .	24th "	From Bombay.
Rangoon and Moulemein . . . . .	27th "	Str. <i>Madura</i> .
Chittagong, Akyab, Kyauk Phyo, and Rangoon . . . . .	27th "	Str. <i>Calcutta</i> .
Port Blair and Camorta . . . . .	27th "	Str. <i>Maharani</i> .

\* Also for South Africa *via* England; also *via* Aden for Mauritius, Mahé (Seychelles), Mayotte, Nossi Be and Réunion can be forwarded.  
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اور عوام الناس ہوٹانکل گارتن یعنی کمپنی با کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس ٹین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے ٹین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے ٹین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دلایتی اور دیسی دواخانوں میں مکتی ہی ماسیواے قیمت مذکورہ بالا کے محصول ذات چار در آٹھ اونس کے ٹین کا آٹھ آنہ ; اور ایک پونڈ کے ٹین کا بارہ آنہ

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E. N. BAKER,

Offg. Under-Secy. to the Govt. of Bengal.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, SEPTEMBER 22, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

### Advertisements and Notices by Private Individuals and Corporations.

#### PROMISSORY NOTES.

##### Lost

The Government Promissory Notes, Nos. 161053 and 161054, of the 4 per cent. of 1865, for Rs1,000 each, originally standing in the name of the Comptroller General, and last endorsed to the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

PANNA LALL,  
*Late Command Gomashda,  
Kooncha Sunjogee Ram, Delhi.*

##### Partially destroyed by White-Ants.

The Government Promissory Note No. 949, of the 5 per cent. loan of 15th January 1830, for sicca Rs2,000, issued in the name of Armogatha Pillai, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon has been stopped at the Loan Office, and application is about to be made for payment to the undersigned of the principal and interest due.

N. VYTHILINGA PILLAI,

*Grandson and Legal Representative  
of Armogatha Pillai, deceased.*

NEGAPATAM,

*The 10th September 1883.*





SUPPLEMENT TO  
**The Gazette of India.**

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N<sup>o</sup> 38.} CALCUTTA, SATURDAY, SEPTEMBER 22, 1883.

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GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1883-84.

*Areas leased for Irrigation up to the end of July 1883.*

Circle.	District.	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilized.	Approximate area of land irrigated during the year up to the end of the month.	Approximate area of land under irrigation up to the same date last year.	DETAILS OF AREAS LEASED.										RAINFALL, 1883-84.		REMARKS.
								Five years. All crops.	Five years. Khurreef.	ANNUAL LEASES.					GRAND TOTAL.	During month.	Up to end of month.	RAINFALL, 1882-83.		
										Khurreef.	Rubbee.	Sugar-cane.	Bhadol.	Hot weather.					Total.	
Orissa.	Cuttack.	Kendrapara . . .	1,269	293.95	33.74	2,097	48,525	...	5,532	...	632	31	...	66	6,311	...	...	...		
		Gobri . . .	37,282	146.18	56.33	...	4,096	...	...	...	...	...	...	...	...	...	...	...		
		Pattamondree . . .	1,042	19.86	7.47	90	13,809	...	350	...	2	...	...	15	367	...	...	...		
		High Level, Range I . . .	675	100.72	14.58	480	14,260	...	1,032	...	67	3	...	16	1,118	...	...	...		
		Taldunda, 1st Reach . . .	1,300	135	135	...	9,954	...	...	...	202	20	...	...	222	33.64	25.39	49.42		
	Balasore.	Ditto, 2nd do. . .	650	38	38	...	22,309	...	...	2,015	...	200	29	...	229	...	...	...		
		Matchong . . .	650	67	67	1,561	22,309	...	...	...	...	440	...	...	440	...	...	...		
		High Level, Section II . . .	727.16	248.35	248.35	72	235	...	...	...	...	...	...	...	...	...	...	...		
		High Level, do. III . . .	727.16	209.16	209.16	252	1,373	...	...	...	...	...	...	...	...	...	...	...		
		Total . . .	...	...	...	4,562	114,561	...	8,929	...	1,153	523	...	97	1,773	10,702	...	...	...	
South-Western.	Total of the corresponding period of last year.	Midnapore . . .	1,411	744	616	69,014	52,713	...	72,427	...	...	...	...	...	72,427	10.03	21.50	13.69	Whole month discharging. Eighteen days discharging.	
		Panchkoora . . .	822	164	91	9,884	9,766	...	10,174	...	...	...	...	...	10,174	18.61	30.69	7.35		
		Total . . .	...	...	...	78,908	92,469	...	82,601	...	...	...	...	...	82,601	...	...	...		
	Total of the corresponding period of last year.	...	...	...	...	...	...	82,797	...	...	...	...	...	82,797	...	...	...			
Sone.	Shahabad . . .	Western Main . . .	4,343	1,296	169	5,331	1,950	...	...	1,180	...	881	...	1,571	6,005	14.83	21.17	4.73	7.92	Excludes area irrigated under five years' leases.
		Buxar . . .	1,228	287	237	14,147	6,815	...	...	3,945	...	1,932	...	...	20,168	8.91	20.33	7.34	13.06	
		Arrah . . .	1,160	799	666	41,011	33,114	...	...	5,913	...	1,502	154	7,003	66,424	...	...	...	...	
	Patna and Eastern Main . . .	1,406	564	491	...	94	...	...	3,098	...	...	...	...	214	12.53	24.49	7.46	18.00		
Grand Total.	Total of the corresponding period of last year.	Gya . . .	...	...	...	...	3,111	...	...	...	...	8	...	3,173	15,427	...	...	...	...	
		Total . . .	...	...	...	61,737	45,084	...	82,974	...	...	3,523	154	7,139	25,262	106,236	...	...	...	...
		Grand Total . . .	...	...	...	...	...	...	56,545	...	3,425	9,925	...	...	30,417	86,965	...	...	...	...
	Grand total of the corresponding period of last year.	...	...	...	145,207	252,144	...	91,530	...	1,153	4,346	154	7,238	27,035	201,539	...	...	...	...	

The 4th September 1883.

G. F. E. S. NEILL, Major., M.S.C.,  
Under-Secy. to the Govt. of Bengal,  
P. W. Department.



**PUBLIC WORKS DEPARTMENT.**

IRRIGATION OPERATIONS OF FASL KHARIF IN THE PUNJAB FOR 1883-84 UP TO 31st JULY 1883.

CANAL DIVISION.	WATER DISTRIBUTED DURING JULY 1883.				NAVIGATION RETURN CANAL.		LAND IRRIGATED (APPROXIMATE).		RAINFALL.		CHIEF CROPS (APPROXIMATE).		REMARKS.
	DEPTH IN CANAL AT REGULATING GAUGE.		GROSS CONSUMPTION, CUBIC FEET PER SECOND.		PRINCIPAL ITEMS OF TRAFFIC.		ZILA.	ACRES.	AVERAGE.	DURING MONTH.	NAME.	Area in acres.	
	Full supply.	Actual through out.	Estimated full supply.	Actual average throughout.	Up.	Down.							
1st Division	4.9	4.92	3,073.6	1,471.25	...	...	Gurdaspur	15,213	10.49	1.7	Cotton	21,518	On the Bari Doab Canal there is a decrease of 1,299 acres as compared with the corresponding period of the preceding year. The prospects of the crop continue to be very favorable. The usual rains having in a great measure failed, water is in great demand both for new and old sowings.
2nd Division, Main Branch, Lower	4.6	3.8	...	899.00	...	...	Amritsar	38,419	10.7	9.0	Rice	17,472	
2nd do., Lahore Branch	3.35	3.5	...	764.00	...	...	Lahore	47,738	8.8	2.7	Sugarcane	9,192	
Passed out of Escapes	...	...	...	229.00	...	...	...	...	...	...	Others	53,188	
TOTAL BARI DOAB CANAL	...	...	3,073.6	3,363.25	...	...	...	101,370	...	...	...	101,370	
Corresponding period of last year	...	...	3,073.6	2,484.52	...	...	...	102,669	...	...	...	102,669	
Karnal Division	4.33	4.13	2,546	176	...	...	Umballa	1,359	12.33	8.23	Cotton	63,546	The operations of the month on the Western Jumna Canal show an increase in area irrigated of 45,913 acres, and of 4,566 acres as compared with the corresponding period of last year. There is an increase of 13,372 acres in the area of cotton, and a decrease of 12,565 acres in that of sugarcane, as compared with last year. The increase in the former is attributed to the scanty rainfall during the month, which is nearly 50 per cent. under the average.
Delhi do.	6.70	4.96	...	600	...	...	Karnal	26,689	8.52	4.63	Rice	28,979	
Hansi do.	9.00	8.50	2,546	1,125	...	...	Delhi	28,911	10.20	2.80	Sugarcane	35,076	
Do. Balla Head.	8.80	6.70	...	223	...	...	Rohatak	34,007	5.85	4.30	Others	24,407	
Passed out of Escapes	...	...	...	289	...	...	Hissar	34,360	5.40	4.10	...	...	
TOTAL WESTERN JUMNA CANAL	...	...	2,546	2,413	...	...	Jhind	25,807	10.40	3.50	...	...	
Corresponding period of last year	...	...	2,546	1,925	...	...	Bikaner	201	...	...	...	...	
Upper Sutlej Division	...	...	...	...	...	...	Kalsia State	774	...	...	...	...	
Lower Sutlej and Chenab Division	...	...	...	...	...	...	...	152,008	...	...	...	152,008	
India Canals	...	...	...	...	...	...	...	147,503	...	...	...	147,503	
Muzaffargarh Canals	...	...	...	...	...	...	Lahore	12,168	...	...	Detail not obtainable for want of establishment.	...	
TOTAL INUNDATION CANALS	...	...	...	...	...	...	Montgomery	15,875	...	...	...	...	
Corresponding period of last year	...	...	...	...	...	...	Mooltan	170,255	2.3	1.8	...	...	
PERMANENT CANALS, GRAND TOTAL	...	...	...	...	...	...	Dera Ghazi Khan	102,856	2.7	0.10	...	...	
Do. corresponding period of last year	...	...	...	...	...	...	Muzaffargarh	123,150	...	3.3	...	...	
	...	...	...	...	...	...	...	424,304	...	...	...	424,304	
	...	...	...	...	...	...	...	513,957	...	...	...	513,957	
	...	...	...	...	...	...	...	253,378	...	...	...	253,378	
	...	...	...	...	...	...	...	250,172	...	...	...	250,172	

**J. E. CATTON,**  
*Offa. Asst. Secy. to Govt., Punjab, P. W. D., Irrigation Branch.*

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC.

No. XXXIII of 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 26TH AUGUST 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 25TH AUGUST 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 26TH AUGUST 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 25TH AUGUST 1883.		Total Increase in 1883-82.	To Dec in 1883.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		<i>R</i>	<i>R</i>		<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	
25th Aug. 1883	Eastern Bengal . . .	172	1,53,036	890	172	(a)72,069	419	17,77,895	489	(a)17,48,647	484	...	29
25th ditto .	Oudh and Rohilkhand . . .	547	80,695	148	547	88,263	161	20,80,709	180	24,04,916	209	3,24,207	
1st Sept. 1883	Sind, Punjab & Delhi . . .	676	1,45,062	215	749	2,04,399	273	38,25,558	267	49,37,033	316	11,11,475	
1st ditto .	Madras . . . . .	861	1,51,837	176	861	1,18,168	137	29,23,241	161	27,24,001	151	...	1,99
1st ditto .	South Indian . . . . .	655	78,835	113	655	72,299	110	15,89,206	115	16,31,850	118	42,644	
1st ditto .	Great Indian Peninsula . . .	1,450	3,62,108	249	1,451	3,95,772	273	1,38,99,042	453	1,47,64,951	483	8,65,909	
1st ditto .	Bombay, Baroda and Central India . . .	461	1,22,643	266	461	1,58,606	344	43,11,122	442	48,62,691	502	5,51,569	
	<b>TOTAL</b> . . . . .	4,822	10,89,216	226	4,896	11,09,576	226	3,04,06,773	298	3,30,74,089	322	26,67,316	
	<i>State.</i>												
1st Sept. 1883	East Indian . . . . .	1,507	6,51,484	432	1,509	8,00,808	531	1,79,51,161	564	2,10,92,427	666	31,41,263	
1st ditto .	Calcutta and South-Eastern . . . . .	33	4,456	135	56	5,300	95	79,553	121	1,20,619	108	41,066	..
1st ditto .	Nallhati . . . . .	27	1,120	41	27	1,668	62	27,586	48	33,294	59	5,703	..
1st ditto .	Northern Bengal . . . . .	230	35,338	154	239	37,350	156	7,45,038	152	8,21,642	168	76,604	..
1st ditto .	Tirhoot . . . . .	75	15,448	206	166	16,491	99	2,64,320	153	3,42,187	99	77,867	..
26th July 1883	Patna-Gya . . . . .	57	6,296	110	...	(b)	...	(c)1,55,997	160	(d)1,42,015	147	...	13,5
1st Sept. 1883	Muttra-Hathras . . . . .	29	2,557	88	29	2,378	82	45,915	75	50,464	83	4,549	..
1st ditto .	Cawnpore-Furrakhabad . . .	87	5,062	58	87	6,599	76	1,35,174	74	1,34,839	74	...	;
1st ditto .	Dildarnagar-Ghaziपुर . . .	12	523	44	12	616	51	19,276	76	20,555	82	1,279	..
1st ditto .	Rajputana-Malwa . . . . .	1,117	1,50,039	134	1,117	2,05,950	184	42,59,311	180	50,30,163	214	7,70,852	...
1st ditto .	Wardha Coal . . . . .	45	8,997	200	45	13,407	298	2,17,912	229	2,98,931	316	81,069	...
1st ditto .	Nagpur & Chhattisgarh . . .	98	4,369	45	149	9,243	62	2,45,849	119	6,02,648	193	3,56,799	...
1st ditto .	Rangoon and Irrawaddy Valley . . .	161	18,164	113	161	18,359	114	5,76,850	169	5,58,309	165	...	18,5
1st ditto .	Sindia . . . . .	75	4,672	62	75	5,005	67	1,28,686	81	1,27,151	81	...	1,5
1st ditto .	Punjab Northern . . . . .	409	47,994	117	421	60,943	145	12,03,812	142	12,83,141	145	79,329	...
1st ditto .	Indus Valley and Kandahar . . .	660	63,728	97	660	1,07,335	163	16,73,696	120	31,67,484	229	14,93,788	...
1st ditto .	Muttra-Achnera . . . . .	23	1,458	63	23	1,730	75	25,460	52	29,795	62	4,335	...
1st ditto .	Kaunia-Dhurla . . . . .	32	1,479	46	32	1,162	36	30,441	45	38,625	57	8,184	...
1st ditto .	Rewari-Ferozepore . . . . .	...	...	...	89	10,130	114	...	...	1,36,813	73	1,36,813	...
	<b>TOTAL</b> . . . . .	3,170	3,71,700	117	3,388	5,03,666	149	98,34,876	147	1,29,38,725	179	31,03,849	...
	<i>Assisted Company.</i>												
11th Aug. 1883	Bengal Central . . . . .	...	...	...	...	(b)	...	...	...	(e)40,805	61	40,805	...
	<i>Native States.</i>												
25th Aug. 1883	Bhavnagar-Gondal . . . . .	194	11,866	59	193	9,875	51	3,99,085	97	4,41,837	109	42,752	...
25th ditto .	Nizam's . . . . .	121	13,799	114	121	11,970	99	3,49,849	137	3,18,914	125	...	30,9
25th ditto .	Mysore . . . . .	86	5,499	64	86	5,021	58	1,15,164	63	1,06,796	59	...	8,2
1st Sept. 1883	Jodhpore . . . . .	19	320	17	19	660	35	(f)1,550	9	14,730	37	13,180	...
	<b>TOTAL</b> . . . . .	420	30,984	74	419	27,526	66	8,65,648	100	8,82,277	100	16,629	...
	<b>GRAND TOTAL</b> . . . . .	9,919	21,43,384	216	10,212	24,41,576	239	5,90,58,461	281	6,80,23,323	314	89,69,862	...
	<b>GROSS ESTIMATED EXPENSES</b> . . . . .	...	...	...	...	...	...	2,98,28,937	142	3,37,73,455	156	...	...
	<b>NET RECEIPTS</b> . . . . .	...	...	...	...	...	...	2,92,29,524	139	3,42,54,868	158	50,25,344	...

(a) Exclusive of the Company's share of the earnings of the Bengal Central Railway (estimated for period subsequent to 11th August 1883).  
(b) Return not received.  
(c) Total receipts from 1st April to 29th July 1882.

(d) Total receipts from 1st April to 28th July 1883.  
(e) Total receipts from 1st April to 11th August 1883.  
(f) Total receipts from 24th June to 26th August 1882.



# The Gazette of India.

PUBLISHED BY AUTHORITY.

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N<sup>o</sup> 39. } SIMLA, SATURDAY, SEPTEMBER 29, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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*Nothing for publication.*

**SUPPLEMENT No. 39.**

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## PART I.

Government of India Notifications, Appointments, Promotions; &c.

### MILITARY SECRETARY'S OFFICE.

#### NOTIFICATION.

*Simla, the 24th September 1883.*

His Excellency the Viceroy and Governor General will leave Simla for Jummoo on Tuesday, the 16th October, and will probably arrive at Calcutta, *via* Kashmir and Lahore, on Saturday, the 1st December 1883.

By Command,

WILLIAM BERESFORD, *Captain,*

*Military Secretary to the Viceroy.*

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### HOME DEPARTMENT.

#### NOTIFICATIONS.—JUDICIAL.

*Simla, the 26th September 1883.*

**No. 1310.**—Under the provisions of Section 3 of Act XXVI of 1881 (The Negotiable Instruments Act, 1881), the Governor General in Council has been pleased to appoint Mr. Annodapershad Ghose, a Pleader in the Central Provinces, to perform the functions of a Notary Public under that Act.

**No. 1312.**—Under the provisions of Section 3, Act XXVI of 1881 (The Negotiable Instruments Act, 1881), the Governor General in Council has been

pleased to appoint the following persons in the Bombay Presidency to perform the functions of Notaries Public under that Act :—

Mr. J. F. Fernandez	...	...	City Magistrate.
„ Vishnu Narsing	...	...	Special Sub-Registrar.
„ Bapalal Lalbhai	...	...	„ „
„ Lalitanand Gowrinand	...	...	„ „
„ Motilal Dalpatram	...	...	„ „
„ Ramechandra Narayen	...	...	„ „
„ Pramlal Mathuradass	...	...	Huzur Deputy Collector.
„ Varajdas Lalbai	...	...	Special Sub-Registrar.
„ Ganpatrao Balwant	...	...	„ „
„ Kasturchand Girdhar	...	...	Pleader.
„ Balwantrao Atmaram	...	...	Special Sub-Registrar.
„ Chotalal Shewlal	...	...	„ „
„ Bolanath Dowlatrai	...	...	„ „
„ Cheganlal Porbhashunker	...	...	„ „
„ Keshavlal Mulshanker	...	...	„ „
„ Karsanlal Mowji	...	...	„ „
„ Nanalal Mulji	...	...	„ „
„ Vanmalidas Nagardas	...	...	„ „
„ Jayanand Harinand	...	...	„ „
„ Adarji Jiwanji	...	...	Huzur Deputy Collector.
„ Ratiram Motiram	...	...	Special Sub-Registrar.
„ Bapalal-Danatrarn	...	...	„ „
„ Dayabhai Birojdas	...	...	„ „
„ Balkrishna Abaji	...	...	„ „
„ Trimbak Krishna	...	...	„ „
„ Luxumon Janardan	...	...	„ „
„ Wamraji Vithal	...	...	„ „
„ Trimbuck Narayen	...	...	„ „
„ Sadashew Eshwant	...	...	„ „
„ Jagannath Keshao Kulkarni	...	...	District Government Pleader.
„ Ramechundra Annant	...	...	Special Sub-Registrar.
„ Ramkrishna Balwant	...	...	„ „
„ Mahadeo Dadshet Khode	...	...	„ „
„ Kuvarji Kavasji	...	...	Huzur Deputy Collector.
„ Sitaram Trimbak	...	...	Special Sub-Registrar.
„ Trimbuck Ballal	...	...	„ „
„ Mahipat Ramechundra	...	...	„ „
„ Balkrishna Keroji	...	...	„ „
„ Madhowsrao Balaji	...	...	„ „
„ Mahadeo Sadasheo	...	...	„ „
„ W. R. Hamilton	...	...	Huzur Deputy Collector.
„ Gunpat Lingo	...	...	Special Sub-Registrar.
„ Govind Pundlik	...	...	„ „
„ Daji Ballal	...	...	„ „
„ Ramechandra Sadasheo	...	...	„ „
„ Bapu Purshotum	...	...	Huzur Deputy Collector.
„ Eshwant Balkrishna	...	...	Special Sub-Registrar.
„ Ramechandra Chintamon	...	...	„ „
„ Ganesh Ramechundra	...	...	„ „
„ Balkrishna Mahadeo	...	...	„ „
„ Damodar Ganesh	...	...	„ „
„ Shridhar Wamon	...	...	„ „
„ Balkrishna Mahadeo	...	...	„ „
„ Balwant Pandurang	...	...	„ „
„ Balkrishna Devrao	...	...	Huzur Deputy Collector.
„ Sukaram Datatrya	...	...	Special Sub-Registrar.
„ Appaji Balkrishna	...	...	„ „
„ Ganpatrao Sakhararn	...	...	„ „
„ Govind Ramechandra	...	...	„ „
„ Luxumon Pandurang	...	...	„ „
„ Syed Ahmed Ali	...	...	„ „
„ C. W. Richardson	...	...	City Magistrate.
„ D. H. Plunkett	...	...	Cantonment Magistrate.
„ Modhowsrao Malliar	...	...	Special Sub-Registrar.
„ Khanderao Bapuji	...	...	Pleader.
„ Wasudeo Sakhararn	...	...	„ „
„ Mahadaji Sakhararn	...	...	„ „
„ Ganpatrao Mahadeo	...	...	„ „
„ Shitaram Chintamon	...	...	„ „
„ Mohoniraj Sadasheo	...	...	„ „
„ Vinayek Gopal Wagh	...	...	„ „
„ E. T. Richardson	...	...	Huzur Deputy Collector.

Nabab Abdool Rahiman	...	...	Special Sub-Registrar.
Mr. Ramchundra Anant	...	...	" "
" Kashinath Ramchandra	...	...	" "
" Amrit Bapuji	...	...	" "
" Govind Martand	...	...	" "
Surgeon-Major J. Davidson	...	...	Superintendent, Malcolm Peth.
Mr. Wasudeo Sakharan	...	...	Special Sub-Registrar.
" Bapuji Vinayak	...	...	" "
" Venkaji Sakharan	...	...	" "
" Balkrishna Nilkant Joshi	...	...	Pleader.
" Ghanasham Bapaji	...	...	Special Sub-Registrar.
" Vittulroo Appaji	...	...	" "
" Ramchundra Gundo	...	...	" "
" Appaya Hooshuti	...	...	...
" Annaji Ralyanrao	...	...	Special Sub-Registrar.
" Hanmant Govind	...	...	" "
" Rango Govind	...	...	" "
" Ramchundra Bapaji	...	...	Huzur Deputy Collector.
Mahomed Akberkhan	...	...	Special Sub-Registrar.
Mr. Luxuman Raghoendra	...	...	" "
" Hunmant Binduroo	...	...	" "
" Babaji Sidheshwar	...	...	" "
" Gundo Rajirao	...	...	" "
" Bhimrao Udapi	...	...	Pleader.
" J. Hearn	...	...	Huzur Deputy Collector.
" Ramchandra Vithal	...	...	Special Sub-Registrar.
" Ramchundra Anaji	...	...	" "
" H. Ingle	...	...	Huzur Deputy Collector.
" M. R. Saldanha	...	...	Special Sub-Registrar.
" B. Theodore	...	...	" "
" Rangopa Subrao	...	...	" "
" Shamrao Sakharan	...	...	" "
" Luksmi Narayan Shesgiri	...	...	" "
" E. Leggett	...	...	Solicitor.
" R. H. Alexander	...	...	Attorney-at-Law.
Kazi Abdul Satar	...	...	Special Sub-Registrar.
" Khodabux	...	...	" "
Haji Ahmed	...	...	" "
Syud Umed Ali Shah	...	...	" "
Munshi Fattchand	...	...	" "
Mirza Gulam Haider	...	...	" "
Rao Bahadur Navatrai Shokiram	...	...	Huzur Deputy Collector.
Kazi Umed Ali	...	...	Special Sub-Registrar.
" Mahomed	...	...	" "
" Mahomed Hassan	...	...	" "
" Akhund Nalechango	...	...	" "
Meya Gowhar Ali	...	...	" "
Kazi Mahomed Saki	...	...	" "
" Khan Mahomed	...	...	" "
Hazi Abdul Hafiz	...	...	" "
" Abdul Latif	...	...	" "
Mr. Dowlutram Suratsing	...	...	Pleader.
" B. Nash	...	...	Barrister at-Law.
Hazi Mahomed Azam	...	...	Special Sub-Registrar.
" Sumar Ali	...	...	" "
Major J. M. Hunter	...	...	First Asst. Political Resident.
Mr. Muncherji Rustomji	...	...	Sub-Registrar.

## FORESTS.

*The 28th September 1883.*

**No. 746 F.**—In continuation of Notification No. 640 F., dated the 3rd ultimo, the following temporary promotions are made among Conservators of Forests, during the absence on three months' privilege leave of Mr. G. Greig, Conservator of Forests, 1st Grade, or until further orders, with effect from the 6th August 1883:—

Mr. B. Ribbentrop, Conservator of Forests, 2nd Grade, Punjab,—to officiate in the 1st Grade.

Mr. G. Mann, Conservator of Forests, 3rd Grade, Assam,—to officiate in the 2nd Grade.

A. MACKENZIE,

## REVENUE AND AGRICULTURAL DEPARTMENT.

## NOTIFICATION.—SURVEYS.

*Simla, the 26th September 1883.*

**No. 416 S.**—Lieutenant G. B. Hodgson, Bengal Staff Corps, Wing Officer, 3rd Goorkha Regiment, is appointed an Assistant Superintendent, 2nd Grade, of the Survey of India, on probation, with effect from the afternoon of the 12th September 1883.

E. C. BUCK,

## STAR OF INDIA.

### NOTIFICATION.

*Simla, the 24th September, 1883.*

**No. 26 S. I.**—The following notification, which appeared in the *London Gazette* of the 10th August, 1883, is published for general information:—

INDIA OFFICE;  
*August 4th, 1883.*

The Queen has been graciously pleased to nominate and appoint Major Evelyn Baring, C.S.I., C.I.E., Member of the Council of the Governor-General of India, to be an Extra Knight Commander of the Most Exalted Order of the Star of India.

C. GRANT,  
*Secretary to the Most Exalted Order  
of the Star of India.*

## FOREIGN DEPARTMENT.

### NOTIFICATIONS.—MILITARY.

*Simla, the 25th September, 1883.*

**No. 2318 G.**—Surgeon A. H. C. Dane, M.D., Medical Officer, 1st Regiment of Bombay Native Infantry, is appointed to officiate as Medical Officer of the Bhopal Battalion and of the Bhopal Political Agency, during the absence on furlough of Surgeon-Major W. E. Allen, or until further orders.

### JUDICIAL.

*The 25th September, 1883.*

**No. 2854 I.**—Whereas His Highness the Nawab of Bhawalpur has granted to the British Government full jurisdiction over a plot of land 11 acres 3 roods and 15 poles in extent, situated in Bhawalpur territory on the border of the Mooltan District of the Punjab, and required for the head-works of the Bhawalwah-Lodran Canal: In exercise of such jurisdiction and of the powers conferred by Sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to notify as follows:—

1. All laws for the time being in force in the Mooltan District of the Mooltan Division are hereby extended to the aforesaid portion of land.
2. The Deputy Commissioner of the Mooltan District, and the Commissioner of the Mooltan Division, for the time being, and the Chief Court of the Punjab respectively, shall exercise within the aforesaid portion of land the same executive powers as they may respectively exercise within the British territories subject to their jurisdiction.
3. All British Courts having jurisdiction within the Mooltan District shall exercise the same jurisdiction within the aforesaid portion of land.
4. Within the aforesaid portion of land the administration of the police shall be vested in

the District Superintendent of Police in the Mooltan District, who shall exercise the same police powers as may be exercised by District Superintendents of Police under any law for the time being in force in the Mooltan District, in subordination to the Deputy Commissioner of the Mooltan District and the Inspector General of Police in the Punjab.

*The 27th September, 1883.*

**No. 2876 I.**—Under Section 9 of Act XV of 1872, the Governor-General in Council is pleased to license the Reverend A. D. Gray, M.A., of the United Presbyterian (Scottish) Mission, to grant certificates of marriage between Native Christians in the Native States comprised in the Rajputana Agency.

*The 28th September, 1883.*

**No. 2892 I.**—In exercise of the powers conferred by Section 12 of the Code of Criminal Procedure, the Governor-General in Council is pleased to invest Colonel M. M. Procter with the powers of a Magistrate of the 1st Class to be exercised within the limits of the Morar Cantonment.

**No. 2893 I.**—In exercise of the power conferred by Section 22 of Act X of 1882 (The Code of Criminal Procedure, 1882), the Governor-General in Council is pleased to appoint Colonel M. M. Procter to be a Justice of the Peace within the limits of the Morar Cantonment.

### GENERAL.

*The 25th September, 1883.*

**No. 2312 G.**—The following temporary promotions are made in the Graded List of the Political Department:—

With effect from the 12th September, 1883, during the absence on privilege leave of Captain W. H. C. Wyllie, C.I.E., Political Agent of the 3rd Class—

Mr. Ney Elias, Political Assistant of the 1st Class, to officiate as Political Agent of the 3rd Class.

Lieutenant H. L. Ramsay, Officiating Political Assistant of the 2nd Class, to officiate as Political Assistant of the 1st Class.

Lieutenant C. Herbert, Officiating Political Assistant of the 3rd Class, to officiate as Political Assistant of the 2nd Class.

With effect from the 12th September, 1883, during the absence on privilege leave of Lieutenant-Colonel C. B. Euan-Smith, C.S.I., Political Agent of the 3rd Class—

Captain N. C. Martelli, Political Assistant of the 1st Class, to officiate as Political Agent of the 3rd Class.

Pundit Sarup Narain, Officiating Political Assistant of the 2nd Class, to officiate as Political Assistant of the 1st Class.

Lieutenant P. J. Melvill, Officiating Political Assistant of the 3rd Class, to officiate as Political Assistant of the 2nd Class.

With effect from the 16th September, 1883, during the absence on privilege leave of Captain J. H. Newill, Political Assistant of the 1st Class—

Captain A. M. Muir, Officiating Political Assistant of the 2nd Class, to officiate as Political Assistant of the 1st Class.





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## PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

### LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th September, 1883, and is hereby promulgated for general information :—

#### ACT No. XIII OF 1883.

*An Act to declare the law in force in certain lands which have been or hereafter may be ceded by the Baháwalpur State for occupation by the Indus Valley State Railway.*

WHEREAS Act X of 1880 (to declare the law in force in certain lands annexed to the Multán District) provides that all enactments which, on the second day of September, 1879, were in force in the Multán district and not in force in the lands occupied by the Indus Valley State Railway, and the works, premises and stations thereof, within the limits of the Baháwalpur State, which have been ceded to the British Government in full sovereignty by that State, and have been declared by the Governor General in Council to be subject to the Lieutenant-Governorship of the Panjáb, and have by the Lieutenant-Governor of the Panjáb been annexed to the Multán district, shall be deemed to have come into force in the said lands on that day;

and whereas it is expedient to make like provision for certain other lands occupied by the same

Railway, and the works, premises and stations thereof, within the limits of the same State, which have, since the second day of September, 1879, been ceded to the British Government in full sovereignty by the same State, and have been declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and have by the same Lieutenant-Governor been annexed to the same district;

and whereas it is also expedient to make like provision for any lands to be hereafter occupied by the same Railway, and the works, premises and stations thereof, within the limits of the same State, which may be ceded to the British Government in full sovereignty by the same State, and may be declared by the Governor General in Council to be subject to the same Lieutenant-Governorship, and may by the same Lieutenant-Governor be annexed to the same or some other district;

It is hereby enacted as follows :—

Repeal of Act X of 1880. 1. Act X of 1880 is hereby repealed.

2. All enactments which, on the date on which any such lands as are referred to in the preamble to this Act have been, or may hereafter be, annexed to the Multán or any other district, were, or shall be, in force in that district, and not in the said lands, shall be deemed to have come, or, as the case may be, shall come, into force in the said lands on that date.

D. FITZPATRICK,  
Secretary to the Government of India.



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September, 1883, and is hereby promulgated for general information :—

## ACT NO. XIV OF 1883.

THE NORTH-WESTERN PROVINCES  
AND OUDH LOCAL BOARDS ACT,  
1883.

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56. Section 11, clause (c), Act III of 1878, amended.  
 57. Sections 12, 13 and 15 of same repealed.  
 58. New section substituted for section 14 of same.

*Amendment of the Oudh Local Rates Act, 1878.*

59. Section 11, clause (c), Act IV of 1878, amended.  
 60. Sections 12 and 14 of same repealed.  
 61. New section substituted for section 13 of same.

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 65. Amendments of sections 6 and 17 of same Act.

*An Act to provide for the constitution of Local Boards in the North-Western Provinces and Oudh.*

WHEREAS it is expedient to make better provision for the constitution of local bodies in each district in the North-Western Provinces and Oudh to administer the expenditure of that portion of the rates levied on land which is applicable to local purposes in that district, and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to the like purposes; It is hereby enacted as follows :—

*Preliminary.*

1. (1) This Act may be called the North-Western Provinces and Oudh Local Boards Act, 1883.  
 Short title.  
 (2) It extends to the territories for the time being administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh; and  
 Local extent.  
 (3) It shall come into force on the first day of November, 1883.  
 Commencement.

2. In this Act, unless there is something repugnant in the subject or context,—  
 Definition of "prescribed."

"Prescribed" means prescribed by rules made under section 17

*Constitution of Local Boards and District Boards.*

3. (1) The Local Government shall, by order in writing, for the purposes of this Act, divide each district into sub-districts.  
 Formation of sub-districts.

(2) There shall be excluded from the sub-districts formed under this section such portions of the district as are for the time being included in the limits of a military cantonment or of a municipality, and, unless the Local Government otherwise directs, the portions of the district (if any) in which Act XX of 1856 (*an Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazaris in the Presidency of Fort William in Bengal*) is in force.

(3) The Local Government may, from time to time, by order in writing, vary any order made under this section.

4. There shall be established for each sub-district a local board having authority over that sub-district, and for each district a district board having authority over the entire district, except such portions thereof as are excluded from the sub-districts under section 3, sub-section (2).  
 Establishment of local boards for sub-districts and of district boards for districts.

5. (1) The local board for a sub-district shall consist of so many elected members and so many nominated members as the Local Government may, from time to time, fix in this behalf:

Provided that the nominated members shall not exceed in number one-fourth of the board.

(2) The elective members of a local board shall be elected in manner prescribed.

(3) The persons entitled to vote at the election shall be nominated by the Local Government or determined in such other manner as may be prescribed:

Provided that the persons entitled to vote at the election of a member shall not be less than twenty-five in number.

(4) A person to be qualified for election must, at the time of his election, be an elector, and reside, or own landed property, or carry on trade or business, in the sub-district.

(5) The nominated members shall be such persons as the Local Government may, subject to the rules made under section 47, from time to time, nominate in this behalf.

6. (1) The district board for a district shall, except as next hereinafter provided, consist of all persons who for the time being are members of the local boards of the sub-districts comprised in that district.  
 Constitution of district boards.

(2) The Local Government may, if it thinks fit, by notification in the official Gazette, direct that the district board for a district shall consist of so many of the elected members of each local board as it thinks fit, elected in this behalf by the local board in manner prescribed, and such of the nominated members of each local board as the Local Government may appoint in this behalf:

Provided that the nominated members of local boards so appointed by the Local Government shall not exceed in number one-fourth of the district board.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 7-14.*

(3) The Local Government may, by notification in the official Gazette, rescind any direction issued under sub-section (2) with effect from the date on which all the persons holding office as members of the district board at the date of the notification shall, under the provisions of this Act, have vacated their offices as such members.

7. (1) The term of office of a member of a local board and of a member of a district board elected or appointed under section 6, sub-section (2), shall be fixed, from time to time, by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election, nomination or appointment.

8. A member of a local board and a member of a district board elected or appointed as aforesaid may resign by notifying in writing his intention to do so to the Local Government; and, on the acceptance by the Local Government of such resignation, the member shall be deemed to have vacated his office as such member.

9. The Local Government may, from time to time, remove any member of a local board or of a district board elected or appointed as aforesaid who refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the local board, or, when he is a member of the district board, without sufficient excuse neglects for more than six consecutive months to be present at the meetings of that board.

10. (1) When the place of an elected member of a local board or of a member of a district board elected as aforesaid becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in manner prescribed to fill the place:

Provided that the Local Government may, subject to the limitation of the proportion of nominated members of a local board fixed by section 5, and to the limitation of the proportion of appointed members of a district board fixed by section 6, direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a nominated member of a local board or an appointed member of a district board becomes vacant as aforesaid, the Local Government may, if it thinks fit, but subject to the rules made under section 47, nominate or appoint, as the case may be, a new member to fill the place.

(3) A person elected, nominated or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election, nomination or appointment.

11. Every district board shall be a body corporate by the name of the district board of its district, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, to transfer any moveable property and, with the previous approval in writing of the Commissioner of the division, any immoveable property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

12. The several local boards and district boards constituted under this Act shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

*Chairmen and Vice-chairmen.*

13. (1) Every local board shall, from time to time, elect one of its members to be chairman.

(2) The term of office of a chairman so elected shall be the residue of his term of office as a member of the board.

(3) If the chairman so elected dies, resigns or is removed from his office as a member of the board, resigns the office of chairman or becomes incapable of acting, the board shall elect another of its members to be chairman for the period during which the person so dying, resigning, removed or becoming incapable would have been entitled to continue in office, and no longer.

(4) If, when any meeting is held, the office of chairman is vacant or the chairman is absent from the meeting, the members present shall elect one of their number to be chairman of the meeting.

14. (1) Every district board shall, on first coming into existence and thereafter whenever the term of office of its chairman expires under this Act, take into consideration, at a special meeting convened for the purpose within the time prescribed, the appointment of a chairman, and, if the meeting is attended by not less than three-fourths of the members of the board, may, by a majority of the members present,—

(a) determine whether the chairman shall be elected, or his appointment shall be left to be made by the Local Government, and

(b) if it is determined that the chairman shall be elected, elect one of its members to be chairman; and

the Local Government may, if it approves of the person so elected, declare him to be chairman of the board.

(2) If no such meeting is held within the time prescribed, or if three-fourths of the members of the board are not present at the meeting, or, where several meetings are convened under this section, at any of those meetings, or if no such election takes place, or if the person elected is not approved of by the Local Government, the Local Government shall appoint as chairman, by name or by virtue of his office, such person as it thinks fit.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 15-24.*

**15.** At a special meeting held under section 14, or at another special meeting held for this purpose, the district board shall elect one or two of its members to be its vice-chairman or vice-chairmen.

**16.** (1) The term of office of an elected chairman of a district board shall be the residue of his term of office as member of the board.

(2) The term of office of an appointed chairman of a district board shall be such term, not exceeding three years, as the Local Government may, from time to time, by rule prescribe.

(3) The term of office of a vice-chairman of a district board shall be one year, or when at the time of his election the residue of his term of office as member is less than one year, the residue of that term.

**17.** (1) A chairman of a district board may resign by notifying in writing his intention to do so to the Local Government; and, on such resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

(2) A vice-chairman of a district board may resign by notifying in writing his intention to do so to the board; and, on such resignation being accepted by the board, he shall be deemed to have vacated his office.

**18.** The Local Government may remove any chairman or vice-chairman of a district board from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be chairman or vice-chairman, or if he without sufficient excuse neglects for more than six consecutive months to be present at the meetings of the board.

**19.** (1) If an elected chairman of a district board dies, resigns, is removed or becomes incapable of acting, a special meeting of the board shall be held within the period prescribed, and a new chairman shall be elected or appointed in manner provided by section 14.

(2) If an appointed chairman of a district board dies, resigns, is removed or becomes incapable of acting, the Local Government shall appoint another chairman.

(3) If a vice-chairman of a district board dies, resigns, is removed or becomes incapable of acting, the board shall, at a special meeting held for this purpose, select one of its members to be vice-chairman in his place.

(4) A chairman or vice-chairman elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office:

Provided that a person so elected shall go out of office on ceasing to be a member of the board.

**20.** Notwithstanding anything in the foregoing sections, a chairman appointed by the Local Government to be member of district board, sub-section (2), or section 19, sub-section (1) or sub-section (2), shall, if he is not already a member of the district board, become a member thereof by virtue of such appointment, and continue to be a member thereof while he holds the office of chairman.

**21.** A chairman of a local board, and a chairman or vice-chairman of a district board, if otherwise qualified, shall on going out of office be again eligible for election or appointment.

**22.** (1) At every meeting of a district board the chairman, if present, shall preside.

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

*Notification of Elections, &c.*

**23.** All elections, nominations and appointments of members of local boards and district boards, and of chairmen of district boards, and all vacancies in these offices, shall be notified in the local official Gazette.

*Duties of District Boards.*

**24.** Every district board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Local Government may, from time to time, make and impose, provide for the control and administration of the following matters within the area subject to its authority:—

- (a) the construction, repair and maintenance of public roads and other means of communication;
- (b) the planting and preservation of trees on the sides of roads and on other public ground;
- (c) the establishment, management, maintenance and visiting of schools, hospitals, dispensaries, markets, staging-houses, inspection-houses and other public institutions, and the construction and repair of all buildings connected with these institutions;
- (d) the construction and repair of public wells, tanks and water-works, and the supply of water from them and from other sources;
- (e) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Local Government;
- (f) the establishment and management of pounds, including, where the Cattle-trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate of the district under that Act as may be transferred to the district board by the Local Government;



*N.-W. P. and Oudh Local Boards Act, 1883—Sections 25-33.*

- (g) the management of such public ferries as may be entrusted to its charge under section 7A of the Northern India Ferries Act, 1878, as amended by this Act;
- (h) the regulation of encamping-grounds and, where the Sarāis Act, 1867, is in force, of sarāis and parāos, including such functions of the Magistrate of the district under that Act as the Local Government may, from time to time, direct;
- (i) the institution, holding and management of agricultural shows and industrial exhibitions;
- (j) the maintenance of any building or other property which is vested under this Act in the district board, or may be placed by the Local Government under the management of that board; and
- (k) any other local works or measures likely to promote the health, comfort, convenience or interest of the public.

*Duties of Local Boards and their Relations to District Boards.*

**25.** Every local board shall, in the sub-district Local board to be agent of district board. under its authority, be the agent of the district board, and, as such agent, shall have such authority and discharge such duties in respect of all or any of the matters specified in section 24 as the district board may, by written authority in that behalf, from time to time, confer or impose upon it.

**26.** The district board may, by a resolution Control of district board over local boards. passed by two-thirds of the members present at a meeting, either on complaint made to it or of its own motion, reverse or vary any order or other proceeding of any local board within the district:

Provided that, except for reasons recorded in writing, no such resolution shall be passed until the local board has been allowed an opportunity of showing cause against the same.

*Joint Committees.*

**27. (1)** A district board may, from time to time, Joint committees. concur with any other district board, or with the board of any municipality, or with a cantonment authority, or with more than one such board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee, and in delegating to any such committee any power which might be exercised by either or any of the boards or authorities, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

(2) If any difference of opinion arises between boards or authorities acting under this section, the decision thereon of the Commissioner of the division if the areas under the boards and authorities are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

*Conduct of Business.*

**28. (1)** A meeting of a district board or local board shall be either ordinary or special. Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**29. (1)** The quorum necessary for the transaction of business at a special meeting of a district board or local board shall, except where otherwise provided by this Act, be one-half of the whole board. Quorum.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a district board or local board shall be such number or proportion of the members of the board as may, from time to time, be fixed by the rules made under this Act:

Provided that, if at any ordinary or special meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted at the adjourned meeting whether there is a quorum present thereat or not.

**30. (1)** Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before a meeting of a district board or local board shall be decided by a majority of the votes of the members present. Vote of majority decisive.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

**31.** The Civil Surgeon of the district, the Executive Engineer of the division, and the Inspector of Schools of the circle, shall be entitled to attend any meeting of a district board or local board, and to address the board on any matter affecting respectively sanitation, public works and public instruction. Certain officers entitled to attend and speak.

**32. (1)** Every resolution passed by a district board or local board at a meeting shall be recorded in a book kept for the purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting. Resolutions to be recorded.

(2) A copy of every resolution passed by a local board at a meeting shall, within ten days from the date of the meeting, be forwarded to the district board.

(3) A copy of every resolution passed by a district board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Magistrate of the district.

**33.** Every district board, and, with the previous sanction of the district board, every local board, may, from time to time, make rules consistent with this Act and with any rules made under this Act by the Local Government as to—

- (a) the time and place of its meetings;
- (b) the quorum necessary for the transaction of business at ordinary meetings;

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 34-40.*

- (c) the conduct of proceedings at meetings;
- (d) the division of duties among the members of the board; and
- (e) the persons by whom receipts may be granted on behalf of the board for money paid under this Act.

*Officers and Servants.*

**34. (1)** Every district board and every local board shall, from time to time, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person or persons, to be its secretary or secretaries, and may remove any person so appointed.

(2) If a secretary appointed under this section is a member of the board, he shall receive no remuneration in respect of his services. If he is not a member of the board, the district board may, with the previous sanction of the Commissioner of the division, assign to him such pay as it thinks fit.

**35.** Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, every district board may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the local boards in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner of the division.

*Pensions and allowances of Government officials serving boards.*

**36.** In the case of a Government official, any district board may—

(1) if his services are wholly lent to it, contribute to his pension, gratuities and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension, gratuities and leave-allowances in such proportion as may be determined by the Government.

**37.** In the case of a servant not being a Government official referred to in section 36, any district board may—

(1) grant him leave-allowances and, if his monthly pay is less than ten rupees, gratuities; and

(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension, gratuities and leave-allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under the Government.

*District Fund.*

**38.** There shall be formed for each district a fund, to be called the district fund, and there shall be placed to the credit thereof—

(a) the balance (if any) of the allotments made for the district under section 11 of the North-Western Provinces Local Rates Act, 1878, or of the Oudh Local Rates Act, 1878, which may be available for expenditure in the district on the day on which the district board comes into existence; III of 1  
IV of 18

(b) all sums which may, from time to time, be allotted by the Local Government to the district fund under section 11 of the North-Western Provinces Local Rates Act, 1878, or of the Oudh Local Rates Act, 1878, as amended by this Act; III of 1  
IV of 18

and, subject to such exceptions and conditions as the Local Government may, from time to time, make and impose, the following, namely:—

(c) the surplus accruing in the district under section 18 of the Cattle-trespass Act, 1871; I of 187

(d) the proceeds of public ferries payable into the district fund under section 7A of the Northern India Ferries Act, 1878, as amended by this Act; XVII of

(e) receipts from encamping-grounds under the regulation of the district board;

(f) the sale-proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen or felled thereon;

(g) receipts from property vested in the district board;

(h) rents and profits accruing from nazul and other property placed by the Local Government under the management of the district board;

(i) other sums assigned to the district fund by the Local Government;

(j) sums contributed to the district fund by local bodies or private persons; and

(k) all other sums received by or on behalf of the district board in the carrying out of this Act.

**39. (1)** The district fund shall be vested in the district board, and the balance standing at the credit of the fund shall be kept in the Government treasury of the district or in the bank to which the Government treasury business has been made over.

(2) Subject to such rules as the Governor General in Council may, from time to time, make in this behalf, the district board may, from time to time, with the previous sanction of the Local Government, invest any portion of the district fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of the same nature. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the district fund.

**40. (1)** The district fund shall be charged with the payment of the expenses incurred in auditing the accounts of the district and local boards, and such portion of the cost of the

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 41-45.*

Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Local Government to be equitably debitable to the district board in return for services rendered to the board by those Departments.

(2) Subject to the charges specified in subsection (1), the district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections 21, 31, 35, 36 and 37 within the area subject to the authority of the district board, and, with the sanction of the Local Government, outside that area when such application of the fund is for the benefit of the inhabitants of that area.

*Control.*

Control of Commissioner and Magistrate over boards and joint committees.

district board, may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property within the limits of the division or district respectively occupied by any local board, district board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents, relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(2) If any difference of opinion arises between officers exercising the powers conferred by subsection (1), it shall be referred—

- (a) if it arises between two or more Magistrates in the same division, to the Commissioner; and
- (b) if it arises between two or more Magistrates in different divisions or between two or more Commissioners, to the Local Government;

and the decision thereon of the Commissioner or of the Local Government, as the case may be, shall be final.

**42. (1)** A Commissioner may, by order in writing, suspend within his division the execution of any resolution or order of a local board, district board or joint committee, and may prohibit the doing of any act which is about to be done or is being done within his division in pursuance of, or under cover of, this Act, if, in his opinion, such resolution, order or act is in excess of the powers conferred by law, or the execution of such resolution or order, or the doing of such act, is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When the Commissioner makes any such order, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order, or direct that it continue in force with or without modification, permanently, or for such period as it thinks fit.

**43. (1)** In cases of emergency, the Magistrate of the district may provide for the execution of any work, or the doing of any act, which a district board or local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the district board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balance of the district fund to pay the expense, or as much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

**44. (1)** If at any time it appears to the Local Government that any district board has made default in performing, or has inefficiently performed, any duty imposed on it by this or any other Act for the time being in force, the Local Government may, by order in writing, direct the district board to perform that duty, or to take such measures as the Local Government may think proper for the performance thereof, and may fix a time within which the duty shall be performed or the measures shall be taken.

(2) If the order is not obeyed to the satisfaction of the Local Government within the time fixed, the Local Government may appoint the Magistrate of the district to execute it, and may direct that the expense of executing it shall be paid, within such time as it may fix, to the Magistrate by the district board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the district fund to pay the expense, or so much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

**45. (1)** If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 46-51.*

(2) When the district board of a district is so superseded, the following consequences shall ensue :—

- (a) all members of the board and all members of the local boards of the district shall, as from the date of the order, vacate their offices as such members ;
- (b) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that, behalf ;
- (c) all property vested in the district board shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the local boards and district board shall be re-established, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for nomination, appointment or election.

*Liability of Members of Boards.*

**46.** A person shall be liable for the loss, waste or misapplication of any money or other property belonging to the district board if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a local board or of the district board ; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

*Forms and Rules.*

**47.** The Local Government may, from time to time, frame forms for any proceeding for which it considers that a form should be provided, and make rules consistent with this Act—

- (a) as to the method and time of election of elective members of local boards, and, where a notification under section 6, sub-section (2), is in force, of elective members of district boards ;
- (b) as to the nomination of members of local boards under section 5 ;
- (c) as to the mode of convening ordinary and special meetings respectively, the notice to be given of such meetings, the business that may be transacted at ordinary and special meetings respectively, and the majority by which any question which may come before a board at a meeting shall be decided ;
- (d) as to the division of duties among the members of the board ;
- (e) as to the mode of entering into and executing contracts and transfers of property on behalf of district boards, and the authority on which money may be paid from the district fund ;
- (f) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of district boards, and as to the authority by which,

and the conditions subject to which, such plans and estimates may be sanctioned ;

- (g) for the guidance of district boards when suits or other proceedings are intended to be, or have been, instituted by or against them in Civil Courts ;
- (h) as to the office or offices through which correspondence of, and with, local boards and district boards and representations to the Local Government under this Act shall pass ;
- (i) as to the accounts to be kept, and as to the manner in which those accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;
- (j) as to the preparation of estimates of income and expenditure, and the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;
- (k) as to the returns, statements and reports to be submitted by local boards and district boards respectively ;
- (l) as to the language of the board ;
- (m) as to the qualifications requisite in the case of persons appointed to offices requiring professional skill ; and
- (n) generally, for the guidance of local boards, district boards and officers of Government in all matters connected with the carrying out of this Act and for settling their relations to one another.

**48.** The Local Government shall, before making

any rules under section 47, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

**49.** Every rule made under section 47 shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct ; and such publication shall be conclusive evidence that the rule has been made as required by section 48.

*Supplemental Provisions.*

**50.** Where any land is required for the purposes of this Act, the Local Government may, at the request of the district board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870 ; and, on payment by the district board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the district board.

**51. (1)** If any member, officer or servant of a local board, district board or joint committee appointed under this Act is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in

*N.-W. P. and Oudh Local Boards Act, 1883—Sections 52-59.*

any contract made with such board or committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code :

(2) A person shall not by reason of being a shareholder in, or a member of, any incorporated or registered company be held to be interested in any contract entered into between the company and a board or committee, but he shall not take part in any proceedings of the board or committee relating to any such contract.

Saving of Act XI of 1879.

52. Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

*Exceptional Provisions.*

53. If the circumstances of any district or part of a district are, in the opinion of the Local Government, such that all or any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the district or part from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or part until again applied thereto by a like notification.

54. When a sub-district is excepted, under section 53, from the provisions of this Act requiring that a certain proportion of the members of a local board shall be elected, the Local Government may itself appoint all such members.

55. When a district is excepted, under section 53, from all the provisions of this Act, a committee shall be appointed for the control and administration in that district of the matters mentioned in section 24, or of such of them as the Local Government may, from time to time, specify; and the Local Government shall, from time to time, determine the manner in which the members of the committee shall be appointed and removed, define the functions and authority of the committee, and place at its disposal, subject to such control as the Local Government thinks fit, the amounts mentioned in clauses (a) and (b) of section 38, and such of the sources of income mentioned in the other clauses of that section as the Local Government thinks fit :

Provided that not less than one-half of the members of the committee shall be persons who own landed property, or reside or carry on trade or business, in the district, and are not in the service of Government.

*Amendment of the North-Western Provinces Local Rates Act, 1878.*

56. For section 11, clause (c), of the North-Western Provinces Local Rates Act, 1878, the following shall be substituted, namely:—

“(c) Subject to the appropriation directed by clause (a), the Lieutenant-Governor may, from time to time, reserve from such fund such amounts as he thinks fit to be applied in or for the benefit

of each district for expenditure on all or any of the following matters:—

- (1) the maintenance of the village and road police and the district-post;
- (2) the construction, repair and maintenance of lunatic asylums;
- (3) the registration of traffic; and
- (4) any other matter tending to promote the welfare of the district which it is in his opinion necessary to place under provincial and not under local administration.

“(d) Subject as aforesaid, the Lieutenant-Governor may allot from such fund such amounts as he thinks fit to the district fund constituted under the North-Western Provinces and Oudh Local Boards Act, 1883 :

“Provided that the amounts so reserved and allotted in any year for the benefit of any district shall not be less than nine-tenths of the proceeds of the rates assessed under the first clause of section four and the first clause of section five in such district in such year.”

57. Sections 12, 13 and 15 of the said North-Western Provinces Local Rates Act, 1878, are III of 1878. repealed.

58. For section 14 of the said North-Western Provinces Local Rates Act, 1878, the following shall be substituted, namely:—

“14. Accounts of the receipts in respect of all rates levied under this Act shall be kept in each district, and shall at all reasonable times be open to the inspection of the district board constituted for the district under the North-Western Provinces and Oudh Local Boards Act, 1883.

“An abstract of such accounts shall also be published annually in the local official Gazette.”

*Amendment of the Oudh Local Rates Act, 1878.*

59. For section 11, clause (c), of the Oudh Local Rates Act, 1878, the following shall be substituted, namely:—

“(c) Subject to such appropriation, the Chief Commissioner may, from time to time, reserve from such fund such amounts as he thinks fit to be applied in, or for the benefit of, each district for expenditure on all or any of the following matters:—

- (1) the construction, repair and maintenance of lunatic asylums;
- (2) the registration of traffic; and
- (3) any other matters tending to promote the welfare of the district which it is in his opinion necessary to place under provincial and not under local administration.

“(d) Subject as aforesaid, the Chief Commissioner may allot from such fund such amounts as he thinks fit to the district fund constituted under the North-Western Provinces and Oudh Local Boards Act, 1883 :

“Provided that the amounts so reserved and allotted in any year for the benefit of any district shall not be less than one-half of the proceeds of the rates assessed in such district in such year.”



*N.-W. P. and Oudh Local Boards Act, 1883—Sections 60-65.*

of 1878. **60.** Sections 12 and 14 of the said Oudh Local Rates Act, 1878, are repealed.

of 1878. **61.** For section 13 of the said Oudh Local Rates Act, 1878, the following shall be substituted, namely:—

“13. Accounts of the receipts in respect of all rates levied under this Act shall be kept in each district, and shall at all reasonable times be open to the inspection of the district board constituted for the district under the North-Western Provinces and Oudh Local Boards Act, 1883.

“An abstract of such accounts shall also be published annually in the local official Gazette.”

*Contracts made by, and Government officers employed by, Committees under the North-Western Provinces and Oudh Local Rates Acts.*

of 1878. **62.** Every contract entered into, whether in its own name or in the name of the Government, by the committee appointed in a district under section 15 of the North-Western Provinces Local Rates Act, 1878, or section 14 of the Oudh Local Rates Act, 1878, may be enforced by and against the district board constituted for that district under this Act, in like manner as it might have been by and against the committee if this Act had not been passed.

**63.** A Government officer employed under the committee appointed in a district as aforesaid at the time when a district board comes into existence for the district under section 12 of this Act shall be deemed to be similarly employed

by the board, and shall not be dismissed from that employment without the sanction of the Local Government.

*Amendment of the Northern India Ferries Act, 1878.*

**64.** After section seven of the Northern India Ferries Act, 1878, the following shall be inserted, namely:—

“7A. The Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh may direct that any public ferry wholly or partly within the area subject to the authority of a district board in any district in the North-Western Provinces or Oudh, as the case may be, be managed by that board, and may further direct that all or any part of the proceeds from such ferry be paid into the district fund of that district; and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.”

**65.** In section six of the same Act, after the words “section seven,” and in section seventeen of the same Act, after the words “section seven” where they first occur, the following shall be inserted, namely:—“and section 7A.”

D. FITZPATRICK,  
*Secretary to the Government of India.*



## GOVERNMENT OF INDIA.

## LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th September, 1883, and is hereby promulgated for general information :—

## ACT No. XV OF 1883.

THE NORTH-WESTERN PROVINCES  
AND OUDH MUNICIPALITIES  
ACT, 1883.

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*An Act to make better provision for the Organization and Administration of Municipalities in the North-Western Provinces and Oudh.*

WHEREAS it is expedient to make better provision for the organization and administration of municipalities in the North-Western Provinces and Oudh; It is hereby enacted as follows:—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the North-Western Provinces and Oudh Municipalities Act, 1883.

Short title.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh; and

Commencement.

(3) It shall come into force on the 1st day of November, 1883.

2. In this Act, unless there is something repugnant in the subject or context,—

Definitions.

(a) "Municipality" means a local area to which this Act has been applied under section 4 or section 5.

(b) "Honorary Magistrate" means a Magistrate who holds no salaried office in any department of the Government service.

(c) "Prescribed" means prescribed by rules made by the Local Government under this Act.

3. (1) The Local Government may, from time to time, by notification published in the official Gazette, and in such other manner as the Local Government may from time to time determine, declare its intention to apply this Act to any town or to any group of towns in the immediate neighbourhood of one another.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of the Act, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under subsection (1), the Local Government may, by a notification in the official Gazette, apply this Act to the local area.

5. The Local Government may, by notification in the official Gazette, apply this Act to any local area which is a municipality established under the North-

Special rule as to application of Act to towns to which Act XV of 1873 applies.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
**Chapter II.—Organization of Municipal Boards—Sections 6-13.**

Western Provinces and Oudh Municipalities Act, 1873, and shall, within three months from the date on which this Act comes into force, so apply it to every such local area unless before the expiration of that period—

- (a) the Act has been applied under section 4 to some local area in which that local area is comprised; or
- (b) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

## CHAPTER II.

### ORGANIZATION OF MUNICIPAL BOARDS.

#### *Constitution of Boards.*

**6.** There shall be established for each municipality a municipal board having authority over that municipality, and consisting of—

Board to consist of elected and appointed members.

- (a) so many elected members as may be determined in manner prescribed, representing wards of the municipality or particular classes of the inhabitants; and
- (b) such person or persons (if any), not exceeding in number one-fourth of the board, as the Local Government may, subject to the rules made under section 64, from time to time, appoint in this behalf.

**7. (1)** The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Act has been applied to the municipality under section 4 or section 5, issue notices in writing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices, for the purpose of preparing and submitting, within such further time not exceeding three months from the date of the meeting as the Local Government may fix in this behalf, proposals for determining the system of representation and election to be established in the municipality.

**(2)** The Local Government may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

**8.** Notices under section 7 shall be issued to the following persons, namely:—

Persons to be invited to meeting.

- (a) all Honorary Magistrates having jurisdiction within the limits of the municipality;
- (b) when the municipality comprises any local area for which a municipal committee has been appointed under the North-Western Provinces and Oudh Municipalities Act, 1873, the members of that committee;
- (c) when the municipality comprises any local area for which a panchayat has been appointed under Act XX of 1856, the members of that panchayat; and
- (d) any leading residents of the municipality not included under the foregoing clauses who in the opinion of the Magistrate of the district should be allowed to take part

**9.** The persons who meet in compliance with the notices issued under section 7 shall consider, and shall, within the time limited under that section, submit through the Magistrate of the district to the Local Government proposals regarding the following matters, namely:—

- (a) the division of the municipality into wards;
- (b) the number of representatives proper for each ward;
- (c) the provision (if any) to be made for the special representation of any classes of the community;
- (d) the qualifications of electors and of candidates for election;
- (e) the registration of electors;
- (f) the nomination of candidates, the time of election and the mode of recording votes; and
- (g) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

**10. (1)** The Local Government shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

**(2)** The Local Government may, after the municipal board has come into existence as herein-after provided, from time to time amend, after consulting the board, the rules made under this section; but no amendment made under this sub-section shall take effect until six months after it has been published in the official Gazette.

**(3)** Elective members of the board shall be elected in accordance with the rules made under this section and for the time being in force.

**11. (1)** The term of office of a member of a municipal board shall be fixed, from time to time, by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

**(2)** An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

**12.** A member of a municipal board may resign by notifying in writing his intention to do so to the Local Government, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

**13.** The Local Government may, from time to time, remove any member of a municipal board who refuses to act or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the board.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter II.—Organization of Municipal Boards—Sections 14-20.*

**14. (1)** When the place of an elected member of a municipal board becomes vacant by his resignation, removal or death, a new member shall be elected in manner prescribed to fill the place:

Provided that the Local Government may, subject to the limitation of the proportion of appointed members of the board fixed by section 6, clause (b), direct in any such case that the vacancy shall be left unfilled.

(2) When the place of an appointed member of a municipal board becomes vacant as aforesaid, the Local Government may, if it thinks fit, but subject to the rules made under section 64, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

**15.** Every municipal board shall be a body corporate by the name of the municipal board of its municipality, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the rules made under section 64, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

**16.** A municipal board shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf.

**17. (1)** When a municipal board comes into existence under section 16 for a municipality constituted under this Act, and that municipality comprises within its limits a local area which is a municipality under the North-Western Provinces and Oudh Municipalities Act, 1873, the following consequences shall ensue, namely:—

(a) the said North-Western Provinces and Oudh Municipalities Act shall cease to apply to the local area;

(b) the municipal committee (if any) constituted under that Act for the local area shall cease to exist;

(c) all property vested in that committee shall vest in the municipal board for the purposes of this Act, subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the committee may be enforced by and against the board in like manner as it might have been enforced by and against the committee if this Act had not been passed;

(e) a Government officer employed by the committee at the time when the board comes into existence shall be deemed to be similarly employed by the board, and shall not be dismissed from that employment without

(f) the board shall be substituted for the committee in all legal proceedings by or against the committee pending at the time when the board comes into existence.

(2) When a municipal board comes into existence under section 16 for a municipality constituted under this Act, and that municipality comprises within its limits a local area in which Act XX of 1856 (*an Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazaras in the Presidency of Fort William in Bengal*) is in force, that Act shall cease to have effect in the local area, and every panchayat constituted under that Act for the local area shall cease to exist.

*Chairman and Vice-chairman.*

**18.** A municipal board shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and the member or other person so elected shall, if the election is approved by the Local Government, but not otherwise, become chairman of the board:

Provided that—

(a) If the office of chairman remains vacant for three months from the date of the first meeting of the board, or in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Local Government may in its discretion appoint such person as it thinks fit by name or by virtue of his office to be chairman; and

(b) in such municipalities as the Local Government may, from time to time, by notification in the official Gazette, exempt from the operation of this section, the Local Government may, from time to time, appoint such person as it thinks fit by name or by virtue of his office to be chairman.

**19.** In every municipality the board shall, from time to time, at a special meeting, elect one or two of its members to be its vice-chairman or vice-chairmen.

**20. (1)** The term of office of a member of the board elected to be chairman shall be the residue of his term of office as member.

(2) The term of office of any other person elected to be chairman, or of a chairman appointed by the Local Government, shall be such term not exceeding three years as the Local Government may, from time to time, by rule prescribe.

(3) The term of office of a vice-chairman shall be one year: Provided that when at the time of his election as vice-chairman the residue of his term of office as member of the board is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(4) An outgoing chairman or vice-chairman shall if otherwise qualified be again eligible for

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter II.—Organization of Municipal Boards—Sections 21-31.*

**21. (1)** A chairman of a municipal board may resign by notifying in writing his intention to do so to the Local Government, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

**(2)** A vice-chairman of a municipal board may resign by notifying in writing his intention to do so to the board, and, on his resignation being accepted by the board, he shall be deemed to have vacated his office.

**22.** The Local Government may remove any chairman or vice-chairman of a municipal board from his office as such chairman or vice-chairman if he refuses to act or becomes incapable of acting or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the board.

**23. (1)** If an elected chairman or vice-chairman dies or resigns his office, or office of chairman or vice-chairman is removed, a new chairman or vice-chairman shall be elected or appointed in manner provided by section 18 or section 19, as the case may be.

**(2)** If a chairman appointed by the Local Government dies, resigns his office or is removed, the Local Government shall appoint another chairman.

**(3)** A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office. Provided that if a person so elected is a member of the board at the time of his election, he shall go out of office on ceasing to be a member.

**(4)** A person going out of office under subsection (3) shall, if otherwise qualified, be again eligible for election or appointment.

**24.** When a person not already a member of the board is elected or appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the board by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman.

*Notification of Elections, Appointments and Vacancies.*

**25.** Every election and appointment of a member or chairman of a municipal board and every vacancy in the office of member or chairman shall be notified in the official Gazette.

*Joint Committees.*

**26. (1)** A municipal board may, from time to time, concur with any other municipal board, or with a district board, or with a cantonment authority, or with more than one such board or authority, in appointing, out of their respective bodies,

are jointly interested, and in appointing a chairman of the committee, and in delegating to any such committee any power which might be exercised by either or any of the boards or authorities, and in framing and modifying regulations as to the proceedings of any such committee, and as to the conduct of correspondence relating to the purpose for which the committee is appointed.

**(2)** If any difference of opinion arises between boards or authorities acting under this section, the decision thereon of the Commissioner of the division, if the areas under the boards and authorities are in the same division, or of the Local Government if those areas are in different divisions, shall be final.

*Conduct of Business.*

**27. (1)** A municipal board shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

**(2)** The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than one-fifth of the members of the board, convene either an ordinary or a special meeting at any other time.

**28. (1)** A meeting of a municipal board shall be either ordinary or special.

**(2)** Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

**29. (1)** The quorum necessary for the transaction of business at a special meeting of a municipal board shall be one-half of the whole board.

**(2)** The quorum necessary for the transaction of business at an ordinary meeting of a municipal board shall be such number or proportion of the members of the board as may, from time to time, be fixed by the rules made under section 34:

Provided that, if at any ordinary or special meeting of the board a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting whether there is a quorum present thereat or not.

**30. (1)** At every meeting of a municipal board the chairman, if present, shall preside.

**(2)** If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

**(3)** In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

**31. (1)** Except as otherwise provided by this Act, or by any rule made



*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter II.—Organization of Municipal Boards—Sections 32-40.*

under this Act, all questions which may come before any meeting of a municipal board shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

**32.** The Civil Surgeon of the district, the Executive Engineer of the division, and the Inspector of Schools of the circle, shall be entitled to attend any meeting of the board, and to address the board on any matter affecting respectively sanitation, public works and public instruction.

**33. (1)** Every resolution passed by a municipal board at a meeting shall be recorded and published. Resolutions to be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may, from time to time, direct.

(2) A copy of every resolution passed by a municipal board at a meeting shall, within ten days from the date of the meeting, be forwarded to the Magistrate of the district.

**34. (1)** Every municipal board may, from time to time, at a special meeting, make rules consistent with this Act and any rules made under this Act by the Local Government as to—

- (a) the time and place of its meetings;
- (b) the manner of convening ordinary and special meetings respectively and of giving notice thereof;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings, and the adjournment of meetings;
- (e) the division of duties among the members of the board;
- (f) the persons by whom receipts may be granted on behalf of the board for money paid under this Act; and
- (g) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Local Government may from time to time direct.

*Officers and Servants.*

**35. (1)** Every municipal board shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner of the division, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(2) If a person who is an officer in the service of the Government, and who is not a member of the board, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the board by virtue of such appointment, and shall continue to be a member of the board as long as he holds the office of secretary.

(3) When a member of the board is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases,

Commissioner, assign to a secretary any such pay as it thinks fit.

**36.** Subject to the other provisions of this Act, and to such rules as the Local Government may, from time to time, make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal board may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

**37.** In the case of a Government official employed by a municipal board, the board may—

(1) if his services are wholly lent to it, contribute to his pension, gratuities and leave allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension, gratuities and leave allowances in such proportion as may be determined by the Government.

**38.** In the case of a servant not being a Government official referred to in section 37, a board may—

(1) grant him leave allowances and, if his monthly pay is less than ten rupees, gratuities; and

(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension, gratuities and leave allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, he would be entitled if the service had been service under the Government.

*Contracts.*

**39. (1)** A municipal board may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the board at a meeting.

**40. (1)** Every contract made by or on behalf of a municipal board whereof the value or amount exceeds twenty rupees shall be in writing.

(2) Every such contract shall be signed by the chairman, or a vice-chairman, and a secretary:

Provided that the board may delegate to one or



*N.-W. F. and Oudh Municipalities Act, 1883.**Chapter III.—Taxation and Municipal Fund—Sections 41-47.*

contracts which he or they are empowered to enter into under section 39, sub-section (1).

(3) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the board.

## CHAPTER III.

## TAXATION AND MUNICIPAL FUND.

*Taxation.*

41. Subject to any general rules or special orders which the Governor General in Council may, from time to time, make in this behalf, a municipal board may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 42, any of the following taxes, namely:—

(1) with the previous sanction of the Local Government—

(a) a tax on houses, buildings and lands situate within the municipality, not exceeding seven and a half per centum of the annual value of the houses, buildings and lands;

(b) a tax on persons exercising professions or carrying on trades or dealings in the municipality;

(c) a tax on vehicles and on animals used for riding or driving or as beasts of burthen, when such vehicles or animals are kept within the municipality;

(d) a tax on vehicles and on animals as aforesaid entering the municipality, and on boats moored therein;

(e) an octroi on goods or animals brought within the municipality for consumption or use therein; and

(2) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

42. (1) A municipal board may resolve at a special meeting to propose the imposition of any tax for the purposes of this Act.

(2) When a resolution has been passed under sub-section (1), the board shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant of the municipality objecting to the proposed tax may, within a fortnight from the publication of the notice, submit his objection in writing to the board, and the board shall, at a special meeting, take his objection into consideration.

(4) If no objection is submitted within the said period of a fortnight under sub-section (3), or if the objections so submitted, having been considered as aforesaid, are deemed insufficient, the board may forward its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid.

(5) The Local Government on receiving proposals under sub-section (4) may sanction the same, or refuse to sanction them, or return them to the

(6) When the Local Government sanctions any proposals which, under section 41, sub-section (2), require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council, with the objections (if any) received through the board; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal board have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the board may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

43. A tax imposed under this Act shall not be invalid for defect of form, and when any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it so that it shall be generally known, and it shall not be necessary to name the owner or occupier.

44. A municipal board, by a resolution passed at a special meeting and confirmed by the Local Government, or the Local Government with the previous sanction of the Governor General in Council, may abolish or reduce any tax imposed under the foregoing sections.

45. All taxes leviable in any local area under the North-Western Provinces and Oudh Municipalities Act, 1873, at the time when a municipal board having authority over that local area comes into existence under this Act, shall be deemed to have been imposed and assessed under this Act.

46. Arrears of any tax imposed under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property belonging to the defaulter within those limits.

*Municipal Fund.*

47. (1) There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

(a) all sums received by or on behalf of the board;

(b) all fines realized in cases in which prosecutions are instituted under this Act or section 34 of Act V of 1861 for offences committed within the municipality;

(c) when there has been included within the municipality any municipality constituted under the North-Western Provinces and Oudh Municipalities Act, 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the municipal board came into existence; and

(d) when there has been included within the municipality any local area in which the said Act XX of 1856 was in force at the time when the municipal board came into existence, the amount (if any) then available under section 86 of that Act for the

*N.-W. P. and Oudh Municipalities Bill, 1883.**Chapter IV.—Powers and Duties of Municipal Boards generally—Sections 48—55.*

purposes of cleansing, lighting and improvement in that local area.

(2) The municipal fund shall, subject to the provisions of this Act, be applicable, at the discretion of the municipal board, to all the purposes of this Act within the limits of the municipality, and, with the previous sanction of the Local Government, to like purposes beyond those limits, when such application of the fund is for the benefit of the inhabitants of the municipality.

48. (1) In places where there is a Government Custody and investment treasury or sub-treasury, or of municipal fund. a bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(2) In places where there is no such treasury or sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Local Government may in each case think sufficient.

(3) A municipal board may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of the like nature. The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

## CHAPTER IV.

POWERS AND DUTIES OF MUNICIPAL BOARDS  
GENERALLY.*Municipal Police.*

49. Every municipal board shall maintain a police-establishment. watch and ward, for the prevention and suppression of nuisances and for the enforcement of the rules and orders of the board.

50. Subject to the provisions of section 9 of the Constitution of establishment. Cantonments Act, 1880, the establishment maintained under section 49 shall, as the board with the approval of the Local Government may from time to time direct, be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions, as the board may, from time to time, after consultation with the Magistrate of the district and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

51. If the establishment maintained under section 49 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may, from time to time, make in this behalf; and shall perform such duties, and be liable to such penalties, as village-policemen appointed under

the North-Western Provinces Village and Road Police Act, 1873, or under the Oudh Laws Act, XVI of 1876, as the case may be, perform and are liable to, XVIII of 1876.

52. If the establishment is part of the general Duties of municipal police force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

53. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Act shall have the powers of a police-officer under that section.

*Conservancy and General Improvement.*

54. Every municipal board, so far as the municipal fund at its disposal will permit, but subject to any agreement between the board and the Local Government as to the application of that fund, shall, after providing for the maintenance of the police-establishment referred to in the foregoing sections,—

- (1) provide for the construction, maintenance, repair and cleansing of the public streets, roads, drains, tanks and watercourses;
- (2) cause those streets and roads to be watered and lighted;
- (3) provide for the establishment, maintenance and management of schools and dispensaries and of other public institutions for the promotion of education or for the benefit of the public health, and control and administer all such institutions within the municipality, except where they may, by order of the Local Government, have been excepted from the operation of this section;
- (4) provide for the establishment, maintenance and management of poor-houses, markets and other works of public utility; and
- (5) generally do all acts and things calculated to promote the health, comfort, convenience or interests of the inhabitants of the municipality.

*Power to make and enforce Rules.*

55. (1) A municipal board may, from time to time, at a special meeting, make rules—

- (a) for prohibiting, preventing and punishing such acts or omissions within the municipality as may, in the opinion of the board, cause or tend to cause any common injury, danger or annoyance to the public, or to people in general, who dwell or occupy property in the vicinity, or injury, obstruction, danger or annoyance to persons who have occasion to use any public right, or may, in its opinion, be prejudicial to the public health, safety or convenience, or offences against public decency;
- (b) for protecting from injury or interference anything within the municipality being the property of Her Majesty or of the board;

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- (c) for prohibiting or controlling the establishment or maintenance of markets, sarais and halting places, and controlling the management of the same and of any places of public entertainment and resort;
- (d) for controlling and regulating the use and management of burial and burning grounds;
- (e) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, where those conveyances, animals or persons are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;
- (f) for securing a proper registration of births, marriages and deaths;
- (g) for defining the cases, manner and times in and at which officers of the board may enter on private property for the enforcement of rules made under this section;
- (h) in hilly tracts, for regulating or prohibiting the cutting of trees or shrubs, or the excavation or removal of soil, where such regulation or prohibition appears necessary for the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, the protection of land against erosion, or the deposit thereon of sand, stones or gravel; and
- (i) generally for carrying out the purposes of this Act.

(2) In making any rule under this section, a municipal board may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(3) A rule made under this section shall not come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe in this behalf.

(4) Notwithstanding anything contained in the foregoing portion of this section, the municipal board of a municipality in which the Hackney of 1879. Carriage Act, 1879, is in force shall not make rules under sub-section (1) in respect of any vehicles to which that Act applies.

**56.** Subject to any orders which the Local Government may, from time to time, make in this behalf, a municipal board may order any person not to do, or not to omit to do, within the municipality, anything the doing of, or the omission to do, which is a public nuisance.

**57. (1)** The Local Government may invest, within the limits of the municipality, a municipal board with the powers of a Magistrate of a district as described in section 133 of the Code of Criminal Procedure, and with power to make conditional orders of the nature referred to in that section, in respect of all or any

acts or omissions punishable under rules made in exercise of the power conferred by section 55, clauses (a), (b), (c), (d) and (h).

(2) Sections 133 to 142 (both inclusive) of the Code of the Criminal Procedure shall, so far as they can be made applicable, apply to all proceedings taken in exercise of these powers: X of 1882.

Provided that, for the purposes of such proceedings, section 133 of the C. P. Code shall be read as if for the words "before himself or some other Magistrate of the first or second class" the words "before the District Magistrate or some magistrate of the first or second class appointed by him in this behalf" were substituted.

(3) The Local Government may, whenever it thinks fit, withdraw the powers with which it has invested a board under this section.

**58.** A municipal board may, at a special meeting, delegate to one or more committees of its members any of the powers vested in the board by section 56, or with which the board may have been invested under section 57.

## CHAPTER V.

## CONTROL.

**59.** The Commissioner of the division or the Magistrate of the district, when he is not a member of the municipal board, may—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property within the limits of the division or district respectively occupied by any municipal board or joint committee, or any work in progress within those limits under the direction of any such board or committee;
- (b) call for and inspect any book or document in the possession or under the control of any such board or committee having authority within those limits;
- (c) require any such board or committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the board or committee, as he may think fit to call for; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

**60. (1)** The Commissioner of the division or the Magistrate of the district may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal board or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

Power to prohibit commission of public nuisances.

Powers as to conditional orders in respect of certain acts and omissions.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter V.—Control—Sections 61-64.*

(2) When a Commissioner or Magistrate makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government, which may thereupon rescind the order or direct that it continue in force with or without modification, permanently, or for such period as it thinks fit.

**61. (1)** In cases of emergency, the Magistrate Extraordinary powers of the district may provide of Magistrate in case for the execution of any of emergency. work, or the doing of any act, which a municipal board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the board.

(2) If the expense is not so paid, the Magistrate of the district may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is from time to time possible, from that balance, in priority to any or all other charges against the same.

(3) The Magistrate of the district shall forthwith report to the Commissioner every case in which he uses the powers conferred on him by this section.

**62. (1)** If at any time it appears to the Local Government that a municipal board has made default in performing any duty imposed on it by or under this or any other Act, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Magistrate of the district to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate by the board.

(3) If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance, in priority to any or all other charges against the same.

**63. (1)** If a municipal board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare that board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a board is so superseded, the following consequences shall ensue :—

(a) All members of the board shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as the Local Government, from time to time, appoints in that behalf.

(c) All property vested in the board shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of supersession specified in the order, the board shall be reconstituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for being members.

**64. (1)** The Local Government may, from time to time, frame forms for any proceeding of a municipal board for which it considers that a form should be provided, and make rules consistent with this Act—

(a) as to the appointment of members of a municipal board ;

(b) as to the language of the board ;

(c) for the assessment and collection of taxes imposed under this Act, and for preventing evasion of the same ;

(d) as to the authority on which money may be paid from the municipal fund ;

(e) as to the conditions on which property vested in the board may be transferred by sale, mortgage, lease, exchange or otherwise ;

(f) as to the qualifications requisite in the case of persons appointed by the board to offices requiring professional skill ;

(g) as to the intermediate office or offices, if any, through which correspondence between boards and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass ;

(h) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of boards, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;

(i) as to the accounts to be kept by boards, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;

(j) as to the preparation of estimates of income and expenditure of boards, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;

(k) as to the returns, statements and reports to be submitted by boards ; and

(l) generally, for the guidance of boards and public officers in all matters connected with the carrying out of this Act.

(2) In making rules under clause (c), the Local Government may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

*N.-W. P. and Oudh Municipalities Act, 1883.*  
*Chapter VI.—Supplemental—Sections 65-74.*

## CHAPTER VI.

## SUPPLEMENTAL.

**65. (1)** If any member, officer or servant of a board is, otherwise than with the permission in writing of the Commissioner of the division, directly or indirectly interested in any contract made with the board, he shall be deemed to have committed an offence under section 168 of the

360. Indian Penal Code.

(2) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company be held to be interested in any contract entered into between the company and the board, but he shall not take part in any proceedings of the board relating to any such contract.

**66.** Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the board, and a suit for compensation may be instituted against him by the board with the previous sanction of the Commissioner, or by the Secretary of State for India in Council.

**67.** Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the municipal board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the board.

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**68. (1)** The authority empowered to make rules under section 10, section 55, or section 61 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

**69.** A Court shall not take cognizance of an offence punishable under this Act, or the rules made under this Act, except on the complaint of the municipal board or of some person authorized by the board in this behalf.

**70.** Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against

this Act or the rules made under it, or from being liable under that other law to any higher punishment or penalty than that provided by this Act or the rules made under it: Provided that a person shall not be punished twice for the same offence.

**71.** All rules made under the North-Western Provinces and Oudh Municipalities Act, 1873, or any Act thereby repealed, and in force in any local area comprised in a municipality constituted under this Act at the time the municipal board for that municipality comes into existence under section 16, shall, as far as may be, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

**72.** The Local Government may, from time to time, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

- (a) to exclude from a municipality any local area comprised therein and defined in the notification, or
- (b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

**73. (1)** Any inhabitant of a municipality or local area in respect of which a notification has been published in the Gazette under section 72 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may by a notification in the official Gazette exclude the local area from the municipality or include it therein, as the case may be.

**74. (1)** When a local area is excluded from a municipality under section 73—

- (a) this Act and all rules, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and
- (b) the Local Government shall, after consulting the municipal board, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the municipal board shall vest in Her Majesty for the benefit of the local area, and in

*N.-W. P. and Oudh Municipalities Act, 1883.**Chapter VII.—Exceptional Provisions—Sections 75-79.*

what manner the liabilities of the board shall be apportioned between the board and the Secretary of State for India in Council, and on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

**75.** When a local area is included in a municipality under section 73, this Act and all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included shall apply to the local area.

**76.** Nothing in this Act shall affect the Local Authorities Loans Act, 1879.

**77.** Every member of a municipal board constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

## CHAPTER VII.

## EXCEPTIONAL PROVISIONS.

**78. (1)** If it appears to the Local Government that the circumstances of any municipality are such that the provisions of this Act requiring that a certain proportion of the members of a municipal board be elected are unsuited thereto; the Local Government may, by notification in the official Gazette, exempt the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply, or shall only apply in part, as the

case may be, to the excepted municipality until again applied thereto by a like notification of the Local Government:

Provided that no notification shall be issued under this section in respect of a municipality for which a municipal board has come into existence unless its issue has been sanctioned by the Governor General in Council.

(2) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (1), the Local Government may appoint such of the members of the municipal board as would otherwise have been elected.

**79. (1)** The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, withdraw from the operation of this Act or the North-Western Provinces and Oudh Municipalities Act, 1873, the area of any municipality constituted under that Act.

(2) When a notification is issued under this section in respect of any municipality, the Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under the Act, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the municipal board or municipal committee shall vest in Her Majesty, and the liabilities of the board or committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

D. FITZPATRICK,

*Secretary to the Government of India.*



GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

No. 862R.C., dated 24th September 1883.

ORDER—By the Government of India, Public Works Department.

Preliminary Report on the reconnaissance survey of the country between Moghal Sarai and Daltonganj, in connection with the projected Benares-Cuttack-Poorce Railway.

Read the following papers :—

- (1) Letter from the Government of India, Public Works Department, to the Government of the North-Western Provinces and Oudh, Public Works Department, No. 1044R.C., dated 9th December 1882.
- (2) Letter from the Government of India, Public Works Department, to the Government of the North-Western Provinces and Oudh, Public Works Department, No. 521R.C., dated 13th June 1883.
- (3) Letter from the Government of the North-Western Provinces and Oudh, Public Works Department, to the Government of India, Public Works Department, No. 1275W.R., dated 14th July 1883, and two enclosures (*a* and *b*).
  - (a) Letter from Engineer-in-Chief, Provincial Railways, North-Western Provinces and Oudh, to Chief Engineer, North-Western Provinces and Oudh, No. 1161W.R., dated 29th June 1883.
  - (b) Report on reconnaissance survey from Moghal Sarai to Daltonganj.
- (4) Letter from the Government of India, Public Works Department, to the Government of the North-Western Provinces and Oudh, Public Works Department, No. 733R.C., dated 18th August 1883; and note by Consulting Engineer to the Government of India for State Railways, dated 4th August 1883.

ORDER.—Ordered, that the papers quoted be published in the Supplement to the *Gazette of India* for general information.

No. 1044R.C., dated 9th December 1882.

From—The Secretary to the Government of India, Public Works Department,

To—The Secretary to the Government of the North-Western Provinces and Oudh, Public Works Department.

I am directed to inform you that the Government of India is anxious to have a reconnaissance of the country between Benares and Cuttack made with a view to determining whether a fairly direct railway communication between the two places is practicable at a reasonable cost, and to request that His Honor the Lieutenant-Governor will afford such assistance towards the exploration of the country during the present cold season as he may be able.

2. The route *via* the Grand Trunk Road into Chota Nagpur is fairly well known, but the adoption of this line involves the serious undertaking of bridging the Sone river at or near Baroon, the cost of which is virtually prohibitory. It is, however, believed that the passage of this river will be found less formidable if attacked at some point higher up in its course; and it is in the investigation of a route which seems to promise well in respect to an easy crossing, and some 70 miles of which will probably lie within the North-Western Provinces, that His Excellency the Governor General in Council will be glad of His Honor the Lieutenant-Governor's co-operation.

3. The route which has been suggested for examination starts from Mogulserai station, East Indian Railway, and runs in a nearly southerly direction towards Nowgarh on the upper reaches of the Karamnasa river. From there the line runs to the east of the fort Bijegarh through the range of hills by the Omlah or other convenient ghât to a probable crossing of the Sone river at Chukureea. After that the direction will be more easterly, and, passing near Kon Khas, will follow the general direction of the road through Untari, Miral, Garhwa to the left bank of the Koel river opposite Daltonganj.

4. So little, however, is known of the country which will be traversed by the proposed route that the Government of India does not wish the examination to be restricted to it exclusively. The object is to ascertain if a line of railway with reasonable gradients and following generally the line indicated above, but not necessarily confined to it, and leading up to

a good crossing of the Sone, is economically practicable. I am to request therefore that the officers whom His Honor the Lieutenant-Governor may be able to depute for this reconnaissance may be instructed to exercise their discretion freely in the choice of routes, selecting those for more detailed investigation which may promise best to serve the end in view.

5. The junction of the survey with those now being undertaken by the Government of Bengal will probably be somewhere in the neighbourhood of Daltonganj, but the officer in charge of the reconnaissance should place himself in communication with Mr. Parker, Engineer-in-Chief, Chota Nagpur Railway Surveys, Hazaribagh, as to the route to be followed eastward of Garhwa.

6. I am also to add that a small grant to meet the expenses of the party will be made if desired.

7. As a part of the route lies through country under the Government of Bengal, His Honor the Lieutenant-Governor of Bengal has been consulted in the matter. Mr. Rivers Thompson has no objection whatever to an officer of your Government making the survey of that part of the line in Bengal, and in order that that Government may be fully aware of the facts of the case, a copy of this letter will be forwarded to them for information and for further action.

No. 1045R.C.

Copy to Secretary to Government of Bengal, Public Works Department, for information and for such further action as may be necessary.

No. 521R.C., dated 13th June 1883.

From—The Secretary to the Government of India, Public Works Department,

To—The Secretary to the Government of the North-Western Provinces and Oudh, Public Works Department.

I am directed to acknowledge the receipt of your letter No. 745W.R. of the 21st May 1883 forwarding progress reports of the Benares and Palamow Railway Survey for the months of April and May 1883.

2. These reports, and those for February and March 1883, received with your letter No. C.665R. of the 5th May 1883, establish that the Sone river is easily approachable from the north with moderate grades; that a good crossing of the Sone is practicable only 3,100 feet wide with rock foundations; and that the country from the Sone to Daltonganj presents no serious difficulties to railway construction. I am to express the satisfaction of the Government of India at the receipt of this information, and to say that the final reports of the reconnaissance are awaited with interest.

3. I am also to request that, with the permission of His Honor the Lieutenant-Governor, the Government of India may be furnished with a full account of the character, productiveness, &c., of the country between Mogulserai and the Sone, accompanied by an expression of His Honor's opinion as to the advantage generally to the North-Western Provinces of a line from Mogulserai to Daltonganj and the Aurunga and Kurumpura coal fields, and thence through Chota Nagpur and Chyebassa to Cuttack and Pooree.

Copy, with copy of the progress reports of the Benares and Palamow Railway Survey for the months of February, March, April, and May 1883, forwarded to the Government of Bengal, in continuation of previous correspondence ending with Public Works Department letter No. 1094R.C. of the 20th December 1882, for information and communication to Messrs. Burn and Company.

No. 1275W.R., dated 14th July 1883.

From—The Secretary to the Government of the North-Western Provinces and Oudh, Public Works Department, Railway Branch,

To—The Secretary to the Government of India, Public Works Department.

Letter No. 1161W.R., dated 29th June 1883, from the Engineer-in-Chief, Provincial Railways, North-Western Provinces and Oudh, to the Chief Engineer, North-Western Provinces and Oudh.

Report, together with index plan, by the Executive Engineer, Benares, to Palamow Survey.

I am directed to forward copies of the correspondence marginally noted in reference to your No. 521R.C., dated 12th June, and in continuance of this office No. 745W.R., dated 21st May.

2. I am to remark that, although the route suggested by the Government of India was not found practicable, it is satisfactory to find that the construction of a line of railway between Benares and Chota Nagpur is feasible, and His Honor the Lieutenant-Governor, North-Western Provinces, considers that much credit is due to Mr. G. A. Campbell, Executive Engineer, for the

manner in which he has in four or five months explored the difficult country between Mogulserai and Daltonganj.

3. I am also to enquire whether any more information is required beyond the section of such portion of the line as was taken and that called for in your No. 521R.C., dated 12th June.

No. 1161W.R., dated 29th June 1883.

From—The Engineer-in-Chief, Provincial Railways, North-Western Provinces and Oudh,

To—The Chief Engineer, North-Western Provinces and Oudh, Public Works Dept.

Mr. Campbell, the Executive Engineer, engaged on the Benares and Palamow Survey, has lately returned to Allahabad, and I have had an opportunity of talking to him on the subject of the railway reconnaissance, and I find that the monthly reports he sent in were more favorable than the circumstances of the case justified.

2. I therefore asked him to prepare and send in at once a preliminary plan and report, which are forwarded herewith.

3. In the tracing 1" = 1 mile, the line which Mr. Campbell recommends is shown in full red; the other lines shown are those which were examined and found not possible.

4. The principal points established were—

(a) That it is not possible to take the line, as shown dotted, along the banks of the Chandar Parbah river, and so ascend gradually to the plateau which occupies the whole country north of the Sone river. The Chandar Parbah issues out of the hills through a narrow gorge, with almost perpendicular banks, which are intersected with huge ravines.

(b) That once the top of the plateau is reached, there is no difficulty in taking a railway across it in any direction.

(c) That the only possible way of descent from the plateau to the Sone river is by the gorge of the Ghaggur river.

(d) That after crossing the Sone river, it is not possible to reach Daltonganj *via* Untari, as suggested by the Government of India, owing to a continuous range of hills, about 400 feet high and two or three miles wide, which stops the way. By making a detour of about three miles, and leaving Untari on the south of the line, a perfectly feasible line can, however, be obtained.

5. The full red line shown in the tracing 1" = 1 mile is that recommended for adoption, and from the foregoing it will be, I trust, plain that the principal points of difficulty are—

(1) The ascent from the Ganges valley up to the plateau about 20 miles south of Benares.

(2) The descent from the plateau *via* the gorge of the Ghaggur river into the Sone valley.

(3) The crossing of the Sone river.

6. The ascent from the Ganges valley to the plateau is dealt with in paragraphs 99 to 101 of the Executive Engineer's report. The difference of level between the plain and the top of the plateau is here said to be about 300 feet, and the Executive Engineer proposes to make the ascent by winding along the slopes of the hills which are said to be very easy at the top, and more difficult towards the bottom. It is assumed that in this way it will be possible to obtain a gradient of 1 in 200, but I do not think, without the actual survey being made, it will be safe to assume that a better gradient than 1 in 100 can be obtained without going in for excessively heavy works. Even with a 1 in 100 grade there will be a continuous rise for nearly 6 miles, and it is very seldom that ground can be got that will fit into this.

7. The descent from the plateau to the Sone river through the gorge of the Ghaggur river is dealt with in paragraphs 84 to 93 of Executive Engineer's report. The general proposal is to cross the Ghaggur on a bridge from 90 to 100 feet high at the position shown by the full red line; to continue thence along the hills sloping into the river on continuous grades, varying from 1 in 150 to 1 in 200, till the level of the plain of the Sone is reached about 300 feet below. The hills over the Ghaggur river on the south side are described as of rock, with easy slopes, but it is plain that a railway made thus along the sides of hills must be a very expensive undertaking, and I fear that here again better gradients than 1 in 100 will not be found possible.

8. With respect to the Sone crossing, the river, 3,000 feet wide, is confined well within rocky banks, but without borings it is impossible to offer an opinion as to whether the foundations will be difficult or not. The crossing of the Sone is described in paragraphs 37 to 42 of Executive Engineer's report.

9. The conclusions I arrive at are—

(1) From Mogulserai to the foot of the plateau the line will be very easy.

(2) The ascent of the plateau will be with gradients probably not less than 1 in 100, and the works will be rather heavy for about 6 or 7 miles.

- (3) Across the plateau the works will be ordinary and easy.
- (4) The descent from the plateau to the Sone river through the gorge of the Ghaggar river will have grades of not less than 1 in 100 for 6 or 7 miles, and the works will be very heavy and costly.
- (5) The crossing of the Sone river will entirely depend upon the depth of sand before rock is reached, and this cannot be told without borings.
- (6) From the Sone river to Daltonganj the works will be moderate with moderate gradients, probably not exceeding 1 in 200.
10. The plotting of such sections as were taken is now in hand, and will be submitted, when ready, together with a report on the probable traffic.

## NORTH-WESTERN PROVINCES AND OUDH.

### PROVINCIAL RAILWAYS.

#### BENARES AND PALAMOW RAILWAY SURVEY.

##### *Preliminary report on reconnaissance survey from Mogulserai to Daltonganj.*

1. The Government of India being desirous of ascertaining whether or not fairly direct railway communication was possible between Benares and Cuttack at a reasonable cost, directed the Government of the North-Western Provinces and Oudh to have a reconnaissance survey made from the nearest convenient point to Benares, *i.e.*, Mogulserai on the East Indian Railway to Daltonganj in the Palamow subdivision of the Lohardugga District.
2. The Benares and Palamow Railway Survey Division was accordingly formed with the object of carrying out the wishes of the Government of India as above quoted.
3. Lines were laid down on the 1 inch to the mile maps by the Engineer-in-Chief, Provincial Railways, North-Western Provinces and Oudh, as nearly as possible in the direction suggested by the Government of India in G. O. No. 1014 R.E., dated 9th December 1882, from Secretary to the Government of India, Public Works Department, to the Secretary to the Government of the North-Western Provinces and Oudh, Public Works Department, for general guidance, but which were not necessarily to be adhered to if easier country could be found on a different line.
4. The chief difficulties apprehended were the passage through the Kaimur range, miles 50 to 60; the crossing of the Sone river, mile 67; and the passage, miles 85 to 91, through the hills north of Untari (mile 93) on the borders of the Lohardugga District.
5. The above mileage is that of the line surveyed which is shown in the accompanying map in a red dotted line.
6. Survey work was commenced on the 2nd February 1883 from the Mogulserai station, and the line was carried in a southerly direction for 43 miles to the point whence two alternative lines diverged—one to the east, and the other to the west—of the more direct southerly route passing close to the fort of Bijegarh. This latter, shown in *green* on map, was examined and found, owing to the great height of the hills, the steepness of their approaches, and their great breadth on the top, to offer no likelihood of getting a line either over or through the range.
7. From enquiries made it was ascertained that the line shown in *blue* on map to the east of the direct southerly route was impracticable owing to the great and very abrupt fall on the south side of the Kaimur hills. It was therefore considered desirable to first examine the westerly route which appeared to afford a feasible passage through a natural gap in the hills. This was accordingly done with the result that a possible, though difficult and expensive, line has been found through the Kaimur range leading to a crossing over the Sone river near the Sasnai-Ghât almost due south of Bijegarh Fort.
8. After crossing the Sone, the line takes an easterly direction, and, passing Maidiha mile 72, Ramgarh mile 75, Kon Khas mile 79, Baghasoti mile 85, Untari mile 93, Miral mile 110, and Garhwa mile 116, runs to Shahpur, mile 135, on the left bank of the Koel river opposite Daltonganj.
9. A more detailed description of the country passed over will now be given.
10. On leaving Mogulserai, the country was found to be very flat for 15 miles, the difference of level being only 2 feet per mile. Over this portion the gradients would of course be very easy, and with the exception of the Garaiya, mile 9, which would require a 20 feet bridge, 10 feet to springing, 130 feet of waterway per mile would be sufficient to pass the drainage. Abundance of kunkur for lime and ballast is obtainable, as also is brick clay. The foundation of the culverts would be in clay.
11. The foot of the plateau which crosses the Mirzapur District from east to west is now reached, and the features of the country are entirely changed.
12. The ground is undulating, very rocky and barren, and with a steady rise southwards amounting to 40 feet in 4 miles. Owing to the undulating nature of the country few culverts are required, and the banks and cuttings would be comparatively light. The cuttings would, however, be mostly all rock, which is chiefly sandstone. One bridge of 30 feet span with clay

foundation over a deep artificial stream, and one of 3-20 feet spans with rock foundations in the 17th mile, would be required; the remainder of the drainage could be passed by 2-10 feet culverts per mile. Brick clay and stone for building purposes and ballast are available.

13. The line now crosses some cultivated land of the villages of Hetampur and Niwazganj, mile 20, and enters the jungle at the foot of the hill at  $20\frac{1}{4}$  miles. The ground is steadily rising with intervening undulations. One stream requiring a 15 feet, or at the most a 20 feet, culvert, is crossed.

14. The line now winds along, and up the hill some very rough broken ground is passed over. The soil is an admixture of coarse gravel and loam. Some streams are crossed, but they are not of importance, and might be avoided altogether by taking the line a little higher up the hill. At mile 19 the reduced level is 272.00, at 20 it is 291.00, at 21 it is 271.00. Between miles 20 and 21 there is a small spur which could be skirted.

15. Immediately to the right (or west) of mile 21 there is a large and deep ravine, along which the line could wind, with a rising gradient of 1 in 125 or 1 in 150.

16. In mile 22 some large ravines are crossed — 2 of 60 feet span, 2 of 50 feet, and 1 of 80 feet; the reduced level of 22nd mile is 411.00, or 143 feet above mile 21. The ascent is very rapid, and the hill sides are precipitous.

17. In the next mile (23) there are one ravine of 30 feet, one of 50 feet span, 3 of 60 feet, and 2 of 80 feet. They are all very deep, varying from 40 feet to 80 feet. The reduced level at mile 23 is 603, or 189 feet above mile 22, and 332 feet above mile 21.

18. In mile 24 there is one very large ravine, 50 feet wide at bottom, about 400 feet wide at top, and 135 feet deep, running into the Chandar Parbah river, which is about 15 chains to east of the line. About  $\frac{1}{4}$  mile beyond this ravine the summit of the high land at reduced level (691) is reached at mile  $23\frac{1}{4}$ , or 420 feet above mile 21, or 188 feet per mile. From this it is clear that, as there is not sufficient space in which to curve about in order to get practicable gradients, this route is not feasible.

19. The banks of the Chandar Parbah all along opposite mile 23 and part of mile 24, are almost perpendicular for over 200 feet in depth. In fact they overhang in places; they are all solid rock, and it would therefore be quite impossible to cut a line along the face of this rock.

20. From the top of the high land, which is a plateau extending westwards beyond Mirzapur and Allahabad, the line passes over easy undulating ground for 25 miles *via* Dhusuria mile 25, Narkati mile 30, Majhgaon mile 35, Pachpudia mile 41, Poornan mile 44, and Sidhi mile 47, to the vicinity of the Ghaggar river. The Chandar Parbah is crossed at mile  $28\frac{1}{2}$ ; at this point it is 100 feet wide with a rock bed, well defined banks 15 feet deep. The reduced level of the bed of the river, which is here 500 feet above the bed opposite the 19th mile of this line, is 711.00, and the flood level is said to be 20 feet high. A bridge of 3 spans of 50 feet each would be sufficient.

21. The only other stream of importance is the Belan ("Balun" and "Biland" in the maps), mile 42. In itself it is a small stream, but it would require a bridge of 3-30 feet spans, as it has a wide shallow valley. About 8 miles to the west (down stream), where this stream is crossed by the Ahraora and Robertsganj road opposite mile 43, the bridge over it is 1 span of 37 feet, 2 of 27 feet, and 2 of 15 feet.

22. Besides the above two rivers, three culverts per mile of 10 feet span, 5 feet of springing, should pass all the drainage.

23. The gradients over this portion will be fairly easy, 1 on 200 being the steepest that is likely to be required. The banks and cuttings will be on the average 6 feet, with the exception of a few places, where, in the long undulations which are a characteristic feature of this part of the country, ridges between the depressions will have to be cut through. The cutting in these places will probably be from 20 to 30 feet deep.

24. The land along the most part of the line will not be expensive, as it is chiefly jungle. In fact from mile 21 to mile 41 it is, with few exceptions, nothing but dense jungle the whole way. From mile 41 the line emerges into cultivation, which extends up to mile  $47\frac{1}{2}$ .

25. The most difficult part of the line is now reached, *i.e.*, the approaches to and crossing of the Ghaggar river, mile 51.

26. This river flows from east to west in a very deep channel 275 feet below the summit of the high land on the north side, and 200 feet below the top of the hills on the south.

27. The banks of the river are steep and rocky for heights varying from 50 to 300 feet, the latter height being reached some distance below the crossing, where the river has cut up to the hills. The north or right bank is much steeper than the left one, which is more or less shelving all the way from Bijgarh to where the river turns to the south towards the Son.

28. The course of the river is fairly straight for 4 miles down stream from Bijgarh. Thence it becomes very tortuous, the fall of the bed increases, and, after another two miles, it is merely a gorge between precipitous and rocky banks. There is a tributary stream on the right bank which might afford a means of getting down to a favorable crossing of the river. Another stream which lies to the west of Sidhi, mile 47, and south of Urauli opposite mile 47, and which is the only other one that might have been of service in enabling an easy crossing of the river to be made, suddenly stops at the high bank on the right, and discharges



its waters down a fall of about 200 feet. The selection of a good site for a bridge over this river is a matter of great difficulty, owing mainly to the very close proximity of the hills on each side and their great height above the river bed.

29. A crossing can be got by approaching the stream immediately south of the village of Sidhi with a heavy cutting, say 60 feet deep, at the edge of the high ground on the north bank of the river.

30. From this point the line would be carried westward along the face of the slope which is at an angle of about  $45^\circ$  for about a mile, when a semi-detached hill is met, round which the line could be carried. It would then cross a small ravine and continue its westerly course for  $\frac{3}{4}$  of a mile to a point, one mile to the west of the point, where the river is crossed by survey line, and where there is a fairly good site for a bridge.

31. The best form of bridge for spanning this stream would be a single girder of about 150 feet span. The height of the bridge would be from 100 to 120 feet. The abutments would have very good foundations on the rocky banks of the river, and the wing walls could be stepped back into the hill sides. The embankment would require a revetment wall for about 500 feet, and would be composed of rough stone blocks with interstices filled in with earth.

32. The gradient would be very heavy, 1 in 125 being required to get down from the high land on the north to the bridge. The work would chiefly be rock cutting, but there would be some embankments where ravines were crossed. Four bridges would be required — one of 30 feet, two of 50 feet, and one of 60 feet span.

33. The line would then curve away to the west and wind along the north face of the hill, on the left bank of the river, till its western extremity was reached at mile  $57\frac{1}{2}$  on *proposed* line (not dotted or survey line). Then turning round the spur, it would take a south-easterly direction up to mile 60 on proposed line along the southern face of the hill, which is much steeper on this side than it is on the north face. The slope is from  $45^\circ$  to  $60^\circ$ . The work would consist almost exclusively of rock cutting, and the gradient would be 1 in 125 and 1 in 150. Some four or five small ravines would be crossed requiring culverts of 10 feet span.

34. The line actually run has a westerly course from Sidhi, mile 47 ( $70^\circ$  west of south), for  $2\frac{1}{4}$  miles. Thence it turns southwards and crosses a bridge the summit of which is at reduced level 992, mile 50. It thence passes down a deep ravine, crosses the river bed of which is at reduced level 715. Thence it passes up a rocky ravine and over the summit of the hills on the left bank of the river at their lowest point, *i.e.*, reduced level 979, mile 51. The line then winds along the south-east face of the hill, and reaches comparatively level ground at reduced level 600 in a little over two miles at 52nd mile on survey line and mile 60 on proposed line.

35. The ground now reached, though fairly level, is very much broken up by ravines and streams which come down from Kaimur hills on the left and fall into the Ghaggur on the right.

36. Some of these streams are very wide and deep, varying  $20' \times 10'$  to  $200' \times 60'$ . They are also very tortuous, and have very swift currents. They will, however, not be found so very difficult to deal with at first sight as they appear.

37. The line passes under Mangesur peak and Kunda Pahar, and reaches the bank of the Sone at mile  $62\frac{1}{2}$  opposite the village of Kandhaora. It then turns eastward, and, running roughly parallel with the Sone for 1 miles, crosses the river a little above Sasnai Ghât at mile 67, where there is room between the river banks and the hills to get a curve of at least 1,000 feet radius.

38. There is a point higher up the river at which a more advantageous crossing could be made as regards the room for curved approaches up to the bridge, but this would necessitate bridging the Kanhar river, a large stream about 2,000 feet wide.

39. The Sone river is 3,000 feet wide at the point where it is crossed, and it is the same width for four or five miles up and down stream from that point. The banks are 28 feet high above low water and 33 feet above bed. Highest known flood level is 40 feet above river bed. The banks are rocky all along from the junction of the Ghaggur opposite Chopan to Chakaria Ghât, which is the extent of the river examined.

40. The clearance of the strata on the northside of the river is nearly horizontal, while that on the south side is nearly vertical, *i.e.*, it forms an angle of  $75^\circ$  to  $80^\circ$  with the horizon. The bed of the river between these rocks is all sand mixed with large pebbles up to 3" and 4" diameter.

41. It is roughly estimated that the bridge over the Sone should be at least 15 spans of 200 feet each. This would give 3,000 feet clear water-way, which is the present unobstructed width of the river. Two land arches of 50 span might with advantage be given on each side. The height from river bed to flood is 40 feet; there should be about 15 feet between high flood level and bottom of girder to allow of brushwood and trees passing freely underneath without the risk of their being caught in the girders and causing an accumulation of debris, which might have disastrous results— $40 + 15 = 55$ , and assuming 17 feet from bottom of girder to rail level = 72 feet, above bed of river, reduced level of bed of river is 456, which  $+ 72 = 528.00$ , or reduced level of rails over bridge.

42. From the rocky nature of the banks and the close proximity of the hills on each side it is presumed that rock suitable for foundations will be found at no very great depth



below river bed. The bridge would of course be all stone, except the girders, and good building stone can be had in the hills on either side.

43. After crossing the Sone the line passes through a gap in the hills, and takes a more or less easterly course along the foot of the small hills which run nearly parallel to the Sone.

44. Ramgarh, mile 76, is passed at mile 75, and Kon Khas at mile 79. Between the Sone and Maidiha, mile 72, some very bad ground is passed over, numerous small streams come down from the hills on the left, cutting up the ground in all directions, but the streams and ravines are not very deep or wide like those north of the Sone, and generally the surface is fairly level. In miles 72 and 73 the line is well up the slope of the hill, which is chiefly composed of flint rocks. Two large streams are crossed in mile 70, and two in mile 71, each requiring bridges of  $10.0 \times 30$  feet of water-way.

45. From Maidiha, mile 72, onward to Kon, mile 79, the country is chiefly cultivation until the immediate vicinity of Kon is reached, where the ground is again broken up into ravines by the streams coming down from the hills to the south of the line. The soil is loose red muram and cuts up readily. A short distance from this broken ground the Panda river, mile 79, is met. This is a large stream, which will require a bridge of about 3-50 feet spans. About a mile and half beyond the Panda, along which portion the line skirts the low hills south of Kon, the line takes a more southerly direction, and, passing over fairly easy ground, reaches Baghasoti in the 85th mile, 6 miles from Kon.

46. At this point another serious difficulty is encountered in following the route sketched out by the Government of India letter No. 1044R.C. of 9th December 1882. A range of hills runs across the line bounded on the west by the Kanhar river and running eastward until the neighbourhood of Koel river is reached. At the point where the line crosses this range, the hills rise in less than a mile to 400 feet high on the north side. The breadth of the range is 2 to  $2\frac{1}{2}$  miles, and on the south side the plains about Untari, mile 93, are 500 feet below the top of the hills; this fall occupying a distance of less than 2 miles.

47. The ascent and descent are so abrupt that it would be only at great difficulty and expense that a line could be got through or across the range. In fact, the only feasible project is a tunnel of about 3 miles in length.

48. This route being for the above reasons considered quite out of the question, the towns of Untari and Miral, mile 110, must be left out in choosing another route, and for the same reasons it is considered unnecessary to give a detailed account of the route followed from the hills to Garhwa, mile 116. It will be sufficient to say that the line was carried over fairly easy country to the north-east of Nagar (Untari) *via* Adhaora mile 94, Parasoon mile 98, Ramna mile 100, Gonda mile 109, south of Miral mile 110, Sugman mile 111, Potman mile 112, to Sahan Jadua mile 116, a village about  $\frac{1}{2}$  mile south of Garhwa and on the left bank of the Danro river, mile 116.

49. This is a large stream 600 feet wide. It is very shallow, being only 12 feet deep, and the highest flood mark reported by the villagers is only 15 feet above river bed. The current is reported to be very rapid; but as the bed is sand, and exhibits no indications of deep scour, it may be safely assumed that the current is not more than 6 feet per second. This river would require a bridge at least of 6 spans of 100 feet each, 30 feet from river bed to bottom of girder. The crossing is a good one in a long straight reach.

50. After crossing the Danro the line passes over fairly easy country, passing the villages of Jhura mile 120, Haraiya mile 121, and Tildag mile 121. Thence it crosses the Tahleh river, mile 124, which is a rocky stream 600 feet wide, and which would require a bridge similar to that proposed for the Danro. The depth of the river, height of flood, and fall of bed, are similar to that river.

51. From the Tahleh river the line passes through jungle and easy ground, *via* Baroon mile 128 and Bausdih mile 132, to Shahpur, mile 135, opposite Daltonganj on the left bank of the Koel river, where, according to the instructions received, work was stopped.

52. The bridges for the Danro and the Tahleh have been referred to above. Besides these, one of 3-50 would be required over the Birha, mile 118, and one of 3-30 over another stream. For the remainder of the drainage two culverts of 10 feet span per mile would be sufficient to carry off the drainage.

53. The gradients will be on the average 1 in 500, nothing heavier than 1 in 200 being anticipated. The country is undulating and hilly, and affords facilities for an easy and cheap line. The bridges, culverts, and stations would be of stone as would also be the ballast.

54. Limestone and kunkur are procurable. The embankments and cuttings are likely to be an average of 3 or 4 feet; the latter will probably be all rock.

55. On the return march from Daltonganj the country was further examined with the view of getting a better line than that actually run, and one which, in the event of the survey operations being resumed next season, could be recommended for detailed survey.

56. This new line is shown on the accompanying map in a *full red line* to distinguish it from the route surveyed, which is shown by a *dotted red line*.

57. Between Daltonganj and Garhwa the proposed line does not differ very much from the original line, but from the latter place, with the object of avoiding the hills north of Untari, quite a new direction is taken.

58. Starting from Garhwa, mile 116 on survey line and mile 129 on proposed line, the proposed line runs north and north-east for about 5 miles, when, after passing Ukargurwa, mile 125 on proposed line, it turns due north to a gap between two detached hills to the west of Chapparbar, mile 122 on proposed line. The ground passed over up to this point is not difficult.

59. At Garhwa, mile 129 on proposed line, there is a stream called the Sarosati nala 200 feet wide, to be crossed. It has a rocky bed and flood height of 15 feet. A bridge of 3-70 feet girders would suffice to pass the highest flood. The next stream, mile 129, is one of 60 feet in width, where a single 40 feet girder or 3-20 feet spans could be given. The latter would be preferable, as the embankment at this point would be low, and there would not be room for a deep girder.

60. The ground gradually rises steadily from Garhwa to the gap, mile 122, before mentioned. A short length of low land opposite Dalele and Ukhargarwa, mile 125, would have to be crossed with about a 15 feet bank and a 10 feet culvert. Beyond this and up to the gap there is broken ravine ground, in which some 3 or 4 culverts will be required.

61. North of the gap, through which a cutting for  $\frac{1}{2}$  a mile of an average depth of 10 feet and maximum of 35 feet will be required, the ground falls again gently to the Banki river, mile 117.

62. Three streams, one requiring a 10 feet and the other two 20 feet culvert each, are required before reaching the Banki. This stream has 250 feet width of bed and 350 feet between tops of banks.

63. The bed is sand, but at short intervals rock is visible in large masses. It is therefore believed that rock foundations may be calculated upon for this bridge, which should be 5 spans of 70 or 7 of 50 girders. The flood height is 15 feet above bed; the bottom of girders should therefore be 20 or 22 feet above bed river.

64. A little beyond the river another 20 feet bridge is wanted, after which no culverts are required up to Laka village, mile 115. Immediately north of Laka the Pipardaha, mile 115, is crossed. This requires a 30-feet bridge, and two other streams between this and Bardih, mile 113, require a 20-feet and 2-30 feet span bridges respectively. From this the line would skirt the hills up to within  $\frac{1}{2}$  a mile of Magardih, mile 110, where a sharp curve to the west is necessary.

65. The gradients from Garhwa up to Magardih are not likely to be more in any part than 1 in 200, or at the steepest 1 in 150, possibly in the gap, and the banks will not exceed an average of 5 feet.

66. The culverts and bridges that have been enumerated should suffice to pass all the drainage. Lime and building stone and ballast can all be got from the adjoining hills.

67. The land passed through is almost entirely jungle.

68. At Magardih, mile 110, the hills, which are the obstacle to the more direct line originally proposed *via* Untari and Miral to Garwah, become detached, are much diminished in height, and have long flat slopes instead of the abrupt and almost perpendicular sides which characterise the more westerly portions of this range. A favorable opening through which the line can pass exists at Magardih.

69. Search was made along the hills for a practicable gap south of Magardih. There is just the possibility that a line might be found from Chowrasi, about 3 miles south from mile 102, in a south-easterly direction, emerging from the hills north of Kachia Pahar about 5 miles south-east of Chowrasi. Another route might be found near and south of Saramjara Hill, 4 miles south of mile 107, but this is very improbable.

70. It is believed that the route *via* Magardih is the best that can be found.

71. From Magardih the line will take a westerly course, and will skirt the spur of the hill for a short distance, after which it will strike out into open country.

72. From Magardih to Arsali, mile 104, there is some very rough broken ground, and several streams will have to be crossed between Magardih and Kailan (Kalleen on the map), mile 108. One stream will require a 20 feet bridge. From Kailan to Arsali three streams, requiring respectively, one 10, one 20, and one 30 feet bridge.

73. West of Buka, mile 103, a large stream 60 feet wide is crossed. Again south of Makri,  $1\frac{1}{2}$  mile north of mile 101, a stream 50 feet wide is crossed. East of Jagra, 1 mile north of mile 98, a stream 70 feet, and west of the same place a stream 40 feet wide, and at Rohinia, mile 96, a stream 15 feet wide, are crossed; all of the above streams will require bridges of at least the full width of the stream as stated.

74. The works will not be heavy except in the broken ground between Magardih and Arsali, *i. e.*, from miles 103 to 109. The gradients over this length will not exceed 1 in 200. There will be high banks crossing some of the large ravines, but on the average the banks will not exceed 10 feet for this portion.

75. From Arsali westwards to Rohinia and beyond Majgawan, opposite and north of mile 95, Umnara opposite and north of mile 94, and Budar opposite and north of mile 90, to the south of which places line would run, the ground is fairly easy. The embankments will not be heavy here. There will be some rock cuttings, but nothing very extensive. Gradients are not likely to be heavier than 1 in 200. The streams already mentioned will, it is believed, pass all the drainage.

76. The Jhurwa, mile 93, is the largest stream over this portion, and would require a bridge of 3-30 feet spans.

77. A slight change of the original route is made here, *viz.*, instead of running to the south of Kon it would pass to the north of it and of Ramgarh in 84th mile on proposed line, and turning through a gap in the hills, in 83rd mile on proposed line, about  $1\frac{1}{4}$  to 2 miles west of Ramgarh, it would pass along the hill slopes facing the Sone river up to the village of Hardi, mile 76, and the crossing of the Sone, mile 75, originally proposed.

78. This new portion was inspected on the return journey, and will give a better line than that first run.

79. The Panda nala, mile 88, near Kon, previously mentioned as requiring 3-50 feet bridge, will of course have to be crossed; and although the new crossing is lower down stream than that on the first line, there is not much additional drainage collected by the river in that distance.

80. Between the gap in the hills west of Ramgarh and the village of Hardi a large stream, mile 79, 200 feet wide, falls into the Sone. This would require a bridge of about 3-70 spans. Three other streams are met—one of 20, one of 30, and one of 40 feet width, each of which would require bridges of the spans noted, and another large stream of 150 feet width, mile 78, would require a bridge of 3-50 spans.

81. Along this portion, the work would be chiefly cutting the formation out of the side of the hills. This cutting is not likely to be anywhere more than 15 to 20 feet on the hill side, and for the most part would be only levelling off the formation width.

82. Culverts, aggregating  $20 \times 5 = 100$  feet of water-way per mile, besides the larger streams already noticed, will pass all the drainage. The line can be nearly level all the way, with the exception of the portion through the gap, where there will be a gradient of, say, 1 in 150 through the cutting, which is very short, and need not be more than 20 feet deep. It is all rock.

83. After crossing the Sone the original line is very closely adhered to all along the river bank round the Mangesur Peak and Kunda Pahar, and northwards to the foot of the hills south of the Ghaggur river.

84. From this point, mile 60, instead of going over the hills, which is impracticable, owing to the heavy grades and works that would be required, the line takes a north-westerly course along and up the southern face of the hill rising on a gradient of 1 in 150 to 1 in 200.

85. This westerly course continues for  $2\frac{1}{2}$  to 3 miles, mile 57, till the end of the spur is reached, when the line curves round in a semi-circle, and takes an easterly course along the northern slope of the same spur for 4 miles in a straight line, but the distance with the unavoidable windings will not be less than 5 to  $5\frac{1}{2}$  miles.

86. The work over the greater part of this length, from where the line diverged to the north-west round the spur and along the north face of the hills, will be rock cutting.

87. The rock is chiefly gneiss and iron-stone. The cuttings will be for the most part shallow, but in places they will be 20 or 30 feet deep on the hill side, where the line turns round small spurs. On the average, however, the cuttings are not likely to be more than 4 or 5 feet.

88. The gradient will be very heavy all the way, *viz.*, 1 in 150 and 1 in 200, with occasionally short pieces of level to ease the engines when working up the incline.

89. At about  $\frac{1}{2}$  mile from the point at which the Ghaggur river is crossed a large stream, or rather ravine, is met in mile 55. This is a torrent in the rains, with a very steep fall, and the water comes down in large quantities with a great rush, bringing large stones and boulders with it. The best form of bridge will be a single span, which will have to be about 100 feet. The abutment and approaches will require heavy pitching, the stone for which is at hand in abundance.

90. We now come to the new crossing of the Ghaggur river, mile  $52\frac{1}{2}$ , which is  $2\frac{1}{2}$  miles in a straight line, and along the windings of the stream probably 3 miles higher up stream. The fall of the bed of the river is from 30 to 40 feet per mile; the level of the bed at the new crossing is therefore from 90 to 120 feet higher than it is at the original crossing, the reduced level of which is 715.00. Taking an average between 90 and 120 feet, we have 105 feet as the difference between the old and new crossings, which, added to 715.00, gives 820.00 as the reduced level of the new crossing. The high bank on the north side is about reduced level 950.00, or 130 feet above the river bed.

91. This, though a considerable height, can be overcome by having a cutting 30 to 40 feet deep at the edge of the high ground on the north bank and running back at one in 200 for about  $1\frac{1}{4}$  mile until the level ground south of Sidhi is reached.

92. The bridge would thus require to be from 90 to 100 feet high, which, considering the very difficult nature of the country, is not an extravagant proposal.

93. The hills on the south have long flat slopes, which admit of curving a way to the west with a thousand feet radius. A single span of about 120 feet will be the best form of bridge for crossing this river.

94. After crossing the Ghaggur another alternative line was examined passing to the east of Robertsganj mile 47, Hinduhari mile 44, Madhupur miles 37, Sukrat mile 32, and Ahrohra mile 19.

95. This route possesses many advantages over the original line. The undulations are much larger and flatter, the streams are less numerous, and there is much less necessity for rock cuttings.

96. The Belan river, mile 46, would be crossed at a point lower down stream, but it is believed that the bridge originally proposed, *viz.*, 3-30 feet spans, or at the most 3-35 feet, would be sufficient. This river is crossed, as has been already noticed, on the Robertsganj and Ahraohra road, which is some miles below the river crossing by a bridge of 1-37' span, 2-27', and 2-15', aggregating 121 linear feet of water-way. A bridge of 3-35 will therefore be ample.

97. The Chandar Parbah river, mile 38, is crossed at a point 8 miles above the original crossing, at which latter a bridge of 3-50 feet spans was proposed. It is estimated that 3-40 feet spans will be quite sufficient at the new crossing.

98. From the Chandar Parbah the line runs north-west and north until the descent from the plateau into the plains on the north is met.

99. The hills at this point are not so high as they are over to the east along the Chandar Parbha river. They have long flat slopes in the first part of the descent affording facilities for fairly easy gradients, and it is only the hills immediately bordering the plain that any difficulty will be encountered.

100. The difference of level between the plain and the top of the plateau is roughly 300 feet, and it is proposed to overcome this difficulty by starting at the top with a cutting 30 feet deep, winding along the hills for 10 miles with a constantly falling gradient of 1 in 200, making a total fall of 264 feet in the 10 miles from mile 19 to mile 29, and having a 25 to 30 feet embankment at the foot of the hills. This appears to be the only feasible method of getting over the difficulty.

101. The difference between the plain and plateau is shown above as 300 feet, and the total of the cutting gradient and embankment is 324 feet. The 24 feet in excess could be very advantageously utilised in easing off the gradients, and making short level breaks in the otherwise continuous gradient.

102. After leaving the hills the line would run in a north-easterly direction for 5 miles, and then run due north till it joined the original line just south of the village Gasraori (locally called Usraori) at mile 6½ from Mogulserai, and following it up to Mogulserai.

103. The work along this portion will be very light and similar in all respects to that along the original line.

104. The length of the line proposed for detailed survey is between 13 and 14 miles longer than that surveyed.

The causes of this increase are as follows :—

I.—The necessity for making the line where it ascends the Sukrat-Robertsganj plateau sufficiently long to obtain a practicable gradient. This adds nearly 4 miles to the length of the more direct but impracticable route.

II.—A like necessity in descending from that plateau to cross the Ghaggur river and reach the low land bordering the Sone. This accounts for about 5 miles of the increase.

III.—The detour which has to be made between Kon and Garhwa in order to avoid the hills north of Untari. This increases the length between these two points by about 5 miles.

105. A map of the country from Mogulserai to Daltonganj on a scale of 1 inch to the mile, showing the lines originally laid down for examination and the line proposed for detailed survey, and a section across the Sone river on a scale of 400 to an inch, accompany this report.

No. 733R.C., dated 18th August 1883.

From—The Secretary to the Government of India, Public Works Department,

To—The Secretary to the Government of the North-Western Provinces and Oudh,  
Public Works Department.

I am directed to acknowledge the receipt of your letter No. 1275W.R. of the 14th July 1883 forwarding a report of the railway reconnaissance between Mogulserai and Daltonganj, and in reply to express the satisfaction of the Government of India at this confirmation of the information contained in the progress reports of the Benares-Palamow Railway Survey for the months of April and May 1883.

2. I am to request that the Government of India may be furnished on an early date with sections and an approximate estimate, under main heads, of the line reconnoitred, and also with all available information as to probable traffic, and with a full reply to paragraph 3 of Public Works Department No. 521R.C. of the 12th June 1883.

3. I am also to request that arrangements may be made for a complete survey next cold season, and in this connection I am to forward extract from a note, dated the 4th August 1883, by the Consulting Engineer to the Government of India for State Railways, and copy of tracing referred to.

Note dated 4th August 1883, by the Consulting Engineer to the Government of India for State Railways.

I think that the ascent and descent of the plateau somewhat to the west of the proposed line might be examined to ascertain whether a shorter ascent, than that proposed might be made following up the valley from Luttespore, and whether there is no lower gap in the southern edge of the plateau, through which the line might pass and creep down the face of the hills which appear to be not very rugged instead of crossing the Ghaggur at high level. I think also that the neck of hills close to the Surin Jurra Hill might be reconnoitred with the view of ascertaining whether a short tunnel at that point might not enable the line to be carried through the range into the valley of the Bonkee somewhat in the direction of the blue lines which I have marked on the tracing scale 1 mile to the inch.

W. S. TREVOR, Colonel, R.E.,

Secy. to the Govt. of India.

## GOVERNMENT OF INDIA.

## REVENUE AND AGRICULTURAL DEPARTMENT.

## REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 25th SEPTEMBER 1883.

**GENERAL REMARKS.**—During the week under report the weather has been fair over the greater part of India, and the rainfall correspondingly light. In the Madras Presidency and Mysore the dry crops in several districts are suffering from want of rain. In the Bombay Presidency the fall has been light and unequally distributed, and more is needed in Guzerat and the Southern Mahratta Country. In Hyderabad and the Berars, on the other hand, the rainfall has been excessive, and a break would be beneficial. No rain fell in Sind during the week, and the river was, on the 24th September, 5 feet below the previous year's level. In Central India and Rajputana light but general rain continues, and prospects are improving. In British Burma, Assam, and Bengal the rainfall has been light, but the weather continues seasonable, and rice and other crops are progressing favourably, except in Behar and Central Bengal, where the crops on high lands need more rain. Heavy rain fell in the southern and eastern districts of the Central Provinces, and benefited the rice crop, but slightly injured cotton and millets. In the North-Western Provinces and Oudh the rainfall has been generally light, and confined to the early part of the week. The weather is now clear, and in several districts more rain is needed, but on the whole agricultural prospects are fair. No rain appears to have fallen during the week in the Punjab, but prospects there are reported to be fair or good.

Harvesting of millets and oil-seeds continues in Madras and Mysore, rice and the earlier *kharif* crops are being cut in Bombay, and the land is under preparation for the *rabi*. The damage from locusts in the Deccan has not proved as serious as was anticipated. Reaping of the *kharif* and ploughing and sowing for the *rabi* are also more or less in progress throughout North-Western and Central India. In Bengal the harvesting of early rice and jute is nearly finished, the outturn being, with some exceptions, fair.

Cattle-disease is decreasing in Burma, and is slight elsewhere.

A few deaths from cholera are still reported, and fever is somewhat prevalent, otherwise the public health has much improved.

Prices are either stationary or falling.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Madras—(Sept. 26th)</b>		
Bellary ...	11 (average of two stations).	Standing crops wet generally good. Dry crops suffer from want of rain.
Kurnool ...	1.15 (average of six stations).	Standing crops withering in five taluks from want of rain, elsewhere good. Harvest <i>cumboo</i> and indigo, yield half to three-fourths. Cattle-disease in seven taluks.
Ganjam ...	1.59 (average of thirteen stations).	Standing crops generally thriving. Fever and small-pox continue slight.
Kistna ...	.96 (average of six stations).	Standing crops dry generally withering. <i>Cholera</i> suffering from grub in one taluk. Rain wanted throughout. Harvest of indigo, yield half to three-fourths. Small-pox general; fever, guinea-worm, and cattle-disease slight in parts.
Chingleput (Madras) ...	.22 (average of three stations).	Standing crops withering for want of rain in all but one taluk. Harvest of <i>kar</i> , paddy, &c., yield quarter. Small-pox and cattle-disease slight in parts.
Coimbatore ...	.38 (average of ten stations).	Standing crops <i>cholum</i> damaged by insects in one. Rain wanted in eight taluks. Four deaths from cholera in two taluks; fever and small-pox in parts.
Tanjore ...	.92 (average of seven stations).	Standing crops generally good, but rain wanted in four taluks. Harvest paddy, <i>cholum</i> , <i>cumboo</i> , and gingelly, yield below average. Twenty-nine deaths from cholera.
Madura ...	.96 (average of six stations).	Standing crops fading, except in two taluks. Harvest paddy and dry crops in parts.
Malabar ...	.23 (average of eleven stations).	Standing crops good. Harvesting continues. Second crop cultivation progressing. Small-pox in nine taluks; fever in three taluks; 5 deaths from cholera in one taluk.
Travancore ...	.....	Harvesting continues. Preparations for next cultivation partly begun. Fever and dysentery continue. Rain generally wanted for dry crops.
<i>General Remarks.</i> —General prospects favourable,		
<b>Bombay—(Sept. 26th)</b>		
Kurrachee ...	No rain	Weather cool with high winds. River at Kotri on 24th 11 feet 8 inches against 17 feet 5 inches on same date last year. Small-pox in four villages in district, 9 fresh cases, 1 death, 5 remaining sick; fever in nine talukas. Cattle-disease in five talukas. Wheat, red rice, and <i>bajri</i> in Kurrachee 24, 28 and 36, in Dadu 32 and 32, in Sakro 15, 27 and 36, and in Shabbandar 20, 32 and 42 lbs. per rupee, respectively.
Hyderabad ...	.....	River has fallen 2 feet 11 inches since last week and was 5 feet lower on 21th instant than on same date last year. Small-pox in three, fever in six, and cattle-disease in three talukas. Wheat 25, <i>bajri</i> 37, <i>juari</i> 43, red rice 26, and white rice 20 lbs. per rupee.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bombay—contd.</b>		
Ahmedabad ...	.....	Crops healthy. Rain wanted for rice. Cholera, only 1 death; slight fever in some talukas. <i>Bajri</i> 27 and wheat 23 lbs. per rupee.
Baroda ...	46	Total rainfall 44.39. Crops in good condition, except in Kadi division where more rain is wanted. Health good. Cholera in mild form in parts of Naosari division. Cattle-disease in parts of Kadi division. <i>Bajri</i> 26 and rice 22 lbs. per rupee.
Surat ...	1.09	Total rainfall 47.83. Crops healthy. Slight cholera in Bulsar and Pardi. Locusts are being destroyed. <i>Juari</i> 37 and <i>nagli</i> 43 lbs. per rupee.
Nasik ...	Rain throughout the district.	<i>Bajri</i> , cotton, and third crops have suffered in places owing to continuous and heavy rain. Cattle-disease in two villages of Dindori taluka. Cholera in parts, 5 attacks, 2 deaths. Locusts throughout the district doing no damage, except in a few villages of Sinnar, Baglan, Kalwan, and Peint. Wheat 28, <i>bajri</i> 28, and rice 22 lbs. per rupee.
Colaba (Bombay) ...	4.99 from 23rd to 25th; heavy rain on 25th.	Total rainfall 77.13, being 10.15 above average. Abnormal temperature 1° warm to 4° cool. Vapour in air defective, except on 25th. Abnormal wind from north-west on 25th.
Poona ...	Light showers during the week.	Six deaths from cholera. <i>Bajri</i> 39 and <i>juari</i> 48 lbs., in Poona <i>bajri</i> 34 and <i>juari</i> 44 lbs. per rupee.
Ahmednagar ...	Rain in all talukas—maximum at Newasa, 3.52; minimum at Jamkhed, .11.	<i>Kharif</i> crops in good condition. Sowings of <i>rabi</i> in progress throughout the district. Cholera 19 attacks, 11 deaths. <i>Bajri</i> —maximum 60 lbs. in Jamkhed, minimum 36 in Kopergaon, and <i>juari</i> —maximum 72 lbs. in Jamkhed, minimum 48 in Kopergaon.
Sholapur ...	44	Total rainfall 33.22. <i>Kharif</i> crops good. <i>Rabi</i> sowings commenced in places. No damage by locusts. Cholera 69 cases, 31 deaths. <i>Juari</i> 62 and <i>bajri</i> 52 lbs. per rupee.
Dharwar ...	No rain except at Hangal, where only .10 fell.	Rain badly wanted as crops, especially rice, are withering. Cotton sowings still in progress. <i>Saman</i> and <i>rabi</i> being cut in Hangal and Kod talukas. In Nargund, Gadag, Und, and Bankapur lands being prepared for sowing of wheat, gram, &c. Public health good. Slight cattle-disease in Hangal and Kalghutgi. <i>Juari</i> 84 to 49 lbs. and rice 41 to 26 lbs. per rupee.
Kanara ...	Karwar, .34; Kumpta, .6; Sirsi, .33; Halhal, .13.	Total rainfall 131.44. Rice plants in ear above ghat. Rice harvest begun on coast. Plucking betelnut commenced. Small-pox, 1 death each in Kumpta and Hanawar. Common rice in Karwar 12½, in district average 1½ seers per rupee.
Rajkot ...	28	General health fair. Weather cool and cloudy. Total rainfall 25.37. <i>Bajri</i> 29 and <i>juari</i> 32 lbs. per rupee.
<b>Bengal—(Sept. 26th)</b>		
Chittagong ...	1.22	Weather hot. Prospects good. Outturn of <i>aus</i> rice fair. Transplanting of <i>aman</i> rice finished. Prices steady. Cattle-disease still continues.
Dacca ...	.57	Prospects of crops good. <i>Aus</i> rice and jute being cut.
24-Pergunnahs (Calcutta) ...	Nil	Prospects of both early and late rice good; early rice being harvested; yield estimated at twelve-anna average crop. Transplanting of late rice finished. More rain necessary in parts of district. Price of common rice stationary. Health of people generally good. Fever reported from Baraset and Bassirhat sub-divisions.
Moorshedabad ...	Nil	Weather very hot and close. Harvest rice suffering much for want of rain. <i>Bhadai</i> harvest almost completed. Outturn expected to be fair. Public health good.
Rajshahye ...	.02	Weather dry with light clouds. Crops want rain, especially in the north. Public health with some exceptions good for the time of year.
Burdwan ...	Nil	Rain much wanted, especially for crops on high land. Public health fair.
Rungpore ...	1.53	Weather cloudy. Prospects of crops fair. Fever prevalent.
Bhagalpur ...	.43	Prospects favourable. More rain wanted. Autumn crops have yielded eight to ten annas.
Purneah ...	2.06	Prospects of crops improved by rain. Fever slightly increased.
Patna ...	2.73	Transplanting of paddy over. Rain much wanted in South Behar. <i>Bhadai</i> crops nearly gathered. Cholera and fever prevalent. Season unhealthy.
Durbhunga ...	.94	Crops doing well, but more rain wanted. Transplanting still going on. <i>Bhadai</i> crops being harvested with fair outturn. Prices of food-grains stationary. Public health fairly good.
Hazaribagh ...	.55	Weather warm and close. <i>Bhadai</i> harvest nearly completed. Rice prospects favourable. General health good.



Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Bengal—contd.</b>		
Cuttack ...	1·31	Weather cloudy. Early rice being reaped with prospects of average outturn. Late rice being weeded and thriving well. Public health good. <i>General Remarks.</i> —Rain fell in almost all districts during the week; it has done much good in Behar, where more is still wanted. In Bengal proper, it has been generally very slight, except in Julpigorie and Cooch Behar, and the rice crop on the higher lands has begun to suffer in several parts. In Orissa and Chota Nagpore the rainfall has been adequate, and agricultural prospects are favourable. Early rice and jute have almost been gathered in with a fair outturn, except in some places where they are said to have yielded much below average crops. In Behar reaping of <i>bladoi</i> crops is being pushed on generally with expectation of a good average outturn, except in Mozufferpore where they were greatly destroyed by the late inundation. Fever is reported to be prevalent in some districts, but the general health of the province is still fair.
<b>N. W. Provinces and Oudh—</b>		
Benares (Sept. 25th)	<i>Nil</i>	More rain required; none having fallen during the week. Fever continues amongst men. Prices stationary.
Allahabad ( " 26th)	<i>Nil</i>	Rain ceased on 22nd, since which date the weather has been fine and not dry.
Gorakhpur ( " 23rd)	Rain in all tahsils during the week varying from 6·8 in Deoria to ·3 in Sadr tahsil.	Crops flourishing; prospects excellent. Cholera in jail abating; no fresh cases for the last three days, several cases in the city during the week, otherwise general health exceptionally good. Prices steady.
Jhansi ( " 24th)	Good rain everywhere except Sadr.	<i>Kharif</i> prospects fair, but a little more rain will do good. Prices falling. Health of people and cattle good.
Agra ( " 25th)	<i>Nil</i>	No cholera; fever in two parganas. Prices steady. No cattle-disease reported. More rain required.
Barilly ( " " )	<i>Nil</i>	Crops good, except rice. Harvest progressing. Cholera almost disappeared; some fever prevails.
Meerut ( " 26th)	<i>Nil</i>	West wind. Cool nights and mornings. <i>Rabi</i> ploughings in active progress. Some peas and carrots already sown. A few cases of cholera in Mowana, otherwise health good. Labour abundant. Supplies sufficient and prices steady.
Kumaun ( " 25th)	Rain on 21st	Weather fair. <i>Madua</i> has begun to be reaped in some places. Health good. Cattle-disease continues. Prices unchanged.
Lucknow ( " " )	·1 at Malihabad on the 20th instant.	State of crops good; <i>hewat</i> crops doing very well. Condition of people and cattle good. Markets well supplied. Prices stationary.
Partabgarh ( " " )	Sadr, ·7; Kunda, 2·3; and Patti, ·3.	Prices of grain falling. The recent rain has saved the rice in Patti. Prospects good. Slight fever reported, but general health good.
Sitapur ( " " )	·4; Sidhoni, ·6; Biswan, 1·9; Misrikh, ·3.	Prospects good; wheat and rice somewhat dearer; barley and <i>sauan</i> cheaper.
Fyzabad ( " " )	<i>Nil</i>	Prospects of <i>aghani</i> crops good. Condition of cattle and public health good.
Rae Bareilly ( " " )	Sadr, 5·3; Digbijai-ganj, ·7; Dalman, 2·7; Salon, ·8.	Weather favourable. Harvest prospects good. Prices slightly falling. Supplies sufficient. General health good.
Cawnpore ( " " )	Good fall on 15th and 16th in all tahsils.	Weather good. Crops except rice doing well. General health of people good. Cattle-disease still reported in Sarh and Salempur, but of a mild nature. Prices stationary.
Farukhabad ( " " )	.....	Weather bright and rather hot sun. Nights and mornings much cooler; rainy season apparently closed. An outbreak of fever in Chibramau tahsil. <i>General Remarks.</i> —There was a fall of rain in some districts in the early part of the week, but the weather in the latter part seems to have been clear and sunny generally, and the rainy season appears to be over. More rain is however wanted in many districts. The prospects of the crops are on the whole fair. The cholera in Gorakhpur jail has abated, but there have been cases in the city.
<b>Punjab—(Sept. 25th).</b>		
Delhi ...	.....	Health good. Prices slightly fallen.
Hissar ...	.....	Health good. <i>Kharif</i> crops thriving. <i>Rabi</i> sowings commenced. Prices stationary.
Umballa ...	.....	Health good. <i>Kharif</i> yields expected to be below the average. Rain wanted. Prices stationary.
Jullundur ...	.....	Health and <i>kharif</i> prospects good. Prices falling.
Amritsar ...	.....	Health good. Prices stationary.
Sialkot ...	.....	Health and harvest prospects good. Prices falling.
Ferozepore ...	.....	Health and <i>kharif</i> prospects good. Prices falling.
Lahore ...	.....	Health and <i>kharif</i> prospects good. <i>Rabi</i> ploughing commenced. Prices stationary.
Rawalpindi ...	.....	Fever in two tahsils, health elsewhere good. Crop prospects average. Prices falling.
Mooltan ...	.....	Health and crop prospects good. Prices stationary.
Dera Ismail Khan ...	.....	Health good. Crops suffering. Prices steady.
Peshawar ...	.....	Health good. Rain wanted. Prices falling. <i>General Remarks.</i> —There has been no rain during the week. Health and <i>kharif</i> prospects are generally good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Central Provinces— (Sept. 26th)</b>		
Nagpur ...	4.80	Weather cloudy and hot. Recent heavy rain following upon the long drought has done some injury to <i>khari</i> crops. A break needed. Cholera abating.
Jubbulpore ...	.50	Weather clear with bright sunshine. Crops thriving. Wheat 22 and rice 14 seers per rupee. Health good.
Saugor (Sept. 25th)	.....	Weather clear and hot. Prospects favourable. Rain required for ploughing operations for <i>rabi</i> sowings. Prices stationary. Health good.
Seoni ...	3.9; rain daily	Weather unusually hot. Cotton and other <i>khari</i> crops thriving. Minor crops being reaped. Four deaths from cholera. Prices falling.
Hoshangabad ...	.91	Weather hot and cloudy. <i>Khari</i> crops thriving. Weeding continues. Health good. Wheat 15 and rice 9 seers per rupee.
Khandwa ...	1.33; occasional rain	Prospects good. Minor crops nearly reaped. Eleven deaths from cholera. Prices steady.
Raipur ...	5.5	Prospects favourable. A few cases of cholera in town and cantonments. Prices steady.
Sambalpur (Sept. 22nd)	2.71	Weather favourable. Rice on high lands stunted. Fever increasing. Rice 36 seers per rupee.
<i>General Remarks.</i> —There has been heavy rain in the south and east of the provinces which has been very favourable to rice, but has done some injury to the cotton and <i>millet</i> crops; in Nagpur and Wardha in the north of the provinces rain has been slight and these crops are reported to be promising well.		
<b>British Burma— (Sept. 26th)</b>		
Akyab (Sept. 22nd)	4.18	Total rainfall 171.41. Eight deaths from cholera in district, three in town, otherwise public health good. 75 deaths of cattle in two townships, elsewhere health of plough cattle good. Transplanting nearly over. Season favourable. Crops healthy.
Rangoon ...	0.64	Total rainfall 70.99. Five deaths from small-pox, otherwise public health good. Price of paddy from Rs. 97 to Rs. 87 per 100 baskets.
Bassein ...	1.01	Total rainfall 80.62. Public health good. 14 deaths of cattle in Thegwin township and 7 in Bassein township. Plants in good condition. Prices of paddy from Rs. 80 to Rs. 100 per 100 baskets.
Amherst (Moulmein) ...	6.42	Total rainfall 159.98. Public health and health of cattle good. Crops healthy. In Moulmein town public health and health of cattle good. Progress and general appearance of crops good. No damage from drought, floods or insects.
Toungoo ...	2.17	Total rainfall 72.0. Public health and health of plough cattle good. Transplanting progressing.
Kyoukphyoo (Sept. 15th)	9.07	Total rainfall 151.83. Four deaths from cholera. 15 heads of cattle died in the Myabin township. Price of paddy Rs. 25 per 100 local baskets. Paddy plants healthy.
Sadoway ( " " )	12.50	Total rainfall 194.25. Public health good. Crops healthy.
Hanthawaddy ...	.....	Public health and health of cattle good. Ploughing and sowing progressing. Some of the crops in the Aingkaloung, Bawley, and Moungtanga circles, and Hlaing township have been destroyed by floods. Transplanting going on in Tamanoing and Hlaing townships. Ploughing wages 60 baskets of paddy per man in Hlaing township. Price of paddy from Rs. 90 to Rs. 100 per 100 baskets.
Pegu ...	1.57	Total rainfall 111.33. Public health good. Slight cattle-disease in Kaonbaw circle and Pannglin township. No deaths returned. Crops well forward. Season most favourable. Prices of paddy Rs. 85 to Rs. 90 per 100 baskets.
Tharrawaddy ...	1.40	Total rainfall 87.17. Public health good. 29 deaths of cattle in Tapun and Sangwe townships. Health of plough cattle in all other townships except Gyobingouk where slight disease prevails, good. Ploughing, sowing, and transplanting progressing. The damaged crops last reported are being replaced. More rain wanted in northern circle of Gyobingouk township. Price of paddy from Rs. 93 to Rs. 100 per 100 baskets.
Prome ...	0.28	Total rainfall 39.60. Public health good. Health of cattle also good. Only 12 deaths from small-pox reported. Ploughing and planting progressing. Transplanting nearly finished. Paddy crop in good condition. Prices of paddy Rs. 92 per 100 baskets.
Thonegwa ...	.39	Total rainfall 71.12. Public health good. Health of cattle good. 3,500 acres reported to be destroyed by floods in Thayein circle, Donabyoo township. Destruction of crops by floods also reported from Shawayloun, Pantanaw, Zandoon, and Thonegwa townships. Supply of seedlings for replanting insufficient. Prospects in Dadajeh and Pyapoon townships good. Prices of paddy from Rs. 90 to Rs. 95 per 100 baskets.
Henzada ...	.79	Total rainfall 76.11. Three deaths from small-pox in Henzada township, otherwise public health and health of cattle good. Transplanting completed in Henzada sub-division and progressing in Myanounng sub-division. Seedlings and plants in good condition.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>British Burma—contd.</b>		
Thayetmyo ...	67	Total rainfall 28.57. Public health good. Fifty-three deaths of cattle in Myede. About half rice crops promise fairly, remainder has suffered much from drought and though plentiful rain fell last night cannot wholly recover.
Shwaygyin ...	5.34	Total rainfall 128.89. Public health and health of cattle fair. Ploughing finished. Transplanting and sowing about five-sixths done.
Tavoy ...	4.42	Total rainfall 179.40. Public health and health of cattle good. General appearance of crops good. Price of paddy Rs. 65 per 100 baskets.
Mergui (Sept. 8th & 15th)	Week ending 1st September 1883, 8.50; week ending 8th September 1883, 13.15; week ending 15th September 1883, 7.40.	Total rainfall 135.0. Public health and health of cattle good. Area ploughed 34,000 acres and seed sown. Crops healthy. Prices of paddy Rs. 75 per 100 baskets.
<b>General Remarks.</b> —Public health good. Cattle deaths on the decrease. Rainfall for the week all over the province except the Tenasserim division, less than the rainfall for the corresponding week last year and total rainfall up to date considerably less than last year. Agricultural operations progressing favourably and prospects of crops reported good. In parts of the Thonegwa district the crops have suffered from flood, and in parts of Thayetmyo the crops have suffered from drought. Price of paddy slightly fallen.		
<b>Assam—(Sept. 26th)</b>		
Gauhati ...	Nil	Weather seasonable. Mornings cool and occasionally foggy. Transplanting of <i>sali</i> paddy nearly over. Prospects of other crops favourable. Public health fair. Cattle-disease still prevalent.
Sylhet ...	3.68	Crop prospects favourable except in the case of sugarcane; which is backward in places. Cholera and small-pox reported in parts, but public health generally good.
Cachar ...	1.41	Weather cloudy with slight rain. Transplanting of <i>sali</i> crops finished. Reaping of <i>aus</i> crops progressing. Common rice 16½ seers per rupee. No small-pox reported.
Dibrugarh ...	3.79	Weather rainy. Prospects of <i>sali dhan</i> good. Public health good.
<b>Mysore and Coorg— (Sept. 26th)</b>		
Bangalore ...	15	Dry crops in the district in urgent need of rain. Prospects dependent on early rainfall. Health good.
Mysore ...	10	Standing crops generally in fair condition, but in need of rain. Harvesting of <i>kar</i> , <i>ragi</i> , paddy, oilseed, &c., in progress. Prospects fair.
Mercara ...	28	Prospect of crops good. Cutting of <i>ragi</i> crop commenced in North-East Coorg. Prices falling.
<b>General Remarks.</b> —Little or no rain during the week. Crops withering in parts of Tumkur and Kolar districts. In Shimoga and Kadur districts standing crops reported in good condition and agricultural operations continue. Prospects fair and general health good. No material change in prices.		
<b>Berar &amp; Hyderabad— (Sept. 26th)</b>		
Amraoti ...	3.70	Crops have suffered from excessive rain. A break is necessary. Wheat 16 and <i>juari</i> 26 seers per rupee.
Akola ...	3.63	Crops generally in good condition, but a break in weather is needed.
Hyderabad ...	1.25	Total rainfall from 1st January 26.8. Standing crops prospering. Reaping of <i>kharif</i> crop continues. Chillie crop damaged by excessive rain. Cholera broke out in a few villages of one taluka; fever and ague prevail in another taluka. Prices—wheat 16, coarse rice 10½, white <i>juari</i> 24, yellow <i>juari</i> 27, and <i>tur</i> 24 seers per current sicca rupee.
<b>Central India States— (Sept. 26th)</b>		
Indore ...	36	Weather warm. Prospects good.
Morar (Gwalior) ...	0.48	Fever in Lashkar. Prospects good. Prices stationary.
Sutna ...	4.67	Prospects good.
Rutlam ...	.....	No report received.
Neemuch ...	Nil	Reaping of <i>makka</i> in progress. Weather warm. Public health good.
Goona ...	Nil	Health and crops good. Wheat 23 seers 8 chittacks per rupee.
Bhopal ...	.....	No report received.
Agar ...	Nil	Weather clear. Agricultural prospects satisfactory.
Schore ...	0.38	Weather fine with occasional clouds. Prospects and public health good.
Nowgong ...	1.84	Prospects favourable. Health good. Prices stationary.
Manpur (Bhopawar) ...	.....	No report received.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
<b>Rajputana—</b>		
Abu (Sept. 26th)	·23	Weather clear and seasonable.
Sirohi ( „ 23rd)	·07	Tanks and wells full. Health good. Prospects fair. Weather warm.
Marwar ( „ 21st)	No rain	Four months' water in Jodhpore city. Tanks and wells filling up. Health good. Crops good. Weather partially cloudy, warm, and close. Prospects favourable. Another general fall of rain would vastly improve the new and the damaged crops, and ensure a tolerably good harvest. Prices stationary.
Meywar ( „ 23rd)	·26	Slight showers. Tanks and wells very good. Health good. Crops good.
Harowti ( „ 22nd)	Nil	Rabi operations in progress. More rain wanted. Weather clear. Heat great. Health good. Prices stationary.
Jhallawar ( „ 14th)	11·21	Tanks full; wells nearly so.
Do. ( „ 21st)	·13	Sufficient rain reported from all districts. Health good.
Ajmere ( „ 25th)	No rain	Heat excessive. Ground being prepared for rabi. Health good.
Jeypore ( „ „ )	Nil	Kharif prospects improved. More rain wanted in Kishanghur for wells and tanks. Health good. Prices steady.
Bhurtapore	.....	No report received.
Ulwur (Sept. 25th)	No rain	Preparations for rabi commenced. Prices falling. Health good.
<b>Nepal—(Sept. 20th)</b>		
Katmandu ...	1·91	Weather constantly cloudy and showery with some thunder. Prospects good.

E. C. BUCK,  
Secy. to the Govt. of India.

Lieutenant T. C. Pears, Officiating Political Assistant of the 3rd Class, to officiate as Political Assistant of the 2nd Class.

*The 27th September, 1883.*

**No. 2327 G.**—Captain C. E. Yate, Political Assistant of the 2nd Class, and Boundary Settlement Officer, Bhopal, is appointed to hold charge of the current duties of the office of Political Agent in Bhopawar, in addition to his own duties, with effect from the date of assuming charge, during the absence on privilege leave of Major J. Biddulph.

C. GRANT,

*Secretary to the Government of India.*

## DEPARTMENT OF FINANCE AND COMMERCE.

### NOTIFICATIONS

*Simla, the 29th September 1883.*

**No. 3470.**—In exercise of the powers vested in him by Section 8 of Act XVI of 1881 (The Obstructions in Fairways Act, 1881), the Governor General in Council is pleased to make the following Rule prohibiting the placing of fishing stakes in the fairway leading to the Port of Bombay:—

**Rule.**—It shall not be lawful to place fishing stakes outside the limits of the Port of Bombay to seaward of the 10-fathom line of soundings within 22 miles of the Prongs Light-house or within 18 miles of the Kennerly Light-house.

**No. 3546.**—In exercise of the powers conferred by Section 35 of the Court Fees Act, VII of 1870, the Governor General in Council has—

remitted the fees payable under the Court Fees Act on all documents filed, exhibited or recorded in, or received or furnished by, the Court of the Special Judge appointed under the Jhansi Encumbered Estates Act, 1882;

remitted the fees payable under the Court Fees Act on all documents connected with the proceedings in the Court of the Commissioner under the Jhansi Encumbered Estates Act, 1882, except on memoranda of appeal, and on applications for revision of any decision or order of the Special Judge under Chapter VI of the said Act;

directed that the fee payable under the Court Fees Act, 1870, on any appeal against a decision of the Special Judge under Chapter VI of the Jhansi Encumbered Estates Act, 1882, shall not exceed eight annas.

**No. 3554.**—Babu Umachurn Chackerbutty is appointed to officiate, until further orders, as Chief Superintendent in Class III, Financial Department, with effect from the 12th August 1883, and is attached to the Office of the Accountant General, North-Western Provinces and Oudh.

D. M. BARBOUR,

*Secy. to the Govt. of India.*

## MILITARY DEPARTMENT.

*Simla, the 28th September, 1883.*

### FURLOUGH AND LEAVE.

**No. 526.**—Surgeon G. S. A. Ranking, M.D., has been granted by the Right Hon'ble the Secretary of State for India furlough out of India, (m. c.) for 182 days, under rule VI of the regulations of 1875, with effect from the 24th March, 1883.

**No. 527.**—The undermentioned officers have been granted extensions of furlough by the Right Hon'ble the Secretary of State for India:—

Lieutenant-Colonel C. O'L. L. Prendergast, Bengal S. C., (m. c.) for six months.

Lieutenant-Colonel B. R. Brantill, Cavalry, (p. a.) for six months.

Brigade-Surgeon J. Jones, M.D., (m. c.) for six months.

Conductor W. Howes, Ordnance Department, (m. c.) for three months.

### LONDON GAZETTE.

**No. 528.**—The following extract is published for general information:—

*"London Gazette," dated the 28th August, 1883, page 4228.*

“WAR OFFICE;

*Pall Mall, 28th August, 1883.*

### MEMORANDA.

\* \* \* \*

The promotion to the rank of Colonel of Lieutenant-Colonel John Pringle Sherriff, Bengal Staff Corps, is antedated to 1st October, 1877.

The undermentioned Lieutenant-Colonels to be Colonels:—

John Malone Sexton, Bombay Staff Corps. Dated 19th October, 1881.

William Tweedie, C.S.I., Bengal Staff Corps. Dated 25th April, 1882.

Henry Alexander Little, Bengal Staff Corps. Dated 13th May, 1882.

Philip Crampton Rynd, Bengal Staff Corps. Dated 11th June, 1883.

James Galloway, C.B., Bombay Staff Corps. Dated 11th June, 1883.

Charles John Pearse, Madras Staff Corps. Dated 20th June, 1883.

### INDIAN STAFF CORPS.

The undermentioned Officers have been transferred to the Unemployed Supernumerary List:—

Colonel Harry Smith Obbard, Bengal. Dated 20th July, 1883.

Colonel Hungerford Meyer Boddam, Bengal. Dated 28th July, 1883.

Colonel Thomas Mowbray Baumgartner, Bombay. Dated 21st July, 1883.

### INDIAN LOCAL SERVICE.

The undermentioned Officers have been transferred to the Unemployed Supernumerary List. Dated 16th July, 1883:—

Lieutenant-General Frederick Charles Maisey, Bengal Infantry.

Major-General Henry Borlase Stevens, Bengal Infantry.

Major-General James Buchanan, Madras Cavalry.

Major-General William Martin Cafe, v.c., Bengal Infantry.

To be Lieutenant-General :—

Major-General William Henry Watts, Madras Infantry. Dated 16th July, 1883.

To be Lieutenant-Generals on the Unemployed Supernumerary List :—

Major-General Henry Borlase Stevens, Bengal Infantry. Dated 16th July, 1883.

Major-General James Buchanan, Madras Cavalry. Dated 16th July, 1883.

The undermentioned Officers have been transferred to the Unemployed Supernumerary List. Dated 1st August, 1883 :—

Lieutenant-General William Henry Watts, Madras Infantry.

Major-General George Travis Radcliffe, Madras Cavalry.

To be Lieutenant-General on the Unemployed Supernumerary List :—

Major-General George Travis Radcliffe, Madras Cavalry. Dated 1st August, 1883."

#### PROMOTIONS.

**No. 529.**—The following promotions are made, subject to Her Majesty's approval :—

##### BENGAL STAFF CORPS.

##### *To be Captains.*

Lieutenant Alfred Fox Cotton,—23rd September, 1883.

Lieutenant Frederick Charles Maisey,—23rd September, 1883.

Lieutenant George Wingate,—23rd September, 1883.

Lieutenant Charles Hogge,—23rd September, 1883.

Lieutenant John William Hogge,—23rd September, 1883.

Lieutenant Oswald Claude Radford,—26th September, 1883.

##### BENGAL ARMY.

##### *To be Colonel.*

Lieutenant-Colonel (Brevet Colonel) Henry Hamer Stansfeld, Bengal Infantry,—23rd September, 1883.

**No. 530.**—Under the provisions of the Royal Warrant of the 10th November, 1881, the name of Colonel R. M. Macdonald, Madras S. C., is placed on the list of Major-Generals on the Indian Gradation List, in consequence of the transfer to the Unemployed Supernumerary List of Colonel (Major-General on the Indian Gradation List) W. E. White, Madras S. C., on the 31st May, 1883 (since deceased).

#### **No. 531.**—ORDNANCE DEPARTMENT—

Sub-Conductor George Raffin, on probation, is confirmed in his present grade from the 5th March, 1883.

#### **No. 532.**—NATIVE ARMY—

##### *9th Native Infantry.*

Jemadar Jussoojat to be Subadar, *vice* Baboo Khan, invalided; Havildar Dost Mohammad Khan to be Jemadar, *vice* Jussoojat, promoted, —25th August, 1883.

#### RESIGNATIONS.

**No. 533.**—Second Class Assistant Apothecary George Edwards is permitted to resign the service.

G. CHESNEY,

*Secretary to the Government of India.*

#### PUBLIC WORKS DEPARTMENT.

#### NOTIFICATIONS.

*Simla, the 24th September 1883.*

**No. 222.**—Mr. H. C. Barnes, Deputy Examiner, 2nd Grade, is retransferred to the Engineer Establishment, with rank of Assistant Engineer, 1st Grade, and posted to Bengal.

*The 26th September 1883.*

**No. 223.**—Mr. W. Palmer, Examiner of Telegraph Accounts, is appointed Examiner, Public Works Accounts, Central India.

Major F. G. Oldham, R.E., Examiner, Public Works Accounts, Central India, is appointed Examiner of Telegraph Accounts.

*The 28th September 1883.*

**No. 224.**—Mr. A. T. Goodfellow, Deputy Examiner of Accounts, is, on return from furlough, posted to the Office of the Examiner of Guaranteed Railway Accounts, Calcutta.

Mr. R. A. English, Deputy Examiner of Accounts, is transferred from the Office of the Examiner of Guaranteed Railway Accounts, Calcutta, to the Office of the Examiner of Accounts, Military Works Branch, to join after arrival of Mr. Goodfellow.

Mr. F. W. Eicke, Assistant Examiner of Accounts, Military Works Branch, is transferred to the Office of the Examiner, Public Works Accounts, North-Western Provinces and Oudh.

W. S. TREVOR, Colonel, R.E.,

*Secy. to the Gov. of India.*





# The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, SEPTEMBER 29, 1883.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## PART II.

Notifications by High Court, Comptroller General, &c.

### GAZETTE OF INDIA.

#### NOTICE.

*The 17th March 1883.*

From the 7th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 31st March, all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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E. J. DEAN,

*Publisher, Gazette of India.*

### AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA.

#### NOTIFICATION.

*Indore Residency, the 19th September 1883.*

No. 2518.—Mr. R. M. Dane, C.S., Special Boundary Settlement Officer, Indore, is granted one month's privilege leave, from the 6th September 1883.

By Order,

C. E. YATE, *Capt.*,

*for 1st Asst. Agent, Govr. Genl.,  
for Central India.*

### AGENT, GOVERNOR GENERAL, FOR CENTRAL INDIA, P. W. D.

#### NOTIFICATION.—ESTABLISHMENT.

*Indore, the 21st September 1883.*

No. 13.—Mr. H. F. White, Executive Engineer, 1st Grade, is granted twelve months' furlough to Europe, with the usual subsidiary leave, the latter commencing from the forenoon of the 20th instant.

The local Administration declares that it has no objection to extension or commutation of the leave by the Secretary of State.

By Order,

C. S. THOMASON, *Col., R.E.*,

*Secy. to Agent, Govr. Genl.,  
for Central India, P. W. D.*

## EXAMINER OF FUND ACCOUNTS.

*Calcutta, the 19th September 1883.*

## Statement of Deposits made with the Military Orphan Fund in trust for Soldiers' Children.

Date of deposit.	Name and rank of father.	Corps.	Names of children.	Amount.
				₹ a. p.
Prior to 1842 .	Collins, —, Sergeant . . .	. . .	Two children . . .	157 14 1
" .	Lee, E., Corporal . . .	. . .	Two children . . .	111 9 6
" .	Smith, Henry, Sergeant . . .	. . .	Elizabeth . . .	828 0 0
" .	Smith, D., Sergeant Major . . .	. . .	Margaret . . .	78 6 5
" .	Story, —, Sergeant . . .	. . .	Thomas . . .	117 5 4
" .	MacConnell, Sergeant . . .	. . .	John . . .	77 15 3
" .	Rutherford, Sergeant . . .	. . .	Margaret . . .	138 10 8
" .	Hewetson, William, Gunner . . .	. . .	John . . .	47 5 7
" .	Taylor, John, Private . . .	. . .	John . . .	214 11 11
" .	Conroy, Peter, Corporal . . .	. . .	Thomas . . .	274 14 6
" .	McCullum, —, Conductor . . .	. . .	John . . .	354 6 10
" .	Gordon, James . . .	59th Foot . . .	James . . .	589 2 2
" .	Casey, Jeremiah . . .	87th " . . .	Daniel . . .	109 12 4
" .	Corbolly, Thomas, Private . . .	59th " . . .	Samuel . . .	62 12 3
" .	Cassidy, —, Corporal . . .	. . .	John . . .	61 3 9
" .	Hyde, Henry, Conductor . . .	. . .	Thomas . . .	187 1 10
" .	Hodgkinson, E., Troop Sergeant Major . . .	11th Dragoons . . .	William . . .	64 8 0
" .	Anderson, William, Corporal . . .	H. C. 1st En. Regt. . .	Mary Anne Margaret . . .	124 11 6
" .	White, W., Private . . .	3rd Buffs . . .	George and Mary Anne . . .	13 13 9
" .	Minogue, T., Private . . .	3rd " . . .	Thomas . . .	23 11 0
" .	Taylor, John, Bombardier . . .	. . .	Elizabeth . . .	43 0 0
" .	Neal, James, Private . . .	59th Foot . . .	James . . .	43 0 0
" .	Sherrock, J., Corporal . . .	. . .	Joseph . . .	160 0 0
" .	Moore, Bombardier . . .	. . .	Dorothy . . .	5 9 5
" .	Lawson, Henry, Laboratory Sergeant . . .	. . .	George . . .	11 8 2
" .	Creighton, James, Corporal . . .	13th L. Infy. . .	Mary Ann . . .	16 12 0
" .	McCoy, —, Sub-Conductor . . .	. . .	John and George . . .	958 3 2
" .	Long, R., Sergeant . . .	Allahabad Magazine Establishment . . .	Ann and Robert D. . .	137 3 9
" .	Baker, H., Gunner . . .	4th Co., 3rd Bn. Arty. . .	James . . .	32 1 4
" .	Hills, —, Gunner . . .	1st Co., 3rd B. A. . .	Sophia . . .	30 1 1
" .	Burns, James, Gunner . . .	Artillery . . .	Hannah . . .	10 5 9
" .	McKenny, R., Bombardier . . .	1st Co., 4th Bn. Arty. . .	Ann Eliza . . .	134 6 5
" .	Smith, J., Gunner . . .	1st Co., 2nd Bn. Arty. . .	Margaret . . .	6 6 5
" .	Byrne, F., Hospital Sergeant . . .	2nd Bn. Arty. . .	Charles . . .	123 13 4
" .	Flynn, J., Gunner . . .	3rd Troop, 1st Bde. H. Arty. . .	Elizabeth . . .	6 1 4
" .	Fagan, J., Gunner . . .	1st Co., 3rd Bn. Arty. . .	Mary and James . . .	11 12 9
" .	Johnson, C., Gunner . . .	1st Co., 5th B. Arty. . .	William . . .	3 0 6
" .	Twoomey, M., Gunner . . .	4th Co., 3rd B. Arty. . .	Michael, William, and Margaret . . .	21 2 11
" .	Ahern, William, Gunner . . .	4th Co., 2nd B. Arty. . .	John . . .	65 11 9
" .	McCormick, J., Gunner . . .	4th Co., 2nd Bn. Arty. . .	Bernard . . .	116 10 9
" .	Gavin, J., Gunner . . .	2nd Co., 3rd Bn. Arty. . .	Thomas and James . . .	189 3 6
" .	Bryan, D., Sergeant . . .	. . .	Mortimer . . .	12 10 11
" .	Reid, —, Sergeant . . .	Sappers and Miners . . .	Eleanor and Eunice . . .	68 6 5
" .	South, John, Sergeant . . .	. . .	Elizabeth Martha . . .	310 0 0
" .	Cunningham, Mathew, Private . . .	44th Foot . . .	Michael . . .	37 14 6
" .	Blyth, John, Conductor . . .	. . .	Children (names not recorded). . .	12 12 3
" .	Smith, T., Sergeant . . .	. . .	Esther and Amelia . . .	23 15 0
" .	Pierce, Qr. Mr. Sergt. . .	20th N. I. . .	Thomas . . .	711 15 2
" .	Driver, J., Sergt. Major . . .	. . .	Robert . . .	141 7 1
June 29, 1853 .	(Not Recorded) . . .	. . .	Bryan, Margaret and Wm. . .	53 8 3
" .	Canty, John, Bombardier . . .	3rd Co., 4th B. Arty. . .	John (died 11th May 1842) . . .	272 2 8
June 29, 1849 .	(Not recorded) . . .	. . .	Daly Robert . . .	23 9 1
" .	Patterson, John, Sergt. . .	1st Co., 4th B. Arty. . .	William H. . .	26 7 10
" .	Davis, D., Sergt. . .	4th Troop, 1st Bde., H. A. . .	Thomas . . .	23 15 2
Dec. 28, 1842 .	Wilson, T., Bazar Sergt. . .	. . .	Sophia . . .	132 9 0
Mar. 24, 1843 .	Nowlon, L., Farrier Sergt. . .	4th Troop, 2nd B. H. A. . .	Ellen . . .	112 9 0
Apl. 3, " .	Farrell, James, Gunner . . .	2nd Co., 5th B. Arty. . .	Charlotte . . .	4 2 8
" .	Roach, Edward, Private . . .	1st En. Lt. Infy. . .	David and Austel . . .	7 13 3
Mar. 9, 1844 .	Sheehan, B., Gunner . . .	3rd Co., 3rd B. Arty. . .	John and Patrick . . .	2 1 8
June 21, " .	Evans, George, Sergt. . .	1st Co., 2nd Bn. Arty. . .	Mary Ann and Catherine . . .	19 14 9
Sep. 19, " .	Andrews, —, Private . . .	44th Foot . . .	George . . .	200 0 0
Nov. 16, 1844 .	Gale, —, Private . . .	10th Foot . . .	John Thomas . . .	28 12 0
" 20, " .	Sullivan, John, Bombardier . . .	1st Co., 2nd B. Arty. . .	John . . .	130 0 0
Jan. 6, 1845 .	Dawe, John, Gunner . . .	3rd Co. " " . . .	William Henry . . .	55 12 9
" 6, " .	Barnes, Peter, Corporal . . .	1st Co. " " . . .	Mary Ann . . .	64 2 11
" 6, " .	Monaghan, Michael, Sergt. . .	1st Co. " " . . .	James . . .	156 12 5
" 15, " .	Godfrey, —, Sergt. Major . . .	. . .	Harriett M. and James . . .	31 14 1

Date of deposit.	Name and rank of father.	Corps.	Names of children.	Amount.		
				R	a.	p.
Feb. 14, 1845	Fry, —, Bugle Major	6th B. Arty.	James	12	6	9
" 14, "	Hannoo, John, Drummer	68th Regt. N. I.	Mary	28	8	3
July 9, "	Meaney, John, Sergt. Major	2nd B. H. A.	Henry and James	292	15	8
" 9, "	Murphy, Thomas, Bombardier	2nd T., 3rd Bde., II. A.	Ellen	77	4	11
" 9, "	Tate, William, Staff Sergt.	4th Co., 5th B. Arty.	Catherine Ann	167	15	5
" 9, "	Daley, Owen, Gunner	3rd Co. " "	Owen and William	14	3	1
" 7, "	Hay, A., Sergt. Major	" " "	Thomas	101	5	4
Sep. 1, "	Ryan, —, Sergt.	" " "	Julia B. and George J.	120	13	0
Jan. 7, 1846	Everett, Richard, Bombardier	5th Co., 5th B. Arty.	Caroline and Eliza	28	10	10
Aug. 8, "	McEnemy, Thomas, Conductor	" " "	Hannah	152	0	9
" " "	Glasseen, John, Corporal	" " "	Ellen Sarah	66	10	3
" " "	Ridley, Henry, Gunner	" " "	Henry	34	9	3
Oct. 16, "	Fowles, John, Sergt.	Artillery	Sarah Terrence and James	3	2	0
" 16, "	Lewis, Thomas, Gunner	" " "	Thomas	20	5	3
July 19, 1847	Lunn, Adam, Farrier	" " "	Adam T. and John	79	14	0
" " "	Clarke, William, Bombardier	1st T., 3rd B., H. Arty.	Children's names not recorded.	104	10	8
" " "	Prince, W., Sergt.	1st " 1st B., H. Arty.	Ditto ditto	125	15	10
" 6, 1847	Dobbins, Francis, Gunner	" " "	Martha	83	3	5
Jan. 11, 1848	Byrnes, —, Corporal	" " "	Maria	59	0	0
" 7, "	Willford, C., Qr.-Mr. Sergt.	" " "	Ann Louisa and Mary	200	15	0
June 26, "	Mathews, M., Sub-Conductor	" " "	Rachael	12	2	2
July 6, "	Braithwaite, W., Staff Sergt.	" " "	C. William and William H.	148	3	5
Jan. 13, 1849	Doherty, Michael, Sergt.	" " "	Oliver H. and Henrietta	77	8	10
May 9, "	Sheehan, D., Private	2nd En. Regt.	James	36	5	6
June 2, "	Moore, Benjamin, Private	1st En. B. F.	Sarah C.	9	8	4
" 2, "	Crowley, Charles, Private	" " "	John	7	6	1
Oct. 12, "	Deare, W., Conductor	" " "	Emiline	50	0	0
Nov. 21, "	Moget, —, Sergt. Major	" " "	George	69	11	4
Feb. 18, 1850	Peal, Robert, Sergt.	3rd Co., 1st B. Arty.	Robert Henry	69	7	10
" 18, "	Roote, Daniel, Gunner	1st Co., 4th B. Arty.	James	26	3	0
June 29, "	Uniaek, Patrick, Sergt.	1st Co., 3rd B. Arty.	John	29	15	0
July 18, "	Barker, J., Sergt.	" " "	William Robert	97	14	2
" " "	Sheehan, P., Gunner	Artillery	Patrick	23	5	6
Oct. 29, "	Lees, James, Corporal	2nd En. Regt.	Elizabeth	25	14	6
April 15, 1851	Mulvey, Robert, Corporal	2nd E. Regt.	Richard	28	1	11
Mar. 2, 1852	O'Hanlon, Patrick, Qr. Mr. Sergt.	" " "	Patrick and Catherine Mary	277	7	10
Sep. 14, "	Wade, Wm., Sergt.	1st Co., 4th B. Arty.	Sarah Ann, William Henry, Elizabeth, Esther, Jane, Wallis, and Ann.	72	9	5
Nov. 4, "	Hodgins, Adam, Gunner	2nd Co., 5th B. Arty.	William	9	11	11
Feb. 1, 1853	Edwards, Michael, Gunner	2nd Co., 5th B. Arty.	Jane and Bridget	36	5	9
Apl. 21, "	Staples, Edward, Sergt.	Sappers and Miners	E. W. H.	97	2	6
Sep. 13, "	Brown, Michael, Sergt.	Arracan Bn.	John	49	10	3
Dec. 2, "	Prendergast, J., Sub-Conductor	Ferozepore Magazine Establishment.	Eliza, Margaret Sarah, and Robert.	181	8	8
Jan. 24, 1854	Galway, Robert, Bombardier	1st Co., 2nd B. Arty.	William	206	1	2
Oct. 16, 1848	Butcher, H., Sergt. Major	Sirmoor Bn.	Johanna, Frederick, and David Edwin.	99	6	1
Jan. 18, 1855	Monrowd, George, Sub-Conductor	Ordnance Dept.	James, Frederick, Alfred, Georgiana, and Mary (died 15th June 1857).	184	14	9
Sep. 24, "	Franks, G., Bazar Sergt.	" " "	Mary	566	3	10
Oct. 15, 1857	Earle, Edward, Sergt.	Calcutta Town Guard	William Edward	209	14	0
Mar. 30, 1860	Eldridge, James, Riding Master	7th Lt. Cavy.	Walter Benjamin	195	4	6
Apl. 27, "	Rabbitt, Thomas, Sub-Conductor	Ordnance Dept.	George Thomas, Sarah Ann, Walter, and Edward William.	47	15	4
June 23, "	Smith, Joseph, Magazine Sergt.	Ditto	Step children and legatee Isabella Yates and John Andrew Armstrong (died 28th October 1860).	235	8	8
Dec. 1860	McDonnell, John, Private	97th Foot	Charles	25	15	6
Feb. 13, 1861	Scott, William, Sergt.	2nd Frs.	William, Annie and Emma	214	2	9
Apl. 27, "	Byrne, John, Conductor	" " "	Catherine and Lawrence	85	0	0
May 17, "	McConnell, Thos., Gunner	1st Co., 6th B. Arty.	Andrew.	167	7	0
Mar. 20, 1862	McDonnell, John, Sergt.	Ordnance Dept.	Alice and Charlotte	356	3	6
" " "	Pope, John, Sergt.	Commissariat Dept.	Maria and Catherine, and Edwin Joseph and Henry John.			
June " "	Keddie, J., Private	2nd En. B. Frs.	Jane and James	86	0	0
July 26, "	Lockhart, Hugh, Sergt.	42nd Foot	Georgina Sherriff, Elizabeth, and Alexina Anderson.	600	0	0
Jan. 27, 1863	Briggs, George, Sub-Conductor	" " "	Hannah and Mariah	73	5	0
July 22, "	Lowton, William, Color Sergt.	24th Foot	William Joseph	152	14	2
Jan. 1864	Jones, John, Gunner	G. Battery, 22nd B. R. Arty.	Henrietta Dalzell	39	5	10
Mar. 10, "	Anderson, William, Gunner	5th B., 25th B. R. A.	Duncan	35	4	11
May 19, "		" " "	" " "	"	"	"
July 18, 1865		2nd Dragoon Guards	Sophia M., Elizabeth Ann, (married) and George Edward.	12	0	0
Sep. 11, "	Blower, P., Park Sergt.	" " "	Sarah Ann	42	0	0

Date of deposit.	Name and rank of father.	Corps.	Names of children.	Amount.
				<i>R a. p.</i>
June 25, 1866	Mead, William, Bombardier	4-25th Royal Arty.	Mary Ann and Thomas	4 0 0
Jan. 17, 1867	Hannay, John, Gunner	E-16 Royal Arty.	Charlotte	168 7 5
Oct. 31, "	Hutchinson, John, Sergt.	Army Comt. Dept.	Rose	26 2 0
Nov. 29, "	Craker, Charles, Sergt.	2nd Dragoon Guards	Constantine	65 15 4
Feb. 14, 1868	Coates, Robert, Corporal	Royal Arty.	Ann Frances and Rosina Mary.	141 15 1
Feb. 1842	McCarthy, Quarter Master Sergt.		John	61 2 3
Feb. 3, 1842	(Not recorded)		Wilson, Sophia, Thomas, and Elizabeth.	204 7 8
Dec. 1869	Rice, James, Sergt.	C-S. R. A.	Martha and William	1,114 8 0
Feb. 1870	Thompson, Edward, Sergt.	R. A.	William James	39 13 0
Apl. 29, "	Upson, D., Corporal	R. S. and M.	Alexander and David	331 4 4
Oct. 9, 1871	York, R., Sergt.	Artillery	Henry J., Jane Elizabeth, Amelia Lavinia, Mary Ann (died 15th May 1872) Walter Charles.	84 4 10
Feb. 17, 1873	Lemon, George, Driver	R. H. A.	Margaret	74 6 9
July 17, "	Rogers, G. J., Conductor	Commissariat Dept.	William George	1,541 5 7
May 4, }	Mitchell, R., Trumpet Major	R. A.	Maud	165 1 9
Dec. 4, }				
Feb. 11, 1876	Thompson, Edward, Sergt.	8th B., R. A.	Margaret Emma	48 9 4
Oct. 31, "	Trollope, Henry, Sergt.	62nd Foot	John Henry	728 15 0
Dec. 20, "	Clarke, H., Drum Major	2-1 The Royal Scots	Ada, Annie, Rose, Emma, and Harry J.	475 8 6
Mar. 2, 1877	Longhurst, Chas., Bazar Sergt.	R. H. A.	Eliza Maria, Agnes Emma, and Caroline.	456 0 0
Aug. 13, "	Meehan, Peter, Private	2nd B. R. Scots	Joseph	37 1 8
Sep. 22, "	Murphy, Wm., Private	12th Foot	Earnest and Reuben	40 7 3
Jan. 8, 1879	Utting, J., Sub-Conductor	Ordnance Dept.	Frederick James, George Edward, and Albert Edward.	240 0 0
Feb. 21, 1880	Donohue, Andrew, Private	29th Foot	Ann, Mary Ann, and William.	150 0 0
Dec. 20, "	Holland, George, Sergt.	85th Foot	Constance Rebecca and Annie Theresa.	223 4 0
Jan. 16, 1883	Lyas, A., Private	2nd B., Warwickshire Regt.	Adolphus George and Wallace.	125 10 3
" 17, "	Tough, Charles, Sergt. (step-father late Gunner S. Hoberoff).	7-1 London Dn., R. A.	Charles George, Munnio Mahy, Thomas Henry, and Emma Ellen.	243 7 3
Apl. 30, "	Gillon, Thomas, Pioneer Sergt.	1 B., East Lanc. Regt.	John and Thomas Charles	26 0 0

Besides the above the following are in the custody of the Examiner, Fund Accounts:—

On account orphan Tough	A 4 per cent. Government Promissory Note for Rs1,500 and a Guernsey Savings Bank Deposit Book containing £64-1-1, also a Pocket Account Book.
" Mead	One gold wedding-ring.
The children of late Mrs. White	H. M.'s 79th Regt.—A packet containing sundries.
Orphan Maud Mitchell	One box containing sundries.

NOTE.—Interest on these deposits ceases from the date on which the Ward comes of age or leaves the Institution. Applications for payment of the deposits should be made direct to the Examiner of Fund Accounts, Calcutta, who will supply the necessary form of receipt, &c.

G. L. SUTHERLAND, *Surgeon-Major,*  
*Examiner, Fund Accounts.*

#### Statement of the Affairs of the Bank of Bengal for the week ending 25th September 1883.

LIABILITIES.			ASSETS.		
	<i>R</i>	<i>a. p.</i>		<i>R</i>	<i>a. p.</i>
Capital paid-up	2,00,00,000	0 0	Government Securities	55,25,412	4 0
Reserve Fund	35,10,581	4 4	Other authorized Investments	58,55,362	8 0
	<i>R a. p.</i>		Loans on Government and other authorized Securities	1,41,02,776	9 6
Public Deposits at Head Office	1,10,29,610	7 3	Accounts of Credit on Government and other authorized Securities	51,01,464	7 10
Public Deposits at Branches	1,76,26,685	6 3	Bills discounted and purchased	2,06,34,811	0 7
Other Deposits at Head Office and Branches	2,09,26,781	3 3	Balances with other Banks	5,28,946	5 10
Bank Post Bills, &c.	5,78,169	14 11	Bullion	1,10,256	3 3
Sundries	11,59,700	4 5	Dead Stock	11,95,593	4 11
			Stamps	7,835	14 0
			Sundries	6,01,159	2 2
				5,36,63,617	12 1
				<i>R a. p.</i>	
			Cash and Currency Notes at Head Office	72,27,727	1 4
			Cash and Currency Notes at Branches	1,39,40,203	11 0
				2,11,67,930	12 4
<b>RUPEES</b>	<b>7,48,31,548</b>	<b>8 5</b>	<b>RUPEES</b>	<b>7,48,31,548</b>	<b>8 5</b>

**AGENT, GOVERNOR GENERAL, FOR  
RAJPUTANA.**

**NOTIFICATION.**

*Mount Abu, the 20th September 1883.*

**No. 3418 G.**—With reference to Foreign Department Notification No. 2215 G., dated 12th September 1883, Captain A. C. Talbot, Political Agent, Bhurtpure and Kerowlec, assumed charge of the current duties of the Office of Assistant Agent to the Governor General, Shujangarh, in addition to his own duties, from Major A. W. Roberts, on the forenoon of the 10th August 1883.

By Order,

**E. A. FRASER,**

*1st Asst. Agent to the Govr. Genl.*

**AGENT, GOVERNOR GENERAL, RAJPUT-  
ANA, AND CHIEF COMMISSIONER,  
AJMER-MERWARA.**

**NOTIFICATION.**

*Mount Abu, the 20th September 1883.*

**No. 2479 S.**—Mr. C. S. Rennie, Assistant Engineer, 2nd Grade, in the Public Works Department of this Province, passed the Lower Standard Examination in Hindustani on the 3rd September 1883.

By Order,

**H. Y. MURRAY, Major,**

*Offg. Secy. to the Chief Commr. in the P. W. D.,  
Ajmer-Merwara.*

**MILITARY WORKS DEPARTMENT.**

**NOTIFICATION.**

*Simla, the 20th September 1883.*

**No. 26.**—Lieutenant E. C. Stanton, R.E., Assistant Engineer, 2nd Grade, was granted furlough in India on medical certificate from 22nd February to 3rd April 1883, inclusive.

**J. J. McLEOD INNES, Colonel, R.E.,**

*Insp. Genl. of Military Works.*

**ACCOUNTANT GENERAL'S OFFICE,  
Public Works Department.**

**NOTIFICATION.—ESTABLISHMENT.**

*Simla, the 20th September 1883.*

**No. 1.**—Mr. F. R. White, Accountant, 1st Grade, and Honorary Assistant Examiner, is transferred from the North-Western Provinces and Oudh to the Military Works Branch.

Mr. G. A. James, Accountant, 1st Grade, and Honorary Assistant Examiner, is transferred from the Military Works Branch to the North-Western Provinces and Oudh.

**A. FILGATE, Lieut.-Col., R.E.,**

*Accountant General.*

**ORDERS BY THE VICE-CHANCELLOR  
AND SYNDICATE OF THE CALCUTTA  
UNIVERSITY.**

The following changes in the Regulations for the Examinations of Female Candidates having been sanctioned by the Senate and approved by His Excellency the Governor General of India in Council, are published for general information.

For the Regulations for the First Examination in Arts, Bachelor of Arts, and for the Degree of M. A., the following Regulations have been substituted, with effect, as regards the First Examination in Arts, from 1st of January 1884, and as regards the Bachelor of Arts, and for the Degree of M. A., from 1st of January 1885.

The first alteration refers to Rule 3 in the Regulations for the F. A. Examination of Female Candidates the word "Physics" has been substituted for the words "the subjects included in the second Mathematical paper in the F. A. Examination."

The second alteration refers to the omission of Rule 2 in the Regulations for the B. A. Examination of Female Candidates.

The third alteration refers to the omission of the 1st Clause of Rule 3 in the Regulations for the B. A. Examination of Female Candidates.

The fourth alteration adds the Regulations that "The M. A. Examination shall be the same for females as for males."

**G. BELLETT,**

*Registrar.*

SENATE HOUSE.

*The 11th August 1883.*

In consequence of unforeseen delay in printing Examination papers, the University Examinations in Arts of 1883 will be held on the undermentioned dates instead of the dates notified in the *Gazette of India* of August 11th and 18th, and *Calcutta Gazette* of August 15th:—

Entrance Examination and First Examination in Arts, on Monday, the 17th December, and following days.

Applications from Candidates for admission to the Entrance and First Arts Examinations must be lodged with the Registrar on or before the 17th November.

**G. BELLETT,**

*Registrar.*

SENATE HOUSE,

*The 18th September 1883.*

**DIRECTOR GENERAL OF RAILWAYS.**

**NOTIFICATIONS.—ESTABLISHMENT.**

*Simla, the 19th September 1883.*

**No. 47.**—Mr. M. S. N. Hequet, Honorary Assistant Engineer, 1st Grade, is transferred from the Punjab Northern State Railway to the Indus Valley and Kandahar State Railway.

*The 20th September 1883.*

**No. 48.**—With reference to Public Works Department Notification No. 217, dated 19th September 1883, Mr. C. H. Mackie, Assistant Locomotive Superintendent in Class III of the Superior State Railway Revenue Establishment, is posted to the Rajputana-Malwa State Railway.

H. F. HANCOCK, Col., R.E.,  
Offg. Director General of Railways.

### WANTED

ENGLISH AND PERSIAN WRITER.

Required for the Commissioner's Office, Peshawar, a Deputy Superintendent and Translator. His work will be entirely with the Commissioner, and confidential, and he must possess a thorough and idiomatic knowledge of English and Persian for correspondence in both languages; pay Rs130, with prospects; apply in own hand-writing with copies of certificates, not originals, to Commissioner, Abbottabad.

### Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1883.	Rs	Rs	Rs	Rs	Rs	Rs
Sept. 17	...	...	3,15,425	2,67,808	47,45,310	33,00,508
" 18	...	...	...	2,67,808	47,45,310	33,00,508
" 19	...	...	...	2,67,808	47,45,310	33,00,508
" 20	...	...	...	2,67,808	47,45,310	33,00,508
" 21	...	...	1,87,919	81,116	49,37,260	35,52,648
" 22	...	...	80,028	324	50,25,133	30,40,420

J. F. TENNANT, Major-Genl., R.E.,  
Mint Master.

CALCUTTA MINT.  
*The 24th September 1883.*

### CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

#### Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.			
Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs	
183	P 39—20940	50	Babu Baney Madhub Mookenjee.
184	P 76—05601	100	Inspector O. C. Banerjee, Burro Bazar Thanaah, Calcutta.
185	P 76—05707	100	
"	—05708	100	
"	—05709	100	
"	—05710	100	
"	P 44—50272	100	
"	—60890	100	Mrs. C. S. Beglar.
"	—98023	100	
186	P 41—18006	100	
187	P 47—78906	1,000	Hanoopershad Sheopershad.
188	P 76—02132	100	Akbar Uzuman.
189	P 41—80371	100	Babu Denonath Chatterjee.
190	P 44—81304	100	Shew Sing Janki Das.

CALCUTTA.  
*The 25th September 1883.*

J. TAYLOR,  
Asst. Compt. Genl., in charge, Paper Currency.

### Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		Rs	
12	E 19—32675	50	Hazari Lal, Nazir, Jhansi.

LAHORE.

*The 22nd September 1883.*

W. H. EGERTON,  
for Depy. Commr. of Paper Currency.

### POST OFFICE.

### NOTIFICATIONS.

*Unclaimed Letters held in the Calcutta General Post Office on 27th September 1883.*

Burbridge, J.	Hawes & Co.	Schwartz, S.
Calthurst, J.	Heriot, J.	Sidavid, Monsieur.
Carben, Herrn.	Jones, A. F.	Sullivan, S.
Cooper, Geo. W.	Lodge, H. B.	Thurber, Gates & Co.
Craven, D. H.	Lowry, Lt. F. J.	Waters, J. Harry.
Dutta & Co., R.	Oehme, D. J.	Williamese & Co.
Godfrey, Thos.	Pearce, Richard.	

### Letters marked "Care of Post Office."

Agist, John.	Erter, Frau. Merric.	M. M. M.
A. Q. R.	"Fells."	Misud, George.
A. X. Y. Z.	Fergus, Mrs. M.	Mosse, W. Forbes.
B. B.	Field, Miss Fauny.	Nordt, Miss Minnie.
Barber, C. J.	Fount, P. S.	Pearson, H. J. F. G.
Battersby, Leslie C.	Furell, Mrs.	Rains, —
Bradley, Walter.	Gahan, Capt. R. L.	Rathergard, R. C.
Bradshaw, D. E.	Gelseid, Leann.	Rode, Capt. J.
Brown, John.	Hallewell, J. A.	Ross, C. Henry.
Burlington, Charles.	H. R. A.	Ryan, J. H.
Calver, James.	Hilbert, J.	Sanford, E. C. Aysh-
Canar, Madame A.	Ingels, H. V.	ford.
Campbell, Dr. M. R.	Jones, H.	Schnottler, F. B.
Chase, J.	Jones, John.	Scott, Montagu Hill.
Comber, B.	Karoly, S.	Specht, Otto.
Coutt, P. S.	Kavanagh, P.	Spencer, Mrs. L.
Crispin, C. Umberto.	Kinnalus, W. J.	Tancovich, Mendel.
Croose, Richard Victoria.	Kirkbride, J.	Tayfenberg, Marco.
Crowther, John.	Langley, Manly G.	Tomlinson, Capt. Joseph
Dalyell, Mrs. R. F.	Lee, Frederick.	s.
Dean, William Edward.	Lloyd, John Henry.	Tucker, Mrs.
Douglas, P. H.	Lynam, B.	VansAgnew, Lieut. P. A.
Dyett, B. H. R.	McKay, James B.	Wyndham, W. G.
Engel, Israel.		

### Registered Letters.

Kemp, A. Garnett.	Menzies, Charles.	Weben, Madame Mar-
McDonald, David.	Nardini, Sig. Raffaele.	tha.

*Calcutta, the 29th September 1883.*

It is hereby notified for general information that the following mail despatches to Ceylon will be made from the Calcutta General Post Office during October 1883:—

DATE OF CLOSING.	ROUTE.
2nd October 1883	By P. & O. Steamer from Bombay.
3rd October 1883	By P. & O. Steamer from Calcutta.
8th October 1883	By French Steamer.
12th October 1883*	By H. I. S. N. Co.'s private vessel.
16th October 1883	By P. & O. Steamer from Bombay.
19th October 1883	By P. & O. Steamer from Calcutta.
26th October 1883*	By H. I. S. N. Co.'s private vessel.
26th October 1883*	By Star Line private vessel.

\* These dates are subject to alteration in the event of departure of the vessels being delayed.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamer is three (3) annas per ½ oz. (prepayment optional).



## SEA AND FOREIGN MAILS.

Foreign Mails for	Date.	Per Steamer
	1883.	
Persian Gulf . . . . .	29th Sept.	From Bombay.
Persian Gulf . . . . .	6th Oct.	From Bombay.
Madras, Ceylon, and Intermediate Ports . . . . .	5th "	Str. <i>Sirdhana</i> .
Madras and Ceylon . . . . .	3rd "	P. & O. Str. <i>Ganges</i> .
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies . . . . .	2nd "	From Bombay.
Foreign Mails <i>via</i> Bombay . . . . .	2nd "	From Bombay.*
Do. Hook Post and Pattern Packets . . . . .	1st "	From Bombay.
Rangoon, Moulemein, and Straits . . . . .	4th "	Str. <i>Paralia</i> †
Chittagong, Akyab, Kyauk Phyoo, and Rangoon . . . . .	4th "	Str. <i>Cocanada</i> .
Madras, Ceylon, Batavia, Singapore & China . . . . .	8th "	French Str. <i>Tiber</i> .
Straits and Hong-Kong . . . . .	6th "	Strs. <i>A. Apear</i> & <i>Maray</i> .

\* Also for South Africa *via* England can be forwarded.

† Also for Port Blair can be sent by this opportunity.

N.B.—The letter-box will close at 7 P.M. precisely; after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON,

Presidency Post Master.

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## گورنمنٹ سنکونا فبري فيوج .

یہ دوا کوئینائین کا خوب قائم مقام ہی اور کلکتہ کے ہوائیکل گارتن یعنی کمپنی باغ کے سپرنٹنڈنٹ صاحب سے ہر ایک ملازم سرکاری واسطے سرکاری کام اور خیرات کے اور سیواے اوتکے جو کوئی ایک مشیت بیس پونڈ خرید لینے سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا چار روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا آٹھ روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا سولہ روپیہ آٹھ آنہ ،

اور عوام الناس ہوائیکل گارتن یعنی کمپنی ہا کے سپرنٹنڈنٹ صاحب سے بقیہ نقد حسب نرخ ذیل خرید کرسکتے ہیں یعنی نرخ چار اونس کے تین کا پانچ روپیہ آٹھ آنہ ; آٹھ اونس کے تین کا دس روپیہ آٹھ آنہ ; ایک پونڈ کے تین کا بیس روپیہ

یہ دوا کلکتہ کے بڑے بڑے دیتی اور دیسی دواخانوں میں مکتی ہی ماسیواے قیہ مذکورہ بالا کے محصل ذاک چار رو آٹھ اونس کے تین کا آٹھ آنہ ; اور ایک پونڈ کے تین کا بارہ آنہ

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Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts . . . . .	8	0	0
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# The Gazette of India.

PUBLISHED BY AUTHORITY.

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CALCUTTA, SATURDAY, SEPTEMBER 29, 1883.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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## PART III.

### Advertisements and Notices by Private Individuals and Corporations.

#### PROMISSORY NOTES.

##### Lost

The Government Promissory Notes, Nos. 161053 and 161054, of the 4 per cent. of 1865, for Rs. 1,000 each, originally standing in the name of the Comptroller General, and last endorsed to the proprietor, by whom they were never endorsed to any other person. Payment of the above Notes and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of duplicates in favour of the proprietor.

PANNA LALL,  
*Late Command Gomashta,  
Kooncha Sunjogee Ram, Delhi.*

##### Partially destroyed by White-Ants.

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the interest thereupon has been stopped at the Loan Office, and application is about to be made for payment to the undersigned of the principal and interest due.

N. VYTHILINGA PILLAI,  
*Grandson and Legal Representative  
of Armogatha Pillai, deceased.*

NEGAPATAM,  
*The 10th September 1883.*

##### Destroyed.

The Government Promissory Note No. 038264, of the 4 per cent. of 1865, for Rs. 500, originally standing in the name of Gopaul Chunder Sreemany, and last endorsed to Brojo Coomary Dass, the proprietress, by whom it was never endorsed to any other person. Payment of the above Note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is to be made for the issue of duplicate in favor of the proprietress.

SOSHE BHUSHAN BYSACK,  
*69, Beadon Street,  
Calcutta.*





SUPPLEMENT TO  
**The Gazette of India.**

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9 39.} CALCUTTA, SATURDAY, SEPTEMBER 29, 1883.

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GOVERNMENT  
DEPARTMENT OF

PRICES CURRENT OF FOOD-GRAINS THROUGH

PROVINCES		DISTRICTS.	QUANTITIES PER H																	
			Wheat.			Barley			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), <i>Holcus</i> <i>Sorghum</i> .			Bulrush Millet bho, Bajra <i>Pennisetia gl.</i>		
			Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	
MADRAS.	Ganjam . . . . .	9 10	10 5	7 6	...	...	...	17 0	17 0	17 13	17 14	17 14	19 8	...	...	...	...	...	...	
	Vizagapatam . . . . .	10 0	9 8	10 0	...	...	...	9 8	9 8	9 0	11 14	11 14	11 5	23 13	21 10	21 10	23 13	23 13	...	
	Godavery . . . . .	10 13	10 13	11 11	...	...	...	10 14	10 14	13 14	14 0	14 0	17 0	23 0	23 0	23 13	...	...	...	
	Kistna . . . . .	8 13	8 13	12 11	...	...	...	14 0	14 0	15 11	14 11	14 11	16 5	20 13	20 13	24 14	...	...	...	
	Nellore . . . . .	10 13	9 14	12 10	...	...	...	13 14	13 14	15 13	15 0	15 0	17 0	21 10	24 8	29 11	...	...	...	
	Cuddapah . . . . .	12 14	12 14	13 3	...	...	...	12 6	12 6	11 14	13 5	13 5	13 11	29 3	328	6 26	13 31	331	3	
	Anantapur . . . . .	13 6	13 6	13 6	...	...	...	11 13	11 13	12 13	12 5	12 5	15 2	30 14	14 30	14 30	230	230	2	
	Bellary . . . . .	17 5	16 5	16 5	...	...	...	11 13	11 13	12 5	13 0	13 0	13 8	37 23	235	0 30	223	3	3	
	Kurnool . . . . .	12 2	12 2	12 11	...	...	...	10 10	10 10	10 10	11 6	11 6	11 6	37 0	35	10 31	8 31	14 31	3	
	Madras . . . . .	11 5	11 5	9 13	...	...	...	13 8	13 8	13 8	15 2	15 2	15 2	22 5	22	5 23	0 23	13 23	13	
	Chingleput . . . . .	...	...	...	...	...	...	13 8	13 8	14 10	15 2	15 2	15 14	...	...	...	21	2	...	
	North Arcot . . . . .	9 11	9 11	9 5	...	...	...	13 8	13 8	14 11	16 14	16 14	16 14	...	...	34 10	31	5 31	5	
	South Arcot . . . . .	9 6	9 6	9 0	...	...	...	13 11	13 11	15 11	14 14	14 14	16 3	...	...	33 10	28	8 28	8	
	Tanjore . . . . .	11 13	11 13	8 13	...	...	...	17 13	17 3	15 13	...	...	...	33	6 31	0 31	13	12	0 1 14	
	Trichinopoly . . . . .	9 10	9 10	9 3	...	...	...	15 13	15 13	14 6	16 11	16 11	14 14	33	10 30	13 25	3 30	8 30	8	
	Madurai . . . . .	12 8	12 8	12 0	...	...	...	15 8	16 0	14 5	16 0	16 14	14 13	38	14 38	14 31	0 32	5 32	5	
	Tinnevely . . . . .	10 10	10 10	8 0	...	...	...	16 5	16 5	15 6	16 13	16 13	15 13	...	...	...	...	...	...	
	Coimbatore . . . . .	13 2	13 2	11 8	...	...	...	14 6	14 6	13 8	15 6	15 6	14 14	27	13 27	13 21	5 30	3 27	13	
	Nilgiris . . . . .	10 10	10 10	7 2	...	...	...	11 3	11 3	9 10	12 0	12 0	11 3	20	0 21	10 20	0 21	0 19	19	
	Salem . . . . .	12 11	12 11	10 3	...	...	...	14 0	14 0	13 2	14 11	15 0	14 2	32	13 32	13 27	5 29	8 27	2	
	South Canara . . . . .	7 11	7 11	8 10	...	...	...	9 11	9 11	8 11	12 3	12 3	11 13	...	...	...	...	...	...	
	Malabar . . . . .	8 10	8 10	7 14	...	...	...	15 6	15 0	13 13	18 3	15 13	14 8	...	...	...	...	...	...	
BOMBAY.	Bombay . . . . .	10 0	10 5	10 1	16 5	21 4	18 9	7 5	7 7	7 10	11 3	12 1	10 7	17 14	18	5 20	10 15	15 14	10	
	Ahmedabad . . . . .	12 0	11 0	14 8	19 0	19 8	...	6 8	10 0	7 8	12 0	12 0	8 0	14 8	14	0 17	8 30	0 14	0	
	Kaira . . . . .	10 10	11 0	11 13	20 0	20 0	20 0	9 11	9 11	10 0	13 5	13 0	16 0	13	5 11	0 16	0 12	12 13	0	
	Surat . . . . .	11 4	11 4	12 8	12 4	12 4	7 11	7 6	7 6	8 3	8 5	8 5	8 12	19	2 19	2 15	9 14	0 14	0	
	Broach . . . . .	12 4	12 4	13 5	...	...	...	9 15	10 0	11 1	12 12	11 7	12 9	16	0 16	0 16	9 13	14 13	14	
	Tanna (Salsette) . . . . .	9 12	9 12	10 5	...	...	...	7 13	7 13	8 3	8 2	8 2	10 0	18	10 18	10 18	10 15	0 15	0	
	Colaba (Alibag) . . . . .	8 8	8 8	8 8	...	...	...	7 8	7 8	6 12	12 0	12 8	13 8	...	...	...	...	...	...	
	Khandesh (Dhule) . . . . .	14 0	14 0	15 0	...	...	...	7 9	7 9	7 4	10 13	10 13	10 15	16	14 16	14 23	13 14	4 14	4	
	Nasik . . . . .	14 4	14 4	14 4	...	...	...	7 7	7 7	7 7	13 6	13 6	12 0	...	22	6	...	15	6 15	5
	Ahmednagar . . . . .	13 4	14 6	14 6	...	...	...	8 6	9 10	9 11	10 9	11 4	12 0	23	6 21	14 30	9 17	6 18	9	
	Poona . . . . .	12 10	11 8	12 10	9 4	9 4	...	9 13	9 13	11 0	11 0	11 0	12 4	20	11 19	9 25	0 17	2 16	2	
	Sholapur . . . . .	14 10	15 6	13 9	...	...	...	10 6	11 6	10 5	12 4	12 4	11 5	27	10 23	14 36	4 22	15 23	6	
	Kaladgi (Bagalkot) . . . . .	19 8	19 8	22 0	16 8	16 0	14 8	6 8	6 8	6 8	11 8	11 0	9 0	31	0 23	8 39	0 23	0 26	8	
	Natura . . . . .	13 6	13 6	12 1	...	...	...	8 14	8 14	9 11	11 7	11 7	11 7	20	0 19	5 26	10 18	2 13	12	
	Belgaum . . . . .	16 8	16 8	19 0	14 8	14 8	13 0	11 8	11 3	9 13	12 0	11 11	10 5	17	8 17	0 27	12 19	0 19	0	
	Dharwar (Hubli) . . . . .	23 0	23 0	23 0	...	...	...	13 0	13 0	12 0	16 0	16 0	13 0	25	0 24	0 29	0 24	0 24	0	
	Ratnagiri . . . . .	9 4	9 4	10 9	...	...	...	8 9	8 9	7 13	13 7	13 7	12 11	...	...	18 3	13 8	13 8	8	
	Kanara (Harwar) . . . . .	9 0	9 0	10 8	...	...	...	8 0	8 0	8 0	12 0	12 4	11 0	16	0 16	0 14	0	...	...	
	Panch Mulshi (Godhna) . . . . .	10 8	11 6	11 6	...	...	...	11 6	11 6	11 6	13 5	13 0	15 0	21	0 22	13 32	0 12	13 16	0	
	Aden . . . . .	7 0	7 0	8 0	...	...	...	6 3	6 3	6 3	7 0	7 0	7 0	12	7 12	7 9	5 11	3 11	3	
	Asurgarh . . . . .	13 12	13 12	14 0	...	...	...	11 14	12 0	10 15	14 0	14 0	12 4	17	9 18	0 21	5 17	12 17	12	
	Baroda . . . . .	9 5	9 5	10 9	14 0	13 7	14 2	8 12	8 3	8 13	11 1	11 1	11 11	14	9 15	3 17	10 12	13 12	13	
	Diss . . . . .	12 2	13 14	14 8	...	...	...	6 14	6 14	6 6	9 0	9 0	8 11	14	8 14	8 8	11 11	2 15	14	
	Nimach . . . . .	16 12	16 6	16 0	22 0	20 0	17 0	8 12	8 12	9 0	10 0	10 0	10 0	22	0 19	8 21	0 12	0 12	12	
	Nasirabad . . . . .	14 11	16 8	16 5	20 7	24 2	23 3	6 0	6 0	6 0	7 0	7 0	7 0	18	5 20	0 22	15 15	4 17	5	
	Rajkot . . . . .	13 0	14 8	13 8	...	...	...	6 8	6 8	6 8	9 0	9 0	11 0	16	0 18	0 15	8 13	8 14	12	
	Upper Sindhi Frontier . . . . .	13 12	14 0	13 0	23 8	24 8	24 4	11 4	11 4	11 4	13 4	13 4	20 0	27	12 30	0 32	0 23	8 32	0	
	Karachi . . . . .	12 8	13 1	12 5	23 0	22 0	20 0	9 0	9 8	9 8	14 0	15 0	18 0	30	4 21	8 22	0 16	0 13	0	
	Haidarabad (Nakur) . . . . .	13 4	18 0	14 0	24 8	24 0	26 0	11 8	12 0	13 0	24 0	17 0	16 0	25	0 26	0 30	0 21	0 24	0	
	Shikarpur . . . . .	13 0	13 0	12 6	25 0	23 8	24 0	11 10	12 0	12 6	17 0	18 0	19 0	25	14 28	8 27	0 25	14 30	8	
	Sukkur . . . . .	13 8	14 0	14 0	25 8	27 8	30 8	10 0	11 8	11 12	11 8	13 0	17 8	25	8 25	8 26	12 23	0 26	0	
	Thar & Larhar (Umarmkot) . . . . .	12 13	13 0	18 0	...	...	...	...	...	...	12 13	13 0	13 4	...	...	...	16 1	19 0	0	
BENGAL.	Western Districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Bygdwal . . . . .	15 0	15 0	13 0	22 8	21 0	32 8	17 8	17 4	21 12	22 11	22 12	24 0	...	...	...	...	...	...	
	Bancoorah . . . . .	13 0	14 8	13 8	16 0	16 0	15 0	20 0	19 0	18 8	25 0	24 8	23 8	...	...	...	...	...	...	
	Beerbhoom . . . . .	15 8	15 0	13 0	...	...	...	16 8	16 8	17 0	21 0	21 0	19 8	...	...	...	...	...	...	
	Midnapore . . . . .	13 0	14 0	13 0	17 0	17 0	...	17 0	18 0	21 0	24 0	22 0	25 0	...	...	...	...	...	...	
Hooghly . . . . .	13 0	13 0	15 0	...	...	...	9 0	9 0	10 0	17 0	16 0	19 0	...	...	...	...	...	...		
Howrah . . . . .	13 4	13 4	13 4	...	...	...	13 8	13 8	16 0	17 8	17 8	18 0	...	...	...	...	...	...		

... 18-24 seers, Cutwa 17-5 seers, and Ranogunge 13-4 seers.

OF INDIA.

ANCE AND COMMERCE.

INDIA FOR THE 2nd HALF OF AUGUST 1883.

SEKERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavara, Veragu, Sawee, Cheena, Coraloo, Murrh- wa, Nuzlee), Panicum Miliaceum, &c.									Gram.			Firewood			Salt.						DISTRICTS.						PROVINCES.			
Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Wholesale.			Retail.									
Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.		
5	3	32	3	35	3	33	5	33	5	26	10	215	13	215	13	215	13	14	10	14	10	15	3	14	0	14	0	Ganjam		
3	3	22	3	25	5	32	13	33	14	23	6	83	10	83	10	93	5	14	10	14	10	15	3	14	0	14	0	Vizapatnam		
0	14	29	2	29	2	32	8	31	8	26	3	194	6	194	6	194	6	14	10	14	10	14	10	14	10	14	10	Godavery		
5	0	25	0	32	5	29	10	29	10	21	11	145	13	145	13	145	13	15	11	15	11	16	5	15	3	15	3	Kistna		
5	8	25	8	32	13	24	2	22	10	22	2	93	5	93	5	186	10	14	13	14	13	15	6	14	13	14	13	Nellore		
0	0	30	0	31	8	33	8	34	6	27	2	194	6	194	6	194	6	17	2	17	2	17	8	16	10	16	10	Cuddanah		
1	0	31	0	31	0	38	2	38	2	31	5	...	...	...	...	...	...	14	5	14	5	14	5	14	5	14	5	Amantapur		
4	14	33	0	29	2	35	13	33	10	29	2	94	13	94	13	97	3	15	13	15	13	15	11	15	8	15	8	Bellary		
...	...	...	...	29	10	30	11	30	0	26	3	175	0	182	11	178	13	14	13	14	13	14	13	14	6	14	6	Kurnool		
4	11	24	11	28	0	25	5	25	5	24	10	85	0	85	0	81	6	16	14	16	14	16	11	16	8	16	8	Madras		
5	0	26	0	27	6	25	0	25	0	24	10	92	5	92	5	92	5	17	5	17	5	17	5	17	0	17	0	Chingleput		
2	8	32	8	33	5	28	10	28	10	24	10	140	0	140	0	140	0	14	13	15	6	14	13	14	13	14	13	North Arcot		
9	6	29	6	30	3	25	0	25	0	29	5	201	11	201	11	201	11	19	5	19	5	19	5	18	6	18	6	South Arcot		
0	5	36	3	31	11	28	0	28	0	27	2	194	6	194	6	194	6	15	10	15	10	15	10	15	3	15	3	Tanjore		
5	11	34	2	28	13	30	13	30	13	30	0	97	3	97	3	97	3	17	13	17	13	17	13	17	0	17	0	Trichinopoly		
3	11	38	11	33	5	35	10	35	10	32	14	170	2	170	2	145	13	17	5	17	5	14	0	16	13	16	13	Madura		
...	...	...	...	...	...	...	...	...	...	...	...	70	0	70	0	81	10	18	11	18	11	18	11	18	5	18	5	Timnevelly		
9	8	29	8	27	14	33	3	34	3	32	5	131	3	131	3	131	3	15	2	15	2	14	11	14	10	14	10	Coimbatore		
1	10	21	10	20	3	23	3	24	2	19	14	161	13	161	13	161	13	13	0	13	0	11	0	12	0	11	0	Nilgiris		
0	13	29	2	27	5	35	10	35	10	31	8	151	10	151	10	151	10	17	8	17	8	18	0	16	14	16	14	Salem		
0	6	18	8	19	6	22	3	21	3	20	3	109	5	109	5	116	6	18	6	18	6	15	3	17	3	17	3	South Canara		
1	14	21	14	21	14	26	14	26	14	25	3	121	8	121	8	121	8	14	6	14	6	13	8	13	8	13	8	Malabar		
7	0	16	9	10	15	14	7	15	7	16	0	62	6	62	6	61	7	14	6	14	6	14	6	12	9	12	9	Bombay		
...	...	...	...	...	...	...	...	...	...	...	...	80	0	80	0	80	0	16	0	16	8	16	8	16	0	16	0	Ahmedabad		
...	...	...	...	...	...	...	...	...	...	...	...	80	0	80	0	80	0	...	...	...	...	...	...	...	...	...	...	...	Kaira	
...	...	...	...	...	...	...	...	...	...	...	...	80	0	80	0	80	0	13	9	13	9	13	9	13	9	13	9	Surat		
...	...	...	...	...	...	...	...	...	...	...	...	106	0	106	0	106	0	14	8	15	9	15	4	14	8	14	8	Broach		
5	11	25	11	25	11	13	4	13	4	14	15	71	0	71	1	71	0	14	5	14	5	13	4	13	4	13	4	Tanna (Salsette)		
...	...	...	...	...	...	...	...	...	...	...	...	120	0	120	0	120	0	13	0	13	8	12	0	12	8	13	0	Colaba (Alibag)		
...	...	...	...	...	...	...	...	...	...	...	...	140	0	140	0	140	0	14	0	14	0	14	2	13	14	13	14	14	Khundesh (Dhulia)	
0	11	20	11	27	9	17	0	17	0	17	0	128	0	128	0	128	0	15	8	15	8	14	8	15	5	15	5	Nasik		
...	...	...	...	...	...	...	...	...	...	...	...	79	12	79	12	91	5	13	3	12	14	14	9	13	1	12	12	14	Ahmednagar	
5	6	15	6	...	...	...	...	...	...	...	...	68	0	68	0	68	0	13	10	13	10	12	8	13	6	13	6	Poona		
...	...	...	...	...	...	...	...	...	...	...	...	89	0	75	0	80	0	13	8	13	8	13	8	13	4	12	12	Sholapur		
...	...	...	...	...	...	...	...	...	...	...	...	100	0	100	0	130	0	10	11	10	6	11	0	10	0	9	8	Kaladgi (Bugalkot)		
...	...	...	...	...	...	...	...	...	...	...	...	116	8	116	8	110	15	13	2	13	2	12	6	12	6	12	6	Satara		
0	0	19	0	35	0	16	8	16	0	12	7	65	0	65	0	75	0	13	0	13	0	12	13	12	0	12	0	Belgaum		
0	28	0	28	0	16	0	17	0	10	0	0	80	0	80	0	80	0	8	6	8	6	9	2	8	0	8	0	Dharwar (Hubli)		
13	18	13	21	2	11	11	14	11	12	10	0	120	0	120	0	120	0	12	8	13	2	11	10	12	0	12	15	11	Ratnagiri	
0	18	0	20	0	12	12	13	0	12	0	0	213	5	213	5	213	5	12	0	13	0	11	8	11	0	12	0	0	Kanara (Karwar)	
0	26	10	23	0	20	0	22	13	32	0	0	200	0	200	0	200	0	16	0	16	0	15	4	15	4	15	4	Panch Mahals (Godhra)		
...	...	...	...	...	...	...	...	...	...	...	...	65	5	65	5	65	5	...	...	...	...	...	...	32	0	32	0	Aden		
...	...	...	...	...	...	...	...	...	...	...	...	160	0	160	0	160	0	11	0	11	0	11	14	11	0	11	0	Asirgarh		
...	5	16	5	...	...	...	...	...	...	...	...	80	0	80	0	84	4	14	1	14	1	14	11	14	0	14	0	Baroda		
...	...	...	...	...	...	...	...	...	...	...	...	137	8	137	8	137	8	12	8	12	8	13	8	12	0	12	0	Disa		
...	...	...	...	...	...	...	...	...	...	...	...	160	0	160	0	160	0	...	...	...	...	...	...	13	0	13	0	11	0	Nimach
...	...	...	...	...	...	...	...	...	...	...	...	80	0	80	0	80	0	16	2*	16	2*	16	63*	15	8*	15	8*	Nasirabad		
...	...	...	...	...	...	...	...	...	...	...	...	70	0	70	0	71	0	50	0	55	0	55	0	40	0	43	8	Rajkot		
0	50	0	40	0	20	12	22	8	17	8	0	160	0	160	0	160	0	12	12	12	12	8	10	12	8	12	8	8	Upper Sindh Frontier	
0	11	0	11	0	16	0	17	0	17	0	0	90	0	100	0	105	0	18	0	16	0	17	13	16	0	16	0	Karachi		
0	20	0	24	0	20	0	22	0	12	0	0	240	0	320	0	480	0	14	0	14	0	14	0	14	0	14	0	0	Hyderabad (Sukkur)	
...	...	...	...	...	...	...	...	...	...	...	...	220	0	200	0	280	0	13	12	14	0	10	4	13	8	13	14	10	2	Shikarpur
...	...	...	...	...	...	...	...	...	...	...	...	110	0	110	0	85	0	12	12	13	0	13	0	12	4	12	8	12	8	Sukkur
...	...	...	...	...	...	...	...	...	...	...	...	120	0	120	0	160	0	14	12	14	13	11	5	14	12	14	13	11	5	Tharand Parkar (Umarkot)
Prices per md. of 40 seers.																														
R a.			p.			R a.			p.			R a.			p.															
...	...	...	20	0																										

PRICES CURRENT OF FOOD-GRAINS THROUGH

PROVINCE.	DISTRICTS.	QUANTITIES PER R																	
		Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Holcus Sorghum.			Balrush M. (Cumbao, Br Pennisiliana &		
		Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.
BENGAL—continued.	<i>Central Districts.</i>	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
	Calcutta . . . . .	15 5	14 9	14 0	20 10	19 6	26 8	10 12	10 12	10 0	16 0	16 0	20 0	23 0	21 5	...	21 5	20 0	...
	24-Pergunnahs . . . . .	13 5	13 5	12 5	17 12	16 0	20 0	8 0	8 0	10 0	14 0	16 0	16 0	16 0	...	...	13 5	...	...
	Nuddea . . . . .	14 8	14 8	13 14	22 15	...	...	15 4	15 4	15 4	17 4	17 4	18 13	...	...	...	...	...	...
	Khoolna . . . . .	...	...	...	...	...	...	16 0	16 0	16 0	22 0	22 0	22 0	...	...	...	...	...	...
	Jessore . . . . .	12 4	13 4	13 4	...	...	...	16 0	16 0	18 0	21 4	21 4	24 0	...	...	...	...	...	...
	Moorshedabad . . . . .	15 0	15 0	14 8	...	...	...	15 0	14 0	14 8	22 0	20 0	21 0	...	...	...	...	...	...
	Dinnagore . . . . .	16 0	16 0	13 0	17 8	17 8	14 8	18 0	18 0	19 4	20 0	20 0	23 8	...	...	...	...	...	...
	Rajahmhye . . . . .	15 4	15 4	13 8	29 0	33 0	33 12	14 0 to 15 4	14 0 to 16 0	13 8	20 0 to 22 0	18 0	20 0	...	...	...	...	...	...
	Rungpore . . . . .	13 5	13 5	16 0	...	...	...	13 5	12 5	15 0	19 0	18 0	23 0	...	...	...	...	...	...
	Bogra . . . . .	15 0	15 0	18 0	...	...	...	12 0	12 0	15 12	22 8	21 0	28 2	...	...	...	...	...	...
	Pubna . . . . .	18 12	18 12	13 0	...	...	...	8 8	8 8	10 0	18 12	18 12	24 0	...	...	...	...	...	...
	Darjeeling . . . . .	8 0	8 0	10 0	8 0	8 0	10 0	5 8	4 0	5 0	13 0	12 0	13 0	...	...	...	...	...	...
	Jalpaiguri . . . . .	10 0	10 0	10 0	20 0	20 0	20 0	12 8	13 0	14 0	16 0	16 0	20 0	...	...	...	...	...	...
	<i>Eastern Districts.</i>	13 5	12 8	13 14	22 12	23 0	32 0	17 12	16 8	21 4	20 0	23 0	26 10	...	...	...	...	...	...
	Dacca . . . . .	21 0	21 0	22 0	30 0	30 0	30 8	18 0	18 0	20 0	21 0	20 0	26 8	...	...	...	...	...	...
	Furzedpore . . . . .	...	...	...	...	...	...	18 0	18 0	19 0	21 0	21 0	23 0	...	...	...	...	...	...
	Backergunge . . . . .	11 8	11 8	10 0	...	...	...	14 5	15 0	22 8	20 0	19 0	28 0	...	...	...	...	...	...
	Mymensingh . . . . .	11 4	8 0	9 0	...	...	...	16 0	13 0	16 0	18 0	18 0	26 0	...	...	...	...	...	...
	Chittagong . . . . .	...	...	...	...	...	...	19 0	20 0	24 0	21 0	22 0	27 0	...	...	...	...	...	...
	Nonkholly . . . . .	11 12	12 4	11 8	...	...	...	18 12	17 4	20 12	22 12	21 12	29 12	...	...	...	...	...	...
	Tipperah . . . . .	...	...	...	...	...	...	12 5	12 4	13 5	13 4	13 4	17 12	...	...	...	...	...	...
	Chittagong Hill Tracts . . . . .	10 0	10 0	11 0	...	...	...	15 0	16 0	20 0	20 0	20 0	28 0	...	...	...	...	...	...
	Hill Tipperah . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	<i>Behar.</i>	21 0	19 0	18 8	25 0	25 0	34 0	15 0	14 0	12 0	15 8	16 0	22 0	...	...	...	...	...	...
	Patna . . . . .	17 8	18 8	16 8	23 0	24 0	24 0	12 0	12 0	12 8	14 0	15 0	18 8	...	...	...	...	...	...
	Gya . . . . .	15 0	15 0	15 0	26 0	26 0	25 0	11 0 to 12 0	16 0 to 18 0	14 0 to 15 0	15 0 to 16 0	18 0 to 19 0	...	...	...	...	26 0	27 0	...
	Shahabad . . . . .	16 0	16 0	16 0	...	28 0	30 0	12 8	13 0	14 0	16 0	16 0	16 0	...	...	...	...	...	...
	Durbhunga . . . . .	15 0	15 8	15 0	...	30 0	30 0	12 0	12 0	12 0	15 0	16 0	16 0	...	...	...	...	...	...
	Mozufferpore . . . . .	17 0	18 0	16 0	30 0	30 0	30 0	12 0	12 0	12 0	15 0	16 0	16 0	...	...	...	...	...	...
	Sarun . . . . .	16 0	17 0	15 8	25 0	26 0	27 0	10 0	10 0	9 8	18 0	18 0	20 0	26 0	29 0	30 0	...	...	...
	Chumpran . . . . .	19 0	19 0	18 0	32 0	32 0	31 0	13 0	13 0	12 0	17 0	17 0	18 8	...	...	...	...	...	...
	Monghyr . . . . .	18 13	19 10	16 12	23 1	26 4	29 5	12 9	13 10	15 12	15 12	15 3	18 14	...	...	...	...	...	...
	Bhagalpur . . . . .	15 12	16 6	14 8	24 0	30 4	37 14	15 2	15 2	17 11	17 10	17 10	18 15	...	...	...	...	...	...
	Purneah . . . . .	17 0	17 0	14 0	...	...	...	16 0	16 0	20 0	18 0	18 0	24 0	...	...	...	...	...	...
	Maldah . . . . .	17 0	17 8	16 0	...	...	...	15 0	15 0	16 0	20 0	18 0	20 0	...	...	...	...	...	...
	Southal Pergunnahs . . . . .	12 0	12 0	12 8	...	...	...	17 0	16 0	16 0	24 0	23 0	22 0	...	...	...	...	...	...
	<i>Orissa.</i>	13 2	13 2	17 1	...	...	...	13 2	13 2	15 12	22 5*	22 5	24 15	...	...	...	...	...	...
	Cuttack . . . . .	11 13	11 13	11 0	...	...	...	19 11	21 0	20 0	23 10	23 10	25 0	...	...	...	...	...	...
	Pooree . . . . .	14 0	14 0	13 0	...	...	...	16 0	16 0	22 0	28 0	28 0	32 0	...	...	...	...	...	...
	Balasore . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	<i>CHOTA NAGPORE.</i>	14 0	15 0	12 8	21 0	20 0	...	9 0	9 0	10 0	15 0	15 8	18 0	...	...	...	...	...	...
	<i>South-Western Frontier Agency.</i>	16 0	15 0	15 0	20 0	20 0	20 0	18 0	18 0	20 0	22 0	22 0	22 0	...	...	...	...	...	...
	Hazribagh . . . . .	18 0	18 0	24 0	24 0	24 0	28 0	32 0	32 0	36 0	36 0	36 0	40 0	...	...	...	...	...	...
	Lohardugga . . . . .	13 0	13 0	12 0	...	...	...	16 0	16 0	16 0	26 0	25 0	30 0	...	...	...	...	...	...
	Singbhoom . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Maubhoom . . . . .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

- \* In the interior retail prices of common rice range from 26-4 to 39-8 seers per rupee.  
 † In the sub-divisions retail prices of salt are as follow :—Baraset and Bussirhat 13 seers, Diamond Harbour 10-8 seers, Barrackpore 12-13 seers, and Dum-Dum 12 seers.  
 ‡ In the sub-divisions retail prices of salt are as follow :—Koushtea 12-12 seers, Meherpore 11-8 seers, Chooadanga 13 seers and Ranaghat 13 seers.  
 § In the sub-divisions retail prices of salt are as follow :—Jhenidah, Magura and Narail 12 seers, and Bongong 18 seers.  
 ¶ In the sub-divisions retail prices of salt are as follow :—Lalbagh 11 seers, Jungipore 11-6 seers, and Kandi 11-8 seers.  
 †† Retail prices of salt at Raigunge 10-8 seers and Neetpore 12 seers.  
 ††† In Nattore and Nowgong retail price of salt 12 seers.  
 †††† In the sub-divisions retail prices of salt are as follow :—Kurigram and Nilphamari 12 seers, and Gaibanda 10-8 seers.  
 ††††† In Serajgunge retail price of salt 13-8 seers.  
 †††††† Retail price of salt at Kurseong 8 seers, and Silligoree 10 seers.  
 ††††††† In Alipore sub-division at Fallacotta retail price of salt 10 seers.  
 †††††††† In the sub-divisions retail prices of salt are as follow :—Manickgunge 13 seers, Moonsheegunge 10 seers 10½ chittacks, and Narsingunge 13 seers.  
 ††††††††† In the sub-divisions retail prices of salt are as follow :—Goalundo 10-8 seers, Madaripore 12 seers, and Gopalgunge 12-13 seers.  
 †††††††††† In the sub-divisions retail prices of salt are as follow :—Patuakhali 9-2 seers, Peronepore 11 seers, and Bhul 8 seers.  
 ††††††††††† In the sub-divisions retail prices of salt are as follow :—Kishoregunge 10-10 seers, Aitaa 12 seers, Jamalpore 11-4 seers, and Netrokona 12-5 seers.





## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RU																				
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Hiscus Boryhum.			Bairash Mills (Cumboo, Bajr Pennisetia Sp...					
	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.	Present fortnight.	Past fortnight.	Corresponding fort- night of 1882.			
N. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S.			
Sylhet . . . . .	12 0	11 0	10 8	...	...	...	10 0	11 0	14 0	17 0	16 0	28 0	...	...	...	...	...	...			
Cachar . . . . .	9 2	9 2	8 14	12 13	12 13	...	12 13	16 13	16 13	16 0	17 12	21 5	...	...	...	...	...	...			
Goalpara . . . . .	20 0	20 0	22 0	...	...	...	13 4	13 0	13 0	22 0	21 0	20 0	...	...	...	...	...	...			
Garo Hills . . . . .	4 0	4 0	4 0	...	...	...	5 0	5 0	5 0	17 0	16 0	18 0	...	...	...	...	...	...			
Kamrup . . . . .	16 0	18 0	20 0	...	...	...	13 4	11 12	13 0	17 0	15 8	18 0	...	...	...	...	...	...			
Darrang . . . . .	...	...	...	...	...	...	8 0	8 0	10 0	13 0	13 0	16 0	...	...	...	...	...	...			
Nowgong . . . . .	...	...	...	...	...	...	8 0	9 8	13 8	16 0	13 0	16 0	...	...	...	...	...	...			
Sibsagar . . . . .	...	...	...	...	...	...	6 8	6 8	6 8	14 0	16 0	14 0	...	...	...	...	...	...			
Lakhimpur . . . . .	8 0	8 0	8 0	7 0	7 0	10 0	8 0	6 0	8 0	11 0	11 0	16 0	...	...	...	...	...	...			
Khasi & Jaintia Hills . . . . .	...	6 10	8 0	...	...	...	8 0	6 10	9 0	9 0	9 0	10 0	...	...	...	...	...	...			
Naga Hills . . . . .	...	...	...	...	...	...	4 0	4 0	5 0	5 0	5 0	8 0	...	...	...	...	...	...			
Dehra Dón . . . . .	17 8	17 0	18 0	24 0	26 0	27 0	6 8	6 8	6 0	10 0	11 0	11 0	22 0	24 0	24 0	20 0	22 0	22 0			
Saharanpur . . . . .	17 3	18 4	20 7	23 10	27 15	32 4	7 8	7 8	9 11	11 13	11 13	12 14	29 0	29 0	32 4	21 8	21 8	21 8			
Muzaffarnagar . . . . .	17 10	17 10	18 15	28 11	30 12	28 11	6 9	6 9	6 9	12 2	12 2	14 5	26 6	30 12	28 0	22 0	26 6	26 6			
Meerut . . . . .	17 0	17 0	18 8	25 0	27 0	26 0	6 8	6 8	6 0	14 0	14 0	15 0	26 0	27 0	27 0	19 0	20 0	20 0			
Bulandshahr . . . . .	18 0	17 8	19 12	26 0	26 0	25 12	6 0	6 0	6 0	10 0	10 0	10 5	26 0	26 8	24 0	16 0	16 0	16 0			
Aligarh . . . . .	17 0	17 0	18 0	23 8	23 8	24 8	7 0	7 0	6 0	11 0	11 0	11 0	23 8	24 8	25 0	16 8	16 8	16 8			
Farrukhabad . . . . .	15 0	15 0	17 0	18 0	18 0	18 0	10 0	10 0	10 0	12 0	12 0	13 0	...	...	...	30 0	30 0	30 0			
Garhwal . . . . .	20 0	20 0	24 0	22 0	22 0	24 0	9 0	9 0	9 0	15 0	15 0	17 8	...	...	...	...	...	...			
Bijnor . . . . .	18 4	16 14	17 7	28 2	26 7	27 0	9 4	9 9	11 4	9 8	10 11	12 15	...	20 4	21 6	...	20 4	21 6			
Moradabad . . . . .	19 1	18 7	18 7	27 8	29 6	23 2	9 0	8 12	9 6	12 12	12 12	13 12	26 14	26 14	25 0	15 4	15 4	15 4			
Budaun . . . . .	18 14	17 11	17 6	27 9	25 3	22 8	6 0	6 0	9 9	12 0	13 0	13 12	...	...	...	...	...	...			
Bareilly . . . . .	18 12	17 8	16 14	25 0	24 6	21 14	7 8	7 8	8 2	13 2	12 13	13 12	25 0	23 12	22 8	18 12	18 12	18 12			
Shahjahanpur . . . . .	19 4	19 0	18 8	31 0	32 0	24 12	9 12	9 12	9 4	15 4	15 8	14 8	...	...	...	...	...	...			
Tarai Pergunnahs . . . . .	23 0	21 0	21 0	35 0	35 0	30 0	8 12	8 12	7 8	13 8	13 12	16 0	25 0	20 0	25 0	20 0	10 0	10 0			
Muttra . . . . .	15 8	15 8	17 8	20 8	22 0	23 0	7 0	7 0	...	11 8	11 8	13 8	22 0	22 0	25 0	19 0	19 0	19 0			
Agra . . . . .	15 8	15 4	17 8	21 0	21 8	23 0	5 8	5 8	6 8	11 8	11 8	14 0	20 0	21 0	23 0	20 0	20 0	20 0			
Farrukhabad . . . . .	17 5	17 10	19 9	22 14	23 15	25 0	7 4	7 4	6 13	12 10	12 10	13 4	23 7	23 10	22 4	21 8	21 8	21 8			
Mainpuri . . . . .	16 8	16 4	19 0	22 0	22 0	25 0	4 0	4 0	5 0	10 0	10 0	11 0	...	...	...	...	...	...			
Katwa . . . . .	16 0	15 0	18 0	22 0	20 0	22 0	6 0	6 0	6 0	12 0	12 0	14 8	23 0	20 0	25 0	19 0	18 0	18 0			
Etah . . . . .	18 0	17 1	18 12	24 8	23 0	24 8	8 0	8 0	8 0	12 0	12 5	12 0	18 0	16 0	18 0	16 0	17 0	17 0			
Jalaun . . . . .	18 8	18 8	19 0	20 0	20 0	20 0	9 0	10 0	10 0	10 0	11 0	12 0	25 0	25 0	28 0	20 0	20 0	20 0			
Jhansi . . . . .	18 0	20 3	20 10	26 5	29 14	32 10	8 0	8 8	8 0	12 8	14 8	15 0	25 15	29 8	27 4	...	...	...			
Lalitpur . . . . .	20 8	19 0	21 0	32 0	33 0	37 0	9 0	9 0	10 0	10 0	11 0	13 0	25 0	29 0	32 0	22 0	24 0	24 0			
Cannanore . . . . .	18 0	18 0	18 0	25 8	26 8	26 0	10 0	10 0	11 0	13 8	13 8	14 0	25 0	26 8	26 0	23 0	23 0	23 0			
Fatehpur . . . . .	16 10	16 10	16 14	24 8	24 8	25 12	10 12	11 4	11 4	13 10	14 8	15 4	...	...	...	...	...	...			
Banda . . . . .	22 0	22 0	18 0	31 0	31 0	21 0	8 0	8 0	9 0	12 8	13 8	14 0	36 0	37 0	33 0	30 0	31 0	31 0			
Allahabad . . . . .	16 12	16 14	17 8	27 8	27 10	25 8	10 8	11 0	11 8	15 0	15 0	17 0	30 8	30 8	30 8	30 0	29 12	29 12			
Hamirpur . . . . .	17 0	16 0	15 4	...	...	20 4	8 0	8 0	10 0	...	...	...	21 0	22 0	25 0	...	20 0	24 0			
Jaunpur . . . . .	19 13	19 13	19 0	31 1	31 12	30 5	7 12	7 12	7 1	14 2	14 2	14 2	...	...	...	...	...	...			
Gorakhpur . . . . .	18 14	18 14	18 0	27 14	28 13	27 0	13 1	12 9	14 6	16 3	16 3	18 0	39 0	41 0	41 0	...	...	...			
Basti . . . . .	20 0	20 6	16 8	34 0	34 0	30 0	13 0	13 0	12 0	16 0	16 0	15 0	...	...	...	...	...	...			
Azamgarh . . . . .	17 11	17 11	17 11	25 1	25 13	27 5	10 5	10 5	11 9	14 12	14 12	17 10	29 8	29 8	...	20 10	20 10	20 10			
Mirzapur . . . . .	16 0	16 0	15 0	25 0	25 0	20 0	10 0	10 0	10 0	12 0	12 0	16 0	26 0	26 0	26 0	24 0	24 0	24 0			
Benares . . . . .	16 13	17 1	16 13	25 8	26 0	24 15	10 13	10 13	11 6	16 13	16 0	16 4	26 0	26 0	26 8	27 2	27 10	27 10			
Ghazipur . . . . .	19 5	19 5	18 0	27 11	27 11	27 0	9 0	9 0	10 15	15 7	15 7	16 1	25 12	25 12	25 12	25 12	25 12	25 12			
Balia . . . . .	18 12	18 12	16 4	27 8	27 8	27 8	10 10	10 10	10 10	17 8	18 12	15 0	...	...	...	...	...	...			
Pilibhit . . . . .	19 13	19 4	19 0	34 8	34 8	27 4	12 2	13 8	15 0	14 12	15 0	16 4	...	16 0	...	...	...	...			
Sultanpur . . . . .	20 0	20 0	19 0	32 0	32 0	29 0	11 0	11 0	11 0	16 0	16 0	17 8	...	...	...	...	...	...			
Partabgarh . . . . .	20 2	20 11	19 5	33 5	31 1	26 5	15 0	15 4	16 2	16 2	16 13	17 10	...	...	...	...	...	...			
Fyzabad . . . . .	17 8	18 0	16 12	26 8	28 0	27 0	10 4	10 8	10 8	13 8	15 0	17 4	33 0	...	31 0	18 8	19 0	...			
Kheri . . . . .	22 8	23 4	19 4	36 0	36 0	27 0	7 0	7 0	7 0	14 0	15 0	16 0	45 0	45 0	29 0	29 0	...	...			
Lucknow . . . . .	17 5	17 10	16 9	27 0	27 14	23 4	6 0	6 0	6 0	12 9	12 15	14 2	27 12	29 0	22 10	23 0	28 1	22 1			
Bara Banki . . . . .	18 0	18 0	17 8	29 0	30 0	25 0	9 0	10 0	11 0	14 0	14 0	16 0	29 0	30 0	31 0	21 0	22 0	22 0			
Bharanich . . . . .	17 0	17 0	16 0	36 0	36 0	32 0	10 0	10 0	9 0	16 0	16 0	17 0	38 0	38 0	34 0	22 0	22 0	22 0			
Rai Bareilly . . . . .	18 0	19 4	19 0	25 8	26 8	25 0	...	...	...	15 6	15 12	16 8	...	...	24 0	22 0	22 0	22 0			
Sit																					

## INDIA FOR THE 2nd HALF OF AUGUST 1883—continued.

IN SEERS OF 80 TOLAHS.

Lesser Millets, Ragi, &c. (Kavaru, Vernagu, Sawar, Cheena, Coraloo, Murhwa, Niglee), <i>Pennisetum Miliarenum</i> , &c.			Gram.			Firewood.			Salt.						DISTRICTS.
Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Wholesale.			Retail.			
									Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R. a.	R. a.	R. a.	S. Ch.	S. Ch.	S. Ch.	
...	...	...	16 4	14 0	17 12	108 0	108 0	108 0	3 4	3 4	3 4	12 0	11 0	12 8	Sylhet
...	...	...	12 13	12 13	15 4	80 0	80 0	80 0	3 8	3 8	3 7	10 10	10 10	11 2	Cachar
...	...	...	13 4	13 0	14 0	65 0	120 0	120 0	3 4	3 4	3 4	12 0	12 0	12 8	Gaolpara
...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	5 6	5 6	5 6	6 6	6 6	6 6	Garo Hills
...	...	...	13 4	11 12	13 0	160 0	160 0	160 0	3 8	3 8	3 5	11 8	11 8	12 0	Kamrup
...	...	...	7 0	10 0	9 0	160 0	160 0	160 0	4 8	4 8	4 8	8 0	8 0	8 0	Darrang
...	...	...	8 0	8 0	8 0	120 0	120 0	80 0	4 0	4 0	3 12	8 0	8 0	9 0	Nowgong
...	...	...	10 0	10 0	10 0	80 0	80 0	80 0	4 8	4 8	4 8	8 0	8 0	8 8	Sibsagar
...	...	...	10 0	10 0	10 0	160 0	160 0	200 0	4 8	4 8	5 0	8 0	8 0	8 0	Lakhimpur
...	...	...	...	8 0	10 0	...	...	...	5 0	5 0	5 0	8 0	8 0	8 0	Khási & Jaintia Hills
...	...	...	2 0	2 0	2 0	120 0	120 0	120 0	16 0	16 0	13 0	2 8	2 8	3 0	Naga Hills
...	...	...	19 8	21 0	19 0	160 0	160 0	160 0	S. Ch.	S. Ch.	S. Ch.	10 8	10 8	10 8	Dehra Dun
...	...	...	21 8	24 11	21 11	129 0	129 0	129 0	12 11	12 11	12 1	12 5	12 5	11 13	Saharanpur
...	...	...	19 12	23 2	23 2	110 0	110 0	132 0	12 6	12 6	11 13	11 8	11 8	11 4	Muzaffarnagar
...	...	...	20 0	23 0	23 0	110 0	110 0	110 0	12 8	12 8	12 0	12 0	12 0	11 8	Meerut
...	...	...	22 0	23 0	23 0	140 0	140 0	140 0	11 8	12 0	11 8	...	...	...	Bulandshahr
...	...	...	21 0	22 8	22 0	120 0	120 0	130 0	12 4	12 8	12 8	12 0	12 0	12 0	Aligarh
...	...	...	12 0	12 0	12 0	200 0	200 0	200 0	8 0	8 0	7 0	7 0	7 0	7 0	Kanun
...	...	...	10 0	10 0	9 0	280 0	280 0	320 0	8 8	8 8	7 8	7 13	7 13	6 14	Garhwal
...	...	...	19 2	19 11	20 4	135 0	135 0	135 0	...	...	...	11 0	11 4	...	Bijnor
...	...	...	21 11	21 14	21 4	125 0	125 0	137 8	12 10	12 10	12 0	12 8	12 8	11 14	Moradabad
...	...	...	22 12	21 9	18 14	192 0	192 0	192 0	11 6	11 6	10 12	11 1	10 12	10 3	Budaun
...	...	...	21 14	21 14	19 6	125 0	125 0	125 0	12 3	12 3	11 14	11 14	11 14	11 4	Bareilly
...	...	...	22 12	23 8	20 12	160 0	160 0	160 0	13 0	13 0	12 0	11 0	11 0	10 8	Shahjahanpur
...	...	...	19 8	20 0	18 0	120 0	120 0	120 0	11 4	11 4	11 4	11 0	10 8	11 0	Tarai Pergunnahs
...	...	...	19 8	22 0	23 8	120 0	120 0	100 0	13 0	13 0	13 0	12 8	12 8	12 0	Muttra
...	...	...	20 8	21 0	23 0	100 0	100 0	100 0	13 8	13 8	12 8	13 0	13 0	12 0	Agra
...	...	...	22 8	22 13	21 9	135 0	145 0	156 8	12 4	12 4	12 2	11 9	11 9	10 14	Farukhabad
...	...	...	20 4	20 8	24 0	160 0	160 0	160 0	11 8	11 8	12 0	11 0	11 0	11 0	Mainpuri
...	...	...	22 0	21 0	25 8	100 0	100 0	100 0	12 0	12 0	10 8	11 0	11 0	10 0	Etawah
...	...	...	20 15	21 0	21 0	180 0	167 0	160 0	12 0	12 0	12 8	11 0	11 8	11 0	Etah
...	...	...	28 0	28 0	29 0	140 0	140 0	140 0	11 0	11 0	12 0	10 0	10 0	11 0	Jalaun
...	...	...	25 11	27 3	26 13	200 0	200 0	200 0	11 0	11 0	11 12	10 0	10 0	10 12	Jhansi
...	...	...	27 8	28 0	33 0	180 0	180 0	140 0	12 0	11 0	11 0	11 0	10 0	10 10	Lalitpur
...	...	...	25 8	26 0	24 8	145 0	145 0	140 0	13 4	13 4	12 8	13 0	13 0	12 0	Cawnnpore
...	...	...	27 0	27 12	25 0	200 0	200 0	200 0	11 0	11 0	10 4	10 12	10 12	10 0	Fatehpur
...	...	...	36 0	36 0	33 0	160 0	160 0	160 0	12 0	11 0	12 4	11 0	10 8	12 0	Banda
...	...	...	28 4	29 4	21 4	120 0	120 0	130 0	12 0	12 0	12 0	11 0	11 0	11 0	Allahabad
...	...	...	26 0	25 0	27 0	140 0	140 0	140 0	11 4	11 4	11 0	10 0	10 0	10 0	Hamirpur
...	...	...	31 1	31 1	22 9	148 12	148 12	120 0	10 12	10 12	9 11	10 10	10 10	9 9	Jaunpur
...	...	...	30 9	29 11	26 0	160 0	160 0	160 0	10 9	10 9	11 13	10 6	10 6	10 6	Gorakhpur
...	...	...	30 0	30 0	25 0	150 0	150 0	140 0	9 0	9 0	10 0	8 0	8 0	9 8	Basti
...	...	...	25 15	25 15	22 2	147 8	147 8	181 0	10 8	10 8	11 13	9 5	9 5	9 5	Azamgarh
...	...	...	24 0	24 0	21 0	70 0	60 0	103 0	10 0	11 0	9 0	9 0	9 0	8 0	Mirzapur
...	...	...	23 5	25 14	22 4	90 0	90 0	140 0	10 6	10 6	11 4	10 2	10 2	1 2	Benares
...	...	...	27 11	26 11	25 1	128 12	128 12	130 0	10 15	10 15	10 15	10 5	10 5	9 10	Ghazipur
...	...	...	26 4	26 4	25 0	90 0	90 0	100 0	11 4	11 4	11 4	11 4	11 4	11 4	Balia
...	...	...	23 8	24 3	17 11	150 0	150 0	150 0	13 0	13 0	11 12	12 8	12 12	12 12	Pilibhit
...	...	...	31 0	31 0	26 0	160 0	160 0	160 0	12 4	12 0	12 0	12 0	11 12	13 12	Sultanpur
...	...	...	26 2	27 8	21 10	200 0	200 0	200 0	11 0	11 0	11 0	10 10	10 14	10 8	Partabgarh
...	...	...	26 0	28 0	22 12	120 0	120 0	140 0	11 2	11 0	11 0	10 4	10 0	10 0	Fyzabad
...	...	...	29 0	29 0	18 0	120 0	120 0	160 0	10 10	10 8	11 0	10 10	10 0	10 0	Kheri
...	...	...	23 1	23 7	21 0	115 0	115 0	115 0	11 0	11 0	10 0	10 8	10 8	9 8	Lucknow
...	...	...	29 0	25 0	22 0	130 0	130 0	130 0	12 0	12 0	12 0	11 0	11 0	10 0	Bara Banki
...	...	...	32 0	32 0	26 0	160 0	160 0	160 0	...	...	...	9 8	9 8	9 0	Bharachu
...	...	...	24 0	24 8	20 0	160 0	160 0	160 0	...	...	...	11 0	10 0	9 0	Rai Bareilly
...	...	...	27 14	28 0	21 0	160 0	160 0	160 0	12 8	12 8	12 8	11 8	11 8	10 8	Sitapur
...	...	...	33 6	33 14	26 13	200 0	200 0	240 0	11 4	11 4	11 8	11 0	11 0	11 4	Gonda
...	...	...	24 8	24 8	23 0	160 0	160 0	160 0	...	...	...	12 0	11 8	11 0	Unao
...	...	...	20 10	20 14	22 8	200 0	200 0	240 0	9 6	9 6	8 8	7 8	7 8	8 7	Hardui
...	...	...	26 4	32 0	26 4	95 0	95 0	95 0	15 4	15 4	15 0	15 0	15 0	15 0	Gujranwala
...	...	...	25 0	31 0	28 8	80 0	80 0	80 0	15 0	14 0	15 0	14 0	13 0	14 0	Lahore
...	...	...	25 0	33 0	32 0	100 0	100 0	80 0	12 12	12 12	13 8	12 8	12 8	13 0	Perozepore (a)
...	...	...	29 0	31 0	37 0	120 0	120 0	120 0	12 0	12 0	11 8	11 8	11 8	11 0	Sirsa (b)
...	...	...	25 0	22 0	26 0	120 0	120 0	80 0	12 0	12 0	10 8	11 8	11 8	10 0	Hissar
...	...	...	20 8	21 12	25 0	100 0	100 0	100 0	11 8	11 8	11 1	10 0	10 8	10 5	Rohtak (c)
...	...	...	20 0	19 0	23 2	140 0	130 0	130 0	12 0	12 0	12 0	12 0	12 0	12 0	Gurgaon
...	...	...	19 12	19 8	21 8	80 0	80 0	80 0	12 8	12 8	12 8	11 8	11 8	11 8	Delhi
...	...	...	21 8	22 0	25 0	140 0	140 0	160 0	12 4	12 0	11 8	12 0	11 12	11 4	Karnal (a)
...	...	...	21 8	25 0	26 8	140 0	140 0	140 0	14 0	13 12	13 10	13 4	13 4	13 8	Umballa (a)
...	...	...	23 0	33 4	30 8	100 0	100 0	100 0	14 11	14 1	14 10	14 0	14 0	14 8	Ludhiana (d)
...	...	...	14 0	...	16 12	80 0	80 0	80 0	10 5	10 8	10 12	9 11	9 11	10 1	Simla (e)

(a) Wheat, barley, jowar, bajra and gram rising.

(d) Wheat, barley, rice, bajra, jowar and gram rising; salt falling.

(e) Prices steady.

## PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

DISTRICTS.	QUANTITIES PER RUPEE																																						
	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Hoicus Sorghum.			Bairush Millet (Onmoo, Baira), Pennisetum Spica																							
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.															
	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.														
Kangra (a)	18	0	22	0	24	0	28	0	34	0	40	0	...	...	...	13	0	14	0	15	0	22	...	36	...	32	...	24	...	0	26	...	0	20	...				
Jullundur (b)	17	0	20	0	23	0	26	0	32	0	37	0	...	...	...	6	0	8	0	8	0	22	...	36	...	32	...	24	...	0	26	...	0	20	...				
Hoshiarpur (c)	17	8	20	8	24	8	28	0	31	0	35	0	...	...	...	11	8	13	0	11	0	...	...	31	...	29	...	0	16	...	0	20	...	0	22	...			
Gurdaspur	20	0	25	0	30	0	26	0	32	0	40	0	...	...	...	14	0	16	0	16	0	28	...	32	...	0	24	...	0	14	...	0	14	...	0	14	...		
Amritsar (d)	19	8	22	0	24	8	29	4	35	0	39	0	...	...	...	10	8	12	0	11	8	24	...	36	...	0	29	...	4	25	...	8	26	...	8	22	...		
Siālkot	21	0	24	4	24	0	32	0	36	15	39	0	...	...	...	12	0	16	0	15	0	32	...	39	...	11	27	...	0	32	...	0	32	...	12	21	...		
Gujrat (e)	22	4	25	0	24	12	42	0	45	0	41	9	...	...	...	13	8	14	0	12	0	39	...	42	...	0	25	...	0	34	...	0	40	...	0	28	...		
Jhelum	20	0	22	0	24	0	27	0	37	0	31	0	...	...	...	11	0	13	0	10	0	36	...	38	...	0	25	...	0	31	...	0	35	...	0	24	...		
Rawalpindi (f)	20	8	21	8	20	0	32	0	39	0	30	0	...	...	...	8	8	13	0	8	12	33	...	40	...	0	30	...	12	30	...	8	35	...	0	24	...		
Shahpur (g)	22	0	28	0	20	12	36	0	52	0	32	0	...	...	...	15	0	16	0	13	0	34	...	42	...	0	20	...	0	34	...	0	44	...	0	20	...		
Jhang (g)	17	8	20	0	19	0	28	8	32	0	32	0	...	...	...	8	0	10	0	11	0	27	...	32	...	0	24	...	0	30	...	0	28	...	0	18	...		
Montgomery (h)	16	0	18	8	19	0	23	0	32	0	24	0	...	...	...	6	0	6	0	5	8	...	...	32	...	0	20	...	0	...	...	...	...	16	...				
Mooltan (h)	14	8	16	8	17	0	25	0	28	0	28	0	...	...	...	10	0	10	0	10	0	26	...	29	...	0	28	...	0	26	...	0	28	...	0	24	...		
Muzaffargarh (i)	17	12	20	0	18	8	27	0	28	0	26	0	...	...	...	5	0	6	0	7	0	21	...	21	...	0	18	...	0	23	...	0	23	...	0	18	...		
Dera Ghazi Khan (j)	16	14	18	12	17	8	30	0	33	12	30	0	...	...	...	10	0	10	0	7	8	32	...	37	...	8	21	...	4	32	...	8	36	...	4	20	...		
Dera Ismail Khan	20	10	23	7	19	4	32	3	39	1	27	14	...	...	...	8	7	8	7	8	12	40	...	41	...	4	30	...	0	32	...	8	37	...	8	22	...		
Rannu*	29	6	35	10	30	0	42	8	51	14	41	14	...	...	...	8	12	8	12	8	12	50	...	42	...	8	37	...	8	37	...	8	40	...	0	25	...		
Kohat (k)	19	12	23	4	17	8	31	14	43	6	31	14	...	...	...	11	8	12	12	12	2	36	...	15	...	43	...	6	22	...	14	35	...	11	42	...	0	21	...
Peshawar (k)	18	10	23	10	19	8	30	3	40	10	35	12	...	...	...	12	0	12	0	9	8	25	...	43	...	6	29	...	0	22	...	0	30	...	3	14	...		
Házara†	...	...	27	8	23	4	...	...	45	0	40	0	...	...	...	...	...	15	0	12	0	...	...	...	...	...	...	...	...	32	0	...	...	...	...	...	...		
Nagpur	17	12	18	12	17	0	...	...	...	...	9	4	9	12	8	10	16	0	16	0	16	4	28	...	12	...	31	...	0	25	...	4	...	...	...	...	...		
Bhandāra	20	0	20	0	19	0	...	...	...	...	10	0	10	0	10	0	18	8	20	0	20	8	35	...	35	...	0	24	...	0	...	...	...	...	...	...	...		
Chānda	19	0	19	0	18	0	...	...	...	...	...	...	...	...	...	15	0	15	0	12	0	27	...	8	...	27	...	8	...	23	0	...	...	...	...	...	...		
Wardha	20	0	20	0	18	8	...	...	...	...	10	0	10	0	8	12	14	0	14	0	14	12	27	...	0	27	...	0	23	0	...	...	...	...	...	...	...		
Bālgāhat	18	0	19	0	17	0	...	...	...	...	15	0	15	0	15	0	23	0	26	0	27	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Jubbulpore	18	8	18	0	16	12	19	0	20	0	22	0	9	0	9	0	14	8	14	0	14	0	21	...	0	22	...	0	17	0	17	0	18	0	15	0	...		
Saugor	22	0	20	0	18	0	...	...	...	...	8	0	8	0	8	0	9	0	9	0	9	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Damoh	25	4	24	0	22	0	...	...	...	...	10	8	11	4	13	12	11	8	12	8	14	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Seoni	20	8	18	8	19	0	...	...	...	...	11	8	11	8	13	0	15	0	14	0	18	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Mandla	25	0	25	0	19	0	...	...	...	...	15	0	15	0	14	8	19	0	19	0	19	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Betūl	18	0	18	0	16	0	...	...	...	...	10	8	10	8	9	0	11	0	11	0	10	0	19	...	8	...	20	...	0	20	0	...	...	...	...	...			
Chhindwāra	25	0	25	0	17	0	...	...	...	...	9	8	8	8	8	0	14	8	13	8	12	0	32	...	12	...	31	...	12	...	22	0	...	...	...	...			
Hoshangabad	15	7	16	2	15	7	...	...	...	...	4	0	4	0	4	8	9	9	9	9	10	13	21	...	0	21	...	0	21	...	6	19	...	4	19	...	4	18	...
Narsinghpur	18	4	18	0	15	8	...	...	...	...	9	4	9	8	10	0	12	8	12	8	12	8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Nimār	16	8	15	7	14	10	...	...	...	...	12	9	13	10	...	14	14	14	14	12	0	20	...	10	...	18	...	12	...	7	20	...	0	20	...	0	22	...	
Raipur	20	0	20	0	26	0	...	...	...	...	17	8	17	8	20	0	31	8	33	0	40	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Sambalpur	17	0	17	0	22	12	...	...	...	...	31	8	31	8	35	0	35	0	35	0	44	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Bilaspur	25	0	27	0	45	0	...	...	...	...	23	0	27	0	45	0	39	0	50	0	27	0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Arakan Division.																																							
Akyab	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Northern Arakan	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...				
Syounkpyoo	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Sandowny	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Pegu Division.																																							
Tangoon Town	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Laithawaddy	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Barrawaddy	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Rome	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Irrawaddy Division.																																							
Bassein	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Benzada	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Honogwa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Mayetmyo	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Tenasserim Division.																																							
Boulmeim Town & Amherst	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Avoy	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Ergui	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Mungoo	...																																						

Prices rising except that of salt. (b) Prices rising. (c) Prices rising except that of salt (retail.) (d) Wheat, barley, rice, bajra, jowar and gram rising; salt falling.  
 A) Wheat, barley, bajra, jowar, gram and salt rising. (i) Wheat, barley, rice, gram, salt and firewood rising. (j) Wheat, barley, bajra, jowar, gram rising; salt falling.

FOR THE 2nd HALF OF AUGUST 1883—continued.

ERS OF 80 TOLANS.

[illegible]

(e) Prices falling. (f) Prices rising except that of wholesale salt. (g) When



PRICES CURRENT OF FOOD-GRAINS THRO

PROVINCES.	DISTRICTS.	QUANTITIES P																	
		Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), Holcus Sorghum.			Bulr (Cum, Pennic)		
		Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1882.
MYSORE	Bangalore	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
	Kolar																		
	Tumkur																		
	Mysore	No return received																	
	Hassan																		
	Shimoga																		
	Kadur																		
COORG	Chitaldroog																		
	Coorg	8 7	8 10	8 14	9 10	9 11	8 6	13 11	13 11	10 18	18 9	18 5	13 3						
	Jeypore	15 8	16 0	16 0	21 0	20 0	22 0	6 0	6 0	8 8	8 8	9 0	20 0	20 0	20 0	19 4			
	Kishengurh	15 4	17 8	17 0	20 0	23 8	24 8	9 0	8 0	10 0	9 0	10 0	19 8	25 4	24 0	14 8			
	Kerrowlee	*	15 10	16 0	*	19 11	18 8	*	11 14	10 8	12 8	13 8	*	19 11	19 0	*			
	Ulwur	16 4	18 2	19 1	20 9	24 10	26 3	8 10	8 10	10 8	11 0	11 14	21 12	23 8	23 8	19 4			
	Bhurspore (City)	16 0	16 5	17 8	22 9	23 11	23 8	7 12	7 12	8 0	9 6	9 12	11 0	20 0	20 0	22 0	20 8		
RAJPOOTANA.	Ajmere	14 8	13 8	15 8	20 8	19 8	23 0	5 0	5 0	8 0	8 0	8 0	16 0	16 0	18 0	13 0			
	Deoli Cantonment	16 1	18 11	16 1	22 15	25 9	20 5			13 0	13 0	10 8	22 0	24 13	20 0	13 0			
	Erinpura	13 12	16 9	16 12	20 12	25 4	28 9			7 13	8 0	8 0	19 0	20 0	20 9	17 10			
	Sirohee	11 4	13 4	17 0	22 0	25 0	28 0	6 8	7 0	7 8	8 0	8 0	14 0	18 0	17 0	15 0			
	Abu	11 0	11 5	15 10	17 10	20 0	23 0	6 6	7 0	7 6	7 4	8 0				13 2			
	Anadra	12 2	12 8	17 12	20 14	23 0	26 0	6 14		13 0	15 0	18 0				14 8			
	Hilly Tracts of Meywar	15 0	19 0	20 0	24 0	27 0	24 0												
CENTRAL INDIA.	Meywar (Oodeypore)	13 7	14 1	15 8	17 15	19 2	19 14	9 6	10 2										
	Banswara (Meywar Agency)	20 0	21 14	21 14				10 0	10 0	17 8	17 8	17 8							
	Partabgarh ( " )	17 15	15 12	17 10				9 4	6 4	7 8	7 8	7 8	18 12	18 12	22 8	15 10			
	Marwar (Jodhpore)	12 13	14 11	16 4	17 8	20 0	21 4	6	8	5 12	5 12	7 12				15 8			
	Bikaner	9 5	10 12	12 0				3 0	10 0	9 0	10 0	10 8	27 0	25 0	26 8				
	Boondee	19 4	19 8	16 8	30 0	27 8	27 0	8 0	8 12	11 0	13 0	11 12	22 0	23 0	22 0	12 8			
	Kotah	20 0	22 0	16 12	25 0	25 0	18 8	6 0	7 0	8 0	8 0	9 4	24 0	23 12	23 6				
CENTRAL INDIA.	Tonk	17 0	17 3	13 7	22 8	23 0	21 5			7 14	8 14	10 2	21 14	23 6	19 1	17 1			
	Jhallawar	16 3	18 1	15 4	20 14	23 10	15 14	11 12	11 2	15 4	16 4	14 8	19 2	18 0	16 12	15 0			
	Shahpoora	15 8	18 4	16 0	19 0	23 3	20 6	10 2	7 14	11 4	11 4	11 12	21 3	21 12	20 3	9 5			
	Dholpur	15 6	16 12	16 10	21 11	24 4	20 4												
	Indore	14 8	14 8	15 8				9 3	8 9	10 14	10 14	10 0	20 0	20 18	20 18	7			
	Gwalior	15 0	15 11	15 11	21 8	22 3	18 1	7 9	7 11	9 2	9 2	9 13	21 15	23 1	19 12	18 12			
	Goona	21 4	20 4	20 4	20 0	20 0	19 0	10 0	9 8	9 8	10 8	10 0	32 0	30 0	23 0	20 0			
CENTRAL INDIA.	Baghelkhand (Sutna)	22 4	24 0	21 0	35 12	38 7	32	7 0	8 0	17 8	18 0	18 0	35 0	38 13	32 0	30 0			

elved.

DEPARTMENT OF FINANCE AND COMMERCE,  
(Statistical Branch.)



## DIA FOR THE 2nd HALF OF AUGUST 1883—concluded.

## SEERS OF 80 TOLAHS.

Casser Millets, Ragl. tc. (Kavaru, Veragu, Jawar, Cheena, Corallo, Murhwa, Nugglee), Passi- rum Millicorum, &c.									Gram.						Firewood.						Salt.									DISTRICTS.						
Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Present fortnight.			Past fortnight.			Corresponding fort- night of 1882.			Wholesale.				Retail.					
Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.	Ch.	S.		Ch.	S.				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Bangalore				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kolar				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Tumkur				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Mysore				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Hassan				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Shimoga				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Kadur				
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Chitaldroog				
30 9	27 1	20 13	28 6	27 13	21 5	110 0	110 0	110 0	9 14	9 13	8 10	9 11	9 9	8 3	Coorg																					
...	...	...	20 8	19 0	18 0	...	...	...	15 0	14 8	14 4	14 12	14 4	14 0	Jeypore																					
...	...	...	21 8	25 0	21 8	...	...	...	...	...	...	16 0	16 4	16 0	Kishengurh																					
...	...	...	...	20 0	18 8	...	...	...	...	...	...	...	13 8	13 0	Kerrowlee																					
...	...	...	20 6	23 14	24 3	...	...	...	15 7	15 12	15 13	14 12	15 0	15 6	Ulwur																					
...	...	...	21 8	23 0	22 8	...	...	...	12 4	13 5	12 1	12 0	13 0	11 8	Bhartpore (City)																					
...	...	...	22 0	21 8	21 8	70 0	70 0	70 0	17 0	17 0	...	15 0	15 0	15 0	Ajmere																					
...	...	...	23 3	25 9	20 4	...	...	...	13 4	13 8	...	12 12	12 12	12 12	Deoli Cantonment																					
...	...	...	...	...	...	...	...	...	R a. p.	R a. p.	R a. p.	...	...	...																						
...	...	...	18 7	21 1	22 8	160 0	160 0	160 0	3 1 3	2 15 0	3 1 2	12 0	12 9	12 0	Erinpura																					
...	...	...	17 0	18 0	22 0	160 0	160 0	160 0	3 0 0	3 0 0	3 0 0	12 5	12 5	12 5	Sirohee																					
...	...	...	14 4	16 0	21 8	160 0	160 0	160 0	3 8 0	3 8 0	3 8 0	11 8	11 8	11 8	Abu																					
...	...	...	15 12	18 0	24 12	...	...	...	3 4 0	3 4 0	3 4 0	12 4	12 4	12 4	Anadra																					
...	...	...	18 0	23 0	23 0	...	...	...	4 0 0	3 10 0	...	10 0	11 0	10 0	Hilly Tracts of Meywar																					
...	...	...	17 3	17 15	16 0	200 0	200 0	200 0	S. Ch. 6	S. Ch. 9 9	S. Ch. 9 14	8 15	9 6	9 12	Moywar (Oodeypore)																					
...	...	...	...	...	...	...	...	...	R a. p.	R a. p.	R a. p.	...	...	...																						
...	...	...	30 0	37 8	35 0	...	...	...	3 13 0	...	...	10 10	10 10	11 4	Banswara (Meywar Agent)																					
...	...	...	21 3	21 4	21 9	...	...	...	2 7 0	...	...	16 7	16 7	9 11	Partabgarh ( "																					
...	...	...	16 9	18 2	20 0	...	...	...	2 10 0	2 10 0	2 9 0	15 0	15 0	15 0	Marwar (Jodhpore)																					
...	...	...	...	...	...	...	...	...	S. Ch.	S. Ch.	S. Ch.	...	...	...																						
...	...	...	16 4	19 8	18 0	...	...	...	...	...	...	11 8	11 8	11 8	Bikapeer																					
...	...	...	27 0	25 8	27 0	155 0	160 0	120 0	11 8	11 4	11 8	11 4	11 0	71 0	Boondee																					
...	...	...	27 0	29 0	24 12	240 0	240 0	240 0	12 8	12 8	12 12	12 0	12 0	12 4	Kotah																					
...	...	...	23 8	23 8	20 14	160 0	160 0	160 0	12 8	12 0	12 0	12 4	11 12	11 12	Tonk																					
...	...	...	21 4	23 6	21 4	...	...	...	9 12	9 12	9 15	9 8	9 8	9 11	Jhallawar																					
...	...	...	25 0	24 0	19 4	160 0	160 0	160 0	13 1	13 1	13 7	12 13	12 13	13 3	Shahpoora																					
...	...	...	21 0	23 10	18 15	...	...	...	13 8	13 8	10 11	12 10	12 10	10 0	Dholpur																					
...	...	...	17 7	18 0	18 0	100 0	100 0	100 0	12 0	12 0	12 0	11 6	10 14	...	Indore																					
...	...	...	20 1	21 2	20 14	127 12	127 12	100 6	...	...	...	11 7	11 7	11 14	Gwalior																					
...	...	...	30 0	29 0	25 0	200 0	200 0	200 0	12 0	12 0	11 8	11 8	11 4	11 0	Goona																					
...	...	...	30 13	36 6	30 0	160 0	160 0	160 0	11 5	12 1	12 5	11 4	11 5	11 12	Baghelkhand (Sutna)																					

† Eight pice per bundle.

D. BARBOUR,  
Secretary to the Government of.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

*Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first five months of the official year 1883-84, and of the twelve preceding years.*  
(IN THOUSANDS OF RUPEES.)

FOR THE FIVE MONTHS, APRIL TO AUGUST.																										
YEAR.	BOMBAY.				SINDH.				MADRAS.				BRITISH BEMA.				TOTAL BRITISH INDIA.				YEAR.					
	On Imports of Liquors.		On Exports.		Total Revenue.	On Imports of Liquors.		On Exports.		Total Revenue.	On Imports of Liquors.		On Exports.		Total Revenue.	On Imports of Liquors.		On Exports.		Total Revenue.						
	On Imports of Liquors.	On Exports.	On Imports of Liquors.	On Exports.	Total Revenue.	On Imports of Liquors.	On Exports.	On Imports of Liquors.	On Exports.	Total Revenue.	On Imports of Liquors.	On Exports.	On Imports of Liquors.	On Exports.	Total Revenue.	On Imports of Liquors.	On Exports.	On Imports of Liquors.	On Exports.	Total Revenue.						
1-72 .	4,48	28,91	8,81	42,20	3,47	14,29	1,58	19,34	49	37	54	1,40	1,45	5,22	6,30	12,97	69	1,70	8,54	10,93	10,58	50,49	61,07	25,77	86,84	1871-72.
2-73 .	5,66	28,14	9,03	42,83	2,23	15,63	1,35	19,21	47	38	89	1,74	1,66	5,03	4,98	11,67	1,36	1,91	16,41	19,68	11,38	51,09	62,47	32,66	95,13	1872-73.
3-74 .	4,20	28,20	6,75	39,15	2,54	13,97	1,38	17,89	51	25	48	1,24	1,58	5,50	6,25	13,33	1,37	1,88	13,09	16,34	10,20	49,80	60,00	27,95	87,95	1873-74.
4-75 .	4,96	31,23	5,16	41,35	2,69	16,55	1,49	20,73	53	25	56	1,34	1,45	5,95	5,64	13,04	1,75	2,70	9,16	13,61	11,38	56,68	68,06	22,01	90,07	1874-75.
5-76 .	5,28	32,25	6,67	44,20	2,78	16,79	3,37	22,94	52	35	85	1,72	1,79	6,11	6,24	14,14	1,45	1,81	16,41	19,67	11,82	57,31	69,13	33,54	1,02,67	1875-76.
6-77 .	5,56	25,98	4,83	36,37	3,49	13,64	48	17,61	57	25	9	91	2,46	5,56	3,81	11,83	1,99	2,15	11,82	15,96	14,07	47,58	61,65	21,03	82,68	1876-77.
7-78 .	6,21	32,73	4,94	43,88	3,74	16,84	49	21,07	92	30	15	1,37	2,27	3,25	7,3	6,25	2,10	2,24	9,24	13,58	15,24	55,36	70,60	15,55	86,15	1877-78.
8-79 .	5,62	27,50	5,65	38,77	3,49	15,08	85	19,42	81	20	10	1,11	2,43	4,14	1,80	8,37	3,21	2,77	11,94	17,92	15,56	49,69	65,25	20,34	85,59	1878-79.
9-80 .	4,88	24,46	3,39	32,73	3,70	12,70	80	17,20	1,21	33	8	1,62	2,20	3,59	2,12	7,91	2,96	2,36	15,59	20,91	14,95	43,44	58,39	21,98	80,37	1879-80.
0-81 .	5,52	28,25	3,93	32,70	3,53	17,23	69	21,45	1,77	42	9	2,28	2,03	4,35	4,16	10,54	2,07	3,02	16,66	21,75	14,92	48,27	63,19	25,53	88,72	1880-81.
1-82 .	5,69	23,43	5,93	35,05	4,25	16,54	65	21,44	1,60	54	13	2,27	2,15	4,29	2,85	9,29	2,90	3,01	20,08	25,99	16,59	47,81	64,40	29,64	94,04	1881-82.
2-83 .	5,99	1	6,25	12,25	4,36	—98*	55	3,94	1,39	3	21	1,63	2,23	1	1,78	4,02	3,48	3	25,34	28,85	17,45	—90*	16,55	34,13	50,68	1882-83.
3-84 .	5,97	4	7,32	13,33	4,47	17	45	5,09	1,50	1	19	1,70	2,19	3	2,40	4,02	3,35	8	18,33	21,76	17,48	33	17,81	28,69	46,50	1883-84.

\* The amount refunded is greater than the duty collected.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.

STATEMENTS OF IRRIGATION OPERATIONS OF FASL KHARIF OF 1882-83 IN THE PUNJAB.

STATEMENT No. I.

*Revised Comparative Abstract of Irrigation and Rainfall in Canal Districts of the Punjab.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
DISTRICTS.	Area in acres.	Cultivated area in acres.	AREA IRRIGATED.		COMPARISON WITH LAST CROP.		RAINFALL IN KHARIF MONTHS.													
			1882-83.	1881-82.	Increase.	Decrease.	April.		May.		June.		July.		August.		September.		TOTAL.	
			1882-83.	1881-82.	1882-83.	1881-82.	1882.	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882-83.	1881-82.
Umballa . . . . .	1,644,849	951,890	2,798	2,287	511	...	0.15	0.40	0.30	1.52	6.00	3.35	17.08	8.17	13.03	11.30	2.70	3.05	40.14	27.79
Karnal . . . . .	1,533,090	680,319	39,095	36,367	2,728	...	1.57	0.21	0.64	0.78	2.57	3.74	0.91	8.26	2.78	7.57	4.95	...	19.40	20.58
Rohatak . . . . .	1,169,360	906,022	35,530	32,626	2,904	...	...	6.15	0.20	...	2.20	3.10	5.50	10.70	2.80	5.70	2.20	...	12.90	19.65
Delhi . . . . .	804,033	525,076	34,300	24,061	6,338	...	...	0.20	0.10	0.10	2.30	2.20	12.20	11.50	3.50	8.80	5.50	0.60	23.90	23.40
Hissar . . . . .	2,265,428	1,161,781	33,919	38,903	...	5,044	0.10	1.20	...	...	0.30	0.40	12.20	7.50	0.50	5.80	2.10	...	15.20	14.90
Jind . . . . .	...	...	20,847	28,273	...	1,386	...	1.00	...	1.00	1.20	3.00	15.80	9.20	0.00	8.40	1.50	...	19.10	22.60
Dikhaner . . . . .	...	...	224	241	...	17	...	...	...	...	...	...	...	...	...	...	...	...	...	...
<b>TOTAL W. J. CANAL</b>	<b>7,408,560</b>	<b>4,225,068</b>	<b>172,753</b>	<b>167,721</b>	<b>11,479</b>	<b>6,447</b>	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Gurdaspur . . . . .	1,168,314	854,230	18,619	17,009	1,550	...	0.40	0.18	...	0.95	0.81	7.63	8.20	10.28	6.05	15.33	5.80	1.60	21.08	45.25
Amritsar . . . . .	1,006,708	766,773	52,525	41,709	10,756	...	0.80	0.20	0.40	1.00	0.80	13.20	13.00	23.60	10.80	25.30	11.30	4.00	37.20	69.10
Lahore . . . . .	2,334,552	1,164,921	75,326	68,035	7,291	...	1.20	1.10	0.20	0.95	0.60	0.60	17.20	12.20	8.60	6.35	10.50	...	38.30	21.30
<b>TOTAL B. D. CANAL</b>	<b>4,500,684</b>	<b>2,787,924</b>	<b>140,470</b>	<b>126,873</b>	<b>19,597</b>	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lahore . . . . .	Given above.	Given above.	9,922	(1) 10,215	...	6,293	...	...	...	...	...	...	Given above.	...	...	...	...	...	...	(4) ...
Montgomery . . . . .	3,587,750	357,623	31,666	55,705	...	24,039	...	...	...	...	0.50	0.80	5.10	10.20	1.40	2.90	5.00	...	12.00	13.70
Ferozpur . . . . .	3,783,200	799,380	207,480	199,773	7,707	...	...	...	...	...	0.20	...	6.80	1.00	0.80	1.50	...	...	7.80	2.50
Muzaffargarh . . . . .	2,007,819	307,520	135,148	131,350	798	...	0.05	0.20	...	...	...	...	5.35	0.8	0.50	2.0	1.50	...	7.40	3.00
Dera Ghazi Khan . . . . .	2,801,280	1,008,000	141,644	128,783	12,861	...	0.70	0.50	...	0.60	0.90	...	9.40	2.15	0.10	3.20	0.60	...	11.70	6.45
Shahpur . . . . .	3,002,432	624,988	7,826	7,138	688	...	0.9	1.00	0.5	0.20	...	4.40	10.5	3.70	1.6	2.40	9.0	1.10	22.5	12.80
<b>TOTAL INUNDATION CANALS</b>	<b>15,142,481</b>	<b>3,087,499</b>	<b>533,680</b>	<b>511,064</b>	<b>22,054</b>	<b>30,322</b>	...	...	...	...	...	...	...	...	...	...	...	...	...	...
<b>GRAND TOTAL</b>	<b>(6) 27,000,695</b>	<b>(6) 10,101,091</b>	<b>852,009</b>	<b>830,558</b>	<b>52,130</b>	<b>36,779</b>	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Area irrigated in kharif, 1882-83 . . . . . 852,009  
Ditto ditto 1881-82 . . . . . 830,558

Net decrease . . . . . 16,351

- (1) and (2) These figures differ from those shown in the return for kharif, 1881-82, in consequence of the exclusion from the present statement of the remissions granted before the preparation of Demand Statement.  
(3) The difference between the area shown in the present return and that given in the statement for kharif, 1881-82, is due to the deduction of the land submerged by flood or water.  
(4) and (5) These figures represent the correct rain-fall during kharif, 1881-82, and differ from those in the returns for that crop submitted last year.  
(6) These figures differ from those shown in the returns for kharif, 1881-82, in consequence of the omission of Gurgaon from this return, in which District no irrigation is shown.

STATEMENT No. II.

*Statement in Acres of Crops irrigated in Canal Districts.*

DESCRIPTION OF CROPS.	Umballa.	Karnal.	Rohatak.	Delhi.	Gurgaon.	Hissar.	Jind.	Dikhaner.	Gurdaspur.	Amritsar.	Lahore.	Montgomery.	Mooltan.	Dera Ghazi Khan.	Shahpur.	Muzaffargarh.	TOTAL.
Sugar cane . . . . .	409	8,958	16,528	18,088	...	428	2,773	...	4,612	4,796	2,840	78	3,218	86	98	6,411	69,82
Rice . . . . .	2,150	18,071	3,448	7,539	...	6,183	7,569	...	10,364	20,029	10,387	6,043	14,525	15,728	...	28,167	149,74
Cotton . . . . .	4	8,331	11,108	3,640	...	20,439	9,606	42	883	9,350	24,107	5,138	31,611	20,295	4,361	17,753	172,70
Indigo . . . . .	...	...	...	...	...	...	...	...	1	...	...	...	80,735	24,770	...	49,739	155,24
Others . . . . .	235	3,735	4,446	5,024	...	6,869	6,939	182	2,919	17,750	47,914	21,399	77,361	74,767	3,370	33,078	306,88
<b>TOTAL KHARIF, 1882-83</b>	<b>2,798</b>	<b>39,095</b>	<b>35,530</b>	<b>34,300</b>	...	<b>33,919</b>	<b>26,897</b>	<b>224</b>	<b>18,619</b>	<b>52,525</b>	<b>85,249</b>	<b>31,660</b>	<b>207,180</b>	<b>141,644</b>	<b>7,826</b>	<b>135,148</b>	<b>852,00</b>
<b>TOTAL KHARIF, 1881-82</b>	<b>2,287</b>	<b>36,367</b>	<b>32,626</b>	<b>24,064</b>	...	<b>38,903</b>	<b>28,273</b>	<b>241</b>	<b>17,069</b>	<b>41,760</b>	<b>84,250*</b>	<b>55,705*</b>	<b>199,773</b>	<b>128,783*</b>	<b>7,138</b>	<b>131,350</b>	<b>830,55</b>

\* These figures differ from those shown in the return for kharif of 1881-82, the cause of which is explained in note appended to Statement No. I.

STATEMENT No. III.

*Statement in Acres of Crops irrigated in Canal Divisions.*

DESCRIPTION OF CROPS.	WESTERN JUMNA CANAL.				BARI DOAB CANAL.			Upper Sutlej Division Inundation Canals.	Lower Sutlej and Chenab Division Inundation Canals.	Dera Ghazi Khan Division Indus Canals.	Shahpur Canals.	Muzaffargarh Canals.	TOTAL.
	Karnal Division.	Hansi Division.	Delhi Division.	TOTAL.	1st Division.	2nd Division.	TOTAL.						
Sugar-cane . . . . .	1,331	7,064	37,880	47,184	5,319	6,893	12,241	94	3,218	86	86	6,411	69,82
Rice . . . . .	9,916	17,256	17,788	44,960	11,382	28,540	39,931	6,431	14,525	16,728	9	28,167	149,74
Cotton . . . . .	1,446	38,549	13,184	53,179	5,901	37,391	33,762	6,126	31,611	20,295	4,361	17,753	172,70
Indigo . . . . .	...	...	...	...	1	...	1	...	80,735	24,770	...	49,739	155,24
Others . . . . .	2,181	16,579	8,670	27,430	11,249	40,606	60,945	28,937	77,361	74,767	3,370	33,078	306,88
<b>TOTAL KHARIF, 1882-83</b>	<b>14,874</b>	<b>80,348</b>	<b>77,531</b>	<b>172,753</b>	<b>33,911</b>	<b>112,529</b>	<b>148,470</b>	<b>41,588</b>	<b>207,450</b>	<b>141,644</b>	<b>7,826</b>	<b>135,148</b>	<b>852,00</b>
<b>TOTAL KHARIF, 1881-82</b>	<b>13,641</b>	<b>85,927</b>	<b>68,163</b>	<b>167,721</b>	<b>31,700</b>	<b>93,083</b>	<b>126,873</b>	<b>71,920*</b>	<b>199,773</b>	<b>128,783*</b>	<b>7,138</b>	<b>131,350</b>	<b>830,55</b>

\* These figures differ from those shown in the return for kharif of 1881-82, the cause of which is explained in note appended to Statement No. I.

R. HOME, Colonel, R.E.,  
Joint-Secretary to Govt., Punjab, P. W. D. Irrigation Branch.

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
RAILWAY TRAFFIC:

No. XXXIV OF 1883.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total length open.	RECEIPTS FOR WEEK ENDING 2ND SEPTEMBER 1882.		Total length open.	RECEIPTS FOR WEEK ENDING 1ST SEPTEMBER 1883.		TOTAL RECEIPTS FROM 1ST APRIL TO 2ND SEPTEMBER 1882.		TOTAL RECEIPTS FROM 1ST APRIL TO 1ST SEPTEMBER 1883.		Total Increase in 1883-84.	Total Decrease in 1883-84.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	<i>Guaranteed.</i>		₹	₹		₹	₹	₹	₹	₹	₹	₹	₹
8th Sept. 1883	Eastern Bengal . . .	172	1,71,270	996	172	(a) 81,028	471	19,49,165	512	(a) 18,29,826	484	...	1,19,339
1st ditto .	Oudh and Rohilkhund . . .	547	78,936	135	547	96,643	177	21,54,645	178	24,99,429	208	3,44,784	...
8th ditto .	Sind, Punjab & Delhi . . .	676	1,51,542	224	749	1,79,670	240	39,77,100	266	51,13,493	312	11,36,393	...
1st ditto .	Madras . . . . .	861	1,29,878	151	861	1,06,739	124	30,53,119	160	28,36,059	150	...	2,17,060
1st ditto .	South Indian . . . . .	655	76,024	116	655	72,999	111	16,65,230	115	17,05,705	118	40,475	...
25th Aug. 1883	Great Indian Peninsula . . .	1,450	3,51,832	243	...	(b)	...	1,38,99,042	453	1,47,61,601	484	8,62,569	...
1st Sept. 1883	Bombay, Baroda and Central India . . .	461	1,19,215	259	461	1,31,115	284	44,30,337	434	49,90,205	492	5,59,868	...
	<b>TOTAL</b> . . . . .	4,822	10,73,697	223	43,445	6,68,194	194	3,11,28,638	291	3,37,36,318	314	26,07,680	...
	<i>State.</i>												
8th Sept. 1883	East Indian . . . . .	1,507	6,76,990	449	1,509	7,92,224	525	1,86,28,154	558	2,18,97,308	660	32,69,154	...
1st ditto .	Calcutta and South-Eastern . . . . .	33	2,639	80	56	4,430	79	82,192	120	1,26,343	108	44,151	...
8th ditto .	Nalhati . . . . .	27	1,352	50	27	1,674	61	28,938	48	35,118	59	6,180	...
1st ditto .	Northern Bengal . . . . .	230	37,289	162	239	30,750	129	7,82,327	153	8,53,385	166	71,058	...
1st ditto .	Tirhoot . . . . .	75	11,896	159	166	14,516	87	2,76,216	152	3,55,447	99	79,231	...
4th Aug. 1883	Patna-Gya . . . . .	57	6,726	118	...	(b)	...	(c) 1,62,512	157	(f) 1,47,281	143	...	15,2
8th Sept. 1883	Muttra-Hathras . . . . .	29	2,665	92	29	3,440	119	48,580	76	54,673	86	6,093	...
8th ditto .	Cawnpore-Furrakhabad . . .	87	6,313	73	87	6,658	77	1,41,487	73	1,40,528	73	...	9
8th ditto .	Dildarnagar-Ghaziपुर . . . .	12	662	55	12	687	57	19,937	75	21,194	80	1,257	...
8th ditto .	Rajputana-Malwa . . . . .	1,117	1,16,157	104	1,117	1,64,240	147	43,75,468	177	51,61,193	210	7,85,725	...
8th ditto .	Wardha Coal . . . . .	45	6,692	149	45	5,592	124	2,24,603	225	3,06,649	310	82,046	...
8th ditto .	Nagpur & Chhattisgarh . . . .	98	3,892	40	149	5,494	37	2,49,741	115	6,07,648	185	3,57,907	...
8th ditto .	Rangoon and Irrawaddy Valley . .	161	17,325	108	161	18,716	116	5,94,174	167	5,90,355	167	...	3,
8th ditto .	Sindia . . . . .	75	4,504	60	75	5,045	67	1,33,190	80	1,31,965	80	...	1,
1st ditto .	Punjab Northern . . . . .	409	44,609	109	421	55,676	132	12,48,407	140	13,32,422	144	84,015	...
1st ditto .	Indus Valley and Kandahar . . . . .	660	80,051	121	660	97,710	148	17,53,747	120	32,81,533	226	15,27,786	...
8th ditto .	Muttra-Achnutra . . . . .	23	1,757	76	23	1,380	60	27,217	53	31,733	63	4,516	...
1st ditto .	Kaunia-Dhurla . . . . .	32	1,382	43	32	1,770	55	31,823	45	40,698	58	8,875	...
8th ditto .	Rewari-Ferozepore . . . . .	...	...	...	89	8,590	97	...	...	1,44,769	74	1,44,769	...
	<b>TOTAL</b> . . . . .	3,170	3,45,911	109	3,388	4,26,368	126	1,01,80,559	145	1,33,62,834	177	31,82,275	...
	<i>Assisted Company.</i>												
8th Sept. 1883	Bengal Central . . . . .	...	...	...	35	1,918	55	...	...	46,712	61	46,712	...
	<i>Native States.</i>												
1st ditto .	Bhavnagar-Gondal . . . . .	194	9,830	51	193	11,476	59	4,08,915	95	4,53,531	107	44,616	...
1st ditto .	Nizam's . . . . .	121	17,626	146	121	11,934	99	3,67,475	137	3,31,464	125	...	3
1st ditto .	Mysore . . . . .	86	4,307	50	86	4,840	56	1,19,471	63	1,11,636	59	...	...
8th ditto .	Jodhpore . . . . .	19	449	24	19	1,010	53	(g) 2,000	10	15,763	37	13,763	...
	<b>TOTAL</b> . . . . .	420	32,212	77	419	29,260	70	8,97,861	99	9,12,394	90	14,533	...
	<b>GRAND TOTAL</b> . . . . .	9,919	21,28,810	215	48,796	19,17,964	218	6,08,35,212	277	6,99,55,566	309	91,20,354	...
	<b>GROSS ESTIMATED EXPENSES</b> . . . . .	...	...	...	...	...	...	3,09,12,755	141	3,49,35,193	154	...	...
	<b>NET RECEIPTS</b> . . . . .	...	...	...	...	...	...	2,99,22,457	136	3,50,20,373	155	50,97,916	...

(a) Exclusive of the Company's share of the earnings of the Bengal Central Railway.  
(b) Return not received.  
(c) Total receipts from 1st April to 26th August 1883.  
(d) Total receipts from 1st April to 25th August 1883.  
(e) Total receipts from 1st April to 6th August 1882.

(f) Total receipts from 1st April to 4th August 1883.  
(g) Total receipts from 24th June to 2nd September 1882.  
(h) Excludes mileage of G. I. P. Railway (1,451).  
(i) Excludes mileage of Patna-Gya Railway (67).  
(j) Excludes mileage of G. I. P. and Patna-Gya Railways (1,451+57).

R. A. SARGEAUNT, Major, R.E.,

GOVERNMENT OF INDIA.  
PUBLIC WORKS DEPARTMENT.  
IRRIGATION OPERATIONS, 1882-83.

*Comparative Statement of Irrigation and Rain-fall for the years 1881-82 and 1882-83 in the Canal Districts of the Punjab.*

Comparative Statement of Irrigation and Rain-fall for the years 1881-82 and 1882-83.															
DISTRICTS.	AREA IRRIGATED.								RAIN-FALL.						
	Population.	Area in acres.	Cultivated area in acres.	KHARIF 1882-83.			RABI 1882-83.			WHOLE YEAR 1882-83.			1881-82.	1882-83.	Percentage of increase or decrease in 1882-83.
				In comparison with 1881-82.		Total acres.	In comparison with 1881-82.		Total acres.	In comparison with 1881-82.		Total acres.			
				Increase.	Decrease.		Increase.	Decrease.		Increase.	Decrease.				
WESTERN JUMRA CANAL.															
Umballa	1,087,263	1,644,849	851,880	2,798	...	794	25	...	...	...	...	32'6	45'4	+38'3	
Karnal	623,621	1,533,000	680,319	39,095	...	47,940	14,824	...	...	...	...	25'0	27'0	-8'0	
Delhi	643,515	1,844,833	525,676	5,336	...	30,773	...	...	...	...	...	23'7	27'3	+9'7	
Kotak	653,609	1,159,360	906,022	2,904	...	40,229	...	...	...	...	...	14'4	14'4	-36'6	
Hissar	504,183	2,266,428	1,161,761	33,019	...	...	...	...	...	...	...	17'8	19'5	+9'6	
Jind	251,231	...	...	20,887	...	...	...	...	...	...	...	25'8	24'7	-4'3	
Bikaner	...	...	...	224	...	...	...	...	...	...	...	...	...	...	
TOTAL WESTERN JUMRA CANAL	3,642,422*	7,408,530	4,235,665	101,803	...	201,400	69,044	378	74,063	386	...	...	...	...	
BARI DOAB CANAL.															
Guridaspur	2,631,067	4,560,664	2,787,924	146,470	...	207,145	...	...	...	...	...	46'85	25'90	-46'35	
Amritsar	...	...	...	...	...	...	...	...	...	...	...	73'63	40'80	-44'58	
Lahore	6,283,469	11,918,214	7,013,692	319,223	...	408,635	69,044	...	...	...	...	34'20	41'80	+71'80	
IRRAWADDY CANALS.															
Montgomery	426,529	3,567,750	357,622	9,622†	...	24,268†	...	2,027	...	8,920	...	16'60	Given above.	-17'47	
Mooltan	651,964	3,793,200	799,360	207,490	...	64,067	...	17,417	...	41,456	...	3'10	9'00	+190'32	
Dera Ghazi Khan	393,346	2,401,250	1,408,000	141,641	...	156,546	9,041	...	...	...	...	7'10	12'26	+73'54	
Shahpur	431,508	3,002,432	624,983	7,826	...	38,976	...	13,044	...	183	...	14'20	25'20	+77'46	
Muzaffargarh	338,605	2,407,619	397,539	135,146	...	4,805	420	...	...	...	...	15'20	7'70	+123'19	
TOTAL IRRAWADDY CANALS	2,101,952	15,142,491	3,087,499	533,636	...	431,773	19,450	32,438	...	49,969	...	...	...	...	
GRAND TOTAL	6,369,441	27,060,695	10,101,001	842,909	...	830,413	89,494	66,851	1,683,322	65,418	...	...	...	...	
NET INCREASE	...	...	...	...	...	...	...	...	...	37,994	...	...	...	...	

\* These figures differ from those given in the statement of Irrigation and Rain-fall for 1881-82, in consequence of the omission of Gurgion from the present return.  
† In these cases the comparison has been made with the figures shown in half-yearly statements of Irrigation operations for Kharif and Rabi 1882-83, and not with those entered in the Annual Statement of Irrigation and Rain-fall for 1881-82, as the form gives the correct acreage for 1881-82, side foot notes attached thereto.  
‡ In this case also the comparison has been made with the figures shown in the Revised Statements of Irrigation operations for Kharif 1882-83, and not with those given in Annual Statement of Irrigation and Rain-fall for 1881-82.  
§ This is the correct rain-fall and differs from that shown in the comparative statement of Irrigation and Rain-fall for the years 1880-81 and 1881-82.

R. HOME, Colonel, R.E.,  
Joint-Secy. to Govt., Punjab, P. W. D., Irriga. Branch

**GOVERNMENT OF INDIA.**

**SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1<sup>st</sup> HALF OF JUNE 1883**  
**OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 14<sup>th</sup> JULY 1883.**

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
DIRECTIONS.	Wheat.						Barley.						Rice.						Common.						Great Millet (Cholum, Jowar). <i>Holcus Soryham.</i>						Bulrush Millet (Cumbo Bajra), <i>Panicularia Spiicata.</i>						Lesser Millets, Bari, Ac. (Karam, Veta, Soo, Saree, Cheena, Corlooy, Murbha, Nuglee, &c.), Pan- cum, Milacum, Eleusine Coracana, &c.						Gram.						Firewood.						Salt.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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